



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, APRIL 18, 2023**

A meeting of the Committee of Adjustment was held on Tuesday, April 18, 2023 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

**MEMBERS PRESENT:** Chair Paul Brown  
Members Paul Fleck  
Paul Makey  
Brian Snyder  
Brian Wagter  
Carolyn Bowman

**STAFF PRESENT:** Supervisor Development Services Alisha Cull  
Planner John Douglas  
Secretary-Treasurer David Scott  
Acting Secretary-Treasurer Chenxi Tang

**MEMBERS ABSENT:** Don Ricker

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

PLB-2022-013 GVD Farms Ltd.

**MINOR VARIANCES:**

PLA-2023-027 (St. Patrick School – Dunnville)  
PLA-2023-029 Royal Canadian Legion – Dunnville  
PLA-2023-033 New Amsterdam  
PLA-2023-036 Marissa Weaver, Kaleb Weaver &  
Barry Weaver

**DECLARATIONS OF PECUNIARY INTEREST:** Chair Brown declared a Conflict-of-Interest with PLA-2023-029 Royal Canadian Legion – Dunnville. Chair Brown is a member of said Legion.

**MINOR VARIANCES:**

**A) PLA-2023-027 (St. Patrick School – Caledonia)**

Present: Joe Saldare, Neil Slack, Sharon Slack

The proposal is to request relief from the Parking provisions of the Neighbourhood Institutional (IN) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the installation of 4 portable classrooms.

Member Fleck left during this discussion and returned when it was finished.

A email was received from Sharon Slack stating her concerns prior to the meeting. The applicant gave an overview of the reasons and some history of the application. The applicant claims that the relief will be temporary.

Mr. Slack expressed their concerns regarding their entrance right-of-way. He also concerned that the parking deficiency for increase in staff members since the school shares parking lots with the church. He wonders where would the excess vehicles be parked when they do not have parking to begin with. He also expressed concerns about parking on Orkney St.

Ms. Slack expressed her concerns regarding sidewalk not replaced on her property after being removed from her property.

Member Wagter asked the number of staffs of the school  
The applicant confirmed the number of staffs of the school  
Supervisor mentioned that the application will only be temporary.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **St. Patrick School – Caledonia** to request relief from the Parking provisions of the Neighbourhood Institutional (IN) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the installation of 4 portable classrooms. **Part Lots 5 to 7 South of Orkney, Part Lots 12 to 15 North of Sutherland, Urban Area of Caledonia, known municipally as 81 Orkney Street East**

**DECISION:** APPROVED

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the criteria and intent of the Haldimand County Zoning By-law HC-1 2020.

**B) PLA-2023-029 Royal Canadian Legion – Dunnville**

Present: Jamie P

The proposal is to request relief from the parking provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC-1 2020. The relief is requested to permit patio extension.

Chair Brown left and Deputy Chair Bowman took the Chair. Chair Brown returned to Council Chambers after the resolution was read.

No Discussion

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Royal Canadian Legion – Dunnville**, to request relief from the parking provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC-1 2020. The relief is requested to permit patio extension. **PLAN 69 PT LOTS 12 AND 13 N QUEEN ST RP 18R6469 PART 1 known municipally as 305 Queen St**

**DECISION:** APPROVED

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province's Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the criteria and intent of the Haldimand County Zoning By-law HC-1 2020.

**C) PLA-2023-033 New Amsterdam**

Present – Kim Hessels

No Discussion

Relief is requested from the parking provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC-1 2020. The relief is requested to permit patio extension.

No Discussion

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **New Amsterdam**, to request relief from the parking provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC-1 2020. The relief is requested from the parking provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC-1 2020. The relief is requested to permit patio extension. **Plan 69 Part Lots 12 And 13 North Queen Street Registered Plan 18R6469 Part 1 Known Municipally As 305 Queen St.**

**DECISION:** APPROVED

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province’s Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the criteria and intent of the Haldimand County Zoning By-law HC-1 2020.

**D) PLA-2023-036 Kaleb Weaver**

Present: Kaleb Weaver, Hans Stromer

Relief is requested from the secondary dwelling distance to principle dwelling provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a secondary dwelling further away from the principle dwelling on the property.

The applicant provided the reason of the application  
Mr. Stromer asks if the house will be permanent.  
Planner mentioned the reasoning behind why the house is there and discussed the planning policy which it will be a secondary dwelling and will not be severed. The planner also confirms that the house will be a permanent accessory dwelling.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Royal Canadian Legion – Dunnville**, to request relief from the secondary dwelling distance to principle dwelling provisions of the Agricultural (A) Zone of Zoning By-law HC-1 2020. The relief is requested to permit the construction of a secondary dwelling further away from the principle dwelling on the property. **Seneca Tract Nelles Warner Part Lot 9 Known Municipally As 2489 Haldimand Road 9.**

**DECISION:** APPROVED

**REASONS:** The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province’s Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the criteria and intent of the Haldimand County Zoning By-law HC-1 2020.

**PREVIOUSLY DEFERRED:**

**A) PLB-2022-013 GVD Farms Ltd.**

Present: Adam Moote, Dave Lindsey

This application was previously heard at the April 12, 2022 Committee of Adjustment meeting. The applicant proposes to sever a lot for future residential development . The severed lands will have a frontage of approximately 65.9 metres (216.2 feet) and contain an area of approximately 3.919 hectares (9.7 acres). The retained parcel will contain an area of approximately 25.619 hectares (63.3 acres).

The applicant gave a brief discussion on the history and reasoning of the application.

The Committee made the following decision:

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **GVD Farms Ltd.**, to sever a lot for future residential development . The severed lands will have a frontage of approximately 65.9 metres (216.2 feet) and contain an area of approximately 3.919 hectares (9.7 acres). The retained parcel will contain an area of approximately 25.619 hectares (63.3 acres). **Concession 1, Part Lots 23 and 24, Geographic Township of Walpole, known municipally as 3866 Rainham Road**

**DECISION: APPROVED**

**CONDITIONS:** 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.

2. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a lot grading plan to address surface drainage of the property, have been satisfied. Please note that the owner/developer is responsible to have the grading plans prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development & Design

Technologist at 905-318-5932, ext. 6409 or 6413, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

3. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.

4. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.

5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 40 metres (131.2 feet), and an area of 0.19 hectares (0.47 acres). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to [dscott@haldimandcounty.on.ca](mailto:dscott@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.

The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System: NAD\_1983\_UTM\_Zone\_17N  
Projection: Transverse\_Mercator  
False\_Easting: 500000.00000000  
False\_Northing: 0.00000000  
Central\_Meridian: -81.00000000  
Scale\_Factor: 0.99960000  
Latitude\_Of\_Origin: 0.00000000  
Linear Unit: Meter  
Geographic Coordinate System: GCS\_North\_American\_1983  
Datum: D\_North\_American\_1983  
Prime Meridian: Greenwich  
Angular Unit: Degree

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 18, 2025, after which time this consent will lapse.

**REASONS:** The proposal conforms to the intent of the Official Plan and Zoning By-law.

**CHANGE OF CONDITION REQUEST:**

**A) PLA-2022-138 John & Jenny Medeiros**

Present: Kim Hessels, John and Jenny Medeiros.

The proposal is to sever a lot that merged on title with a neighbouring property. The severed lands will have a frontage of approximately 20 metres (65.6 feet) and contain an area of approximately 0.14 hectares (0.35 acres). The retained parcel will contain an area of approximately 5.14 hectares (12.7 acres).

Since this application originated in 2022 Chair Brown advised members Makey and Fleck that they could stay and observe but could not participate in any manner. As they were not present in 2022. Member Makey chose to stay, and member Fleck left.

Ms. Hessels read the email she sent to Neil Stoop, Planner for Haldimand County, regarding the change of condition application.

Ms. Hessels continued to read the email response from Mr. Stoop.

Ms. Hessels states that the lot merged on title due to an error made by the lawyer. Chairperson Brown asked when the lot was purchased.

Ms. Hessels states that the lot was purchased in 2013.

Planner discussed the issue of merge on title and reasoning behind the application.

Ms. Medeiros explains that she feels as she is paying for someone else's mistake.

Planner mentioned that we have to follow the existing policies and the minor variance application alone would not be sufficient.

Ms. Hessels asks if it is possible to minimize the cost of condition 4 to not require a registered professional planner.

Supervisor mentioned that registered professional planner is necessary.

Ms. Medeiros provided additional history of the application.

Planner provided an explanation of what will happen if we change the condition.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **John and Jenny Medeiros**, to sever a lot that merged on title with a neighbouring property. The severed lands will have a frontage of approximately 20 metres (65.6 feet) and contain an area of approximately 0.14 hectares (0.35 acres). The retained parcel will contain an area of approximately 5.14 hectares (12.7 acres). **South**

of Talbot Road, West of the Grand River, East Part of Park Lot 3, Registered Plan 18R7268 Parts 2 and 3, Geographic Township of North Cayuga, known municipally as 4886 & 4892 Highway 3

**DECISION:** Condition 4 is amended as proposed to be read as follows: "Receipt of final approval of the required minor variance (Minor Variances can take three months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932."

**OTHER BUSINESS:**

The minutes of the March 28, 2023 meeting were adopted as amended.

The meeting adjourned at 10:24 a.m.



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Chairman



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Acting Secretary-Treasurer