



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, May 16, 2023**

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

<b>MEMBERS PRESENT:</b>	Chair	Paul Brown
	Members	Don Ricker
		Paul Fleck
		Paul Makey
		Brian Snyder
		Brian Wagter
		Carolyn Bowman

<b>STAFF PRESENT:</b>	Supervisor Development Services	Alisha Cull
	Planner	John Douglas
	Acting Secretary Treasurer	Chenxi Tang

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

PLB-2023-001	Kelly
PLB-2023-045	Fox
PLB-2023-047	DePagter

**MINOR VARIANCES:**

PLA-2022-178	Kevlar Development Group
PLA-2023-035	Leyland
PLA-2023-037	Katherine
PLA-2023-042	Boutilier
PLA-2023-043	King
PLA-2023-044	Tusim
PLA-2023-051	Grand River Gymmies
PLA-2023-057	1108972 Ontario Ltd.

**CONSENTS:**

2. 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.
3. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the subject property. 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 a septic evaluation for severed parcel be completed and submitted to the Secretary- Treasurer, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
5. That the retained parcels become part and parcel of the abutting lands presently owned by Kelly Henry And Kelly Roelfina and further identified as Roll # 2810-023-002-07000-0000.
6. Approval from Hydro One is received and provided to the Planning & Development Division to address the following comments:
  - a. Currently the customer has a primary service on the property to be severed. Once the property is severed, the customer would need to call and update the account with the new civic address for billing purposes.
  - b. Currently the customer has a secondary service on the property to be severed. Once the property is severed, the adjacent property to be retained will need to apply for a new connection in the future if the customer requires electricity delivery to the property.
7. That an application for a new civic address be submitted for the retained parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6210 for details.

8. That the applicant provide evidence that 1044 Bird Road and 1451 Highway 3 East are merged as one parcel.
9. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 49.7 metres (163.1 ft), and an area of 0.56 hectares (1.38 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	NAD_1983_UTM_Zone_17N
Coordinate System:	
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	System:GCS_North_American_1983
Coordinate	
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

10. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 16, 2025, after which time this consent will lapse.

**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) PLB-2023-035 Fox**

Present: Carl Fox

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will contain an area of 0.5 hectares (1.24 acres). The retained parcel will contain an area of approximately 39.5 hectares (97.61 acres).

Mr. Fox wants a relief from the condition of entrance permit.

Supervisor explained the condition to the applicant

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 **Fox**, to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will contain an area of 0.5 hectares (1.24 acres). The retained parcel will contain an area of approximately 39.5 hectares (97.61 acres). **Seneca Tract Young JOS Part Known municipally as 239 Singer 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. 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.
  3. That a septic evaluation for severed parcel be completed and submitted to the Secretary- Treasurer, who will give it to the Haldimand County Building Controls and By-law Enforcement Division for approval. (Septic evaluations must be completed prior to the issuance of the certificate. Please allow approximately six (6) months for completion of the septic evaluation.) Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
  4. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the severed parcel. 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.

5. Approval of an easement in favour of Hydro One. The applicant shall contact the Simcoe Field Business Centre at 886-557-9551 to begin the process.
6. That an application for a new civic address be submitted for the retained (or severed) parcel. Contact the Planning & Development Division at 905-318-5932, ext. 6210 for details.
7. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 30 metres (98.4 feet), and an area of 0.5 hectares (1.2 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	NAD_1983_UTM_Zone_17N
Coordinate System:	
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
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Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic	System:GCS_North_American_1983
Coordinate	
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 16, 2025, after which time this consent will lapse.

**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) PLB-2023-047**

**DePagter**

Present: Dan De Pagter

The proposal is to create an easement for water servicing . The easement will contain an area of approximately 0.16 hectares (0.39 acres). The purpose of the application is to run a water line in easement to service a newly created lot on Monture St N.

No Discussion

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 **DePagter**, to create an easement for water servicing . The easement will contain an area of approximately 0.16 hectares (0.39 acres). The purpose of the application is to run a water line in easement to service a newly created lot on Monture St N. **Plan Village Cayuga EGR Lots 25 26 North Mohawk Street Part Lots 25 26 S Norton Street Part Snow Street Registered Plan 18R7803 Parts 7 And 8 Known Municipally as 29 Monture St N.**

**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. 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.
  3. That the description of the easement be reviewed and approved by Haldimand County prior to the issuance of the certificate.
  4. Receipt of a copy of the registered reference plan of the easement. 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 AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected                   NAD\_1983\_UTM\_Zone\_17N  
Coordinate System:

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

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before May 16, 2025, after which time this consent will lapse.

**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.

#### **MINOR VARIANCES:**

A) **PLA-2022-178** **Kevlar Development Group**

Present: Kay Scochik (Agent), Jordan Deniels

The proposal is to request relief from the front yard, exterior side yard, rear yard setback and gross floor area for retail uses provisions of the Service Commercial (CS) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to permit the construction of a retail commercial development on the subject property.

The agent to the application mention that they have revised their site plan since the submission.

Mr. Daniels mentions that the water are not drained properly on the subject property.

Planner explained the reason of deferral which will address the flooding issues.

Member Ricker asks if the updated site plan will affect the decision.



Planner explained the flood plain zone and it will not affect the decision.

A discussion of adding conditions to minor variances.

A discussion of where the public meeting notice sign was placed.

The Committee made the following decision: Deferred

**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 **Kevlar Development Group**, to request relief from the front yard, exterior side yard, rear yard setback and gross floor area for retail uses provisions of the Service Commercial (CS) Zone of Haldimand County Zoning By-law HC-1 2020. **Moulton Plan 1037 Part Lot 7 Plan 720 Part Lot 7 Registered Plan 18R2891 Parts 1 To 5 Known Municipally as 937 Broad St E.**

**DECISION:**           **Approved**

**CONDITIONS:**

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

B)           **PLA-2023-035**           **Leyland**

Present: Jeff Leyland

The proposal is to request relief from the accessory building height provisions for the Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020. Relief is requested to permit the construction of a storage building.

No Discussion

The Committee made the following decision: Approved

**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 **Leyland**, to request relief from the accessory building height provisions for the Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020. **Oneida Concession 5 to 6 Par Lot 42 Known Municipally as 871 5th Line.**

**DECISION:**           **Approved**

**CONDITIONS:**

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

C) **PLA-2023-037 Katherine**

Present: Steve Deklerk

The proposal is to request relief from the accessory building area provision for the Agriculture (A) Zone of the Zoning By-law HC 1-2020. The relief is requested to permit the construction of an accessory building

Member Ricker asks about the driveway to the accessory building.

Planner mentions that second access was not mentioned in the application.  
The Applicant states that he can use the existing driveway and apply for a second entrance.

A discussion regarding of secondary access and decision.

The Committee made the following decision: Approved

**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 **Katherine**, to request relief from the accessory building area provision for the Agriculture (A) Zone of the Zoning By-law HC 1-2020.  
**South Cayuga Concession 7 Part Lot 17 Known Municipally as 2575 Lakeshore Rd**

**DECISION:** **Approved**

**CONDITIONS:**

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

D) **PLA-2023-042 Boutilier**

Present: Gary Boutilier

The proposal is to request relief from the accessory structure area and building height provisions of the Lakeshore Residential (RL) Zone of Zoning By-law HC 1-2020. The relief is requested to permit the renovation and expansion of an accessory building on the property to allow for storage and hobbies.

The applicant mentions that the building will exceed 155 square metres and will be 156 square metres.

Chairperson asks if people will be living in the accessory building.

Planner explains that the accessory building will be only for storage.

The applicant states that the building will not have septic system and is only used for storage and hobbies.

The Committee made the following decision: Approves as amended

**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 **Boutilier**, to request relief from the accessory structure area and building height provisions of the Lakeshore Residential (RL) Zone of Zoning By-law HC 1-2020. **Plan 938 Lots 26 27 And Part Lot 25 Registered Plan 18R7903 Part 2. Known Municipally as 190 Mohawk Point Rd**

**DECISION:**           **Approved**

**CONDITIONS:**

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

E)           **PLA-2023-043**           **King**

Present: Tyler King

The proposal is to request relief from the secondary dwelling distance to principal dwelling provisions for the Agriculture (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 principal dwelling on the property.

The applicant asks for a relief from the archaeological assessment.

Supervisor explains the reason behind the archaeological study

The applicant asks if conditional approval is possible.

Planner explains that conditional approval to minor variance application is not an option.

Member Fleck asked the reasons behind archaeological study and proximity to the Grand River.

Member Wagter mentions that the archaeological study is necessary.

Member Bowman asks about the timeline and cost of an archaeological study.

The applicant provided information on the archaeological study.

Member Fleck asks about the reason behind the relief.

Member Ricker asks if there are other deficiencies.

Planner explains that the by-law will have to be met for a building permit.

Member Bowman asks why the report recommend only a stage 1 archaeological assessment while other stages may trigger from stage 1 archaeological assessment.

The Committee made the following decision: Deferred

**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 **King**, to request relief from the secondary dwelling distance to principal dwelling provisions for the Agriculture (A) Zone of Zoning By-law HC 1-2020. **Moulton Range 1 GR Part LOT 20 Registered Plan 18R6387 PART 2 Known Municipally as 1362 North Shore Dr.**

**DECISION:**           Deferred

**CONDITIONS:**

**REASONS:**       To allow time for archaeological assessment.

F)           **PLA-2023-044**           **Tusim**

Present: Shawn Tusim

The proposal is to request relief from the accessory building area provision of the Agriculture (A) Zone of Zoning By-law HC-1 2020. The applicant wishes to build an addition to an existing accessory structure in the rear yard. The applicant's sketch shows the existing accessory structure to be 53.29 sq.m. with an addition to the east side of the existing structure of approximately 26.28 sq.m. and a larger addition on the west side of approximately 70.81 sq.m.. The applicant also showed a smaller shed in the side yard of the house having a area of 7.2 sq.m. For a total of 157.6 sq.m.

A discussion about the cargo container on site.

Member Ricker have concerns regarding the final inspection which the sea can does not have to be removed

Member Fleck asks if the sea can is removed at this time or at a later time.

Planner mentions that the sea can is not emptied and will need to be removed. The applicant will have to apply for another minor variance if the sea can is not removed.

The applicant provide a history and information on the sea can

The Committee made the following decision: Approves

**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 **Tusim**, to request relief from the accessory building area provision of the Agriculture (A) Zone of Zoning By-law HC-1 2020. **Seneca Concession 1 NWSCR Part Lot 18 Registered Plan 18R2009 Part 1 Known Municipally as 472 Greens Rd**

**DECISION:**           **Approved**

**CONDITIONS:**

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

G)           **PLA-2023-051**                   **Grand River Gymmies**

Present: Hank Huitema

The proposal is to request relief from front yard setback and parking provision of the General Commercial (CG) Zone of Zoning By-law HC 1-2020. Relief is to permit the construction building addition to the front of the building.

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 **Grand River Gymmies**, to request relief from front yard setback and parking provision of the General Commercial (CG) Zone of Zoning By-law HC 1-2020. **Caledonia Part Lots 6,7,8,9,10 West Ayr Street Part Lot 17 East Argyle St Saint Andrews Square Part Part Sterling Registered Plan 18R4506 Parts 1,2,3,5 Known Municipally as 10 Kinross St**

**DECISION:**           **Approved**

**CONDITIONS:**

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

H)           **PLA-2023-057**                   **1108972 Ontario Ltd.**

Present: None

The proposal is to request relief from the parking provision of Downtown Commercial (CD) Zone of Zoning By-law HC 1-2020. Relief is requested to permit the residential apartments proposed to be located above second floor.

Member Ricker has concerns regarding public parking in Dunnville.

A discussion between committee members regarding parking reduction.

The Committee made the following decision: Deferred

**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 **1108972 Ontario Ltd**, to request relief from the parking provision of Downtown Commercial (CD) Zone of Zoning By-law HC 1-2020. **Plan 69 Part Lot 9 To Part Lot 11 West Bridge Street Known Municipally as 108 Bridge Street**

**DECISION:** Deferred

**CONDITIONS:**

**REASONS:** To provide time requesting for additional information.

**OTHER BUSINESS:**

The minutes of the April 18, 2023 meeting were adopted as amended.

The meeting adjourned at 11:00 AM



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Chairman



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Secretary-Treasurer