



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, June 13, 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.

MEMBERS PRESENT:	Chair	Paul Brown
	Members	Don Ricker
		Paul Makey
		Brian Snyder
		Brian Wagter
		Carolyn Bowman

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

MEMBERS ABSENT:	Paul Fleck
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The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2023-054	Dryer
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MINOR VARIANCES:

PLA-2023-019	Fries Business Solutions
PLA-2023-020	Rodger
PLA-2023-055	Cayuga RCL
PLA-2023-060	Foster
PLA-2023-064	Prinzen & Son Ltd
PLA-2023-065	Adams

PREVIOUSLY DEFERRED:

PLA-2023-057

1108972 Ontario Ltd

DECLARATIONS OF PECUINARY INTEREST:

CONSENTS:

A) PLB-2023-054 Dryer

Present: Carlee Mcqueen

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.39 hectares (0.97 acres). The retained parcel will have an approximate area of 0.31 hectares (0.771 acres). The property is to provide additional space for a house and shop.

Member Ricker asks a question regarding the septic evaluation.
Planner explained why a septic evaluation is necessary.

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 **Dryer**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.39 hectares (0.97 acres). The retained parcel will have an approximate area of 0.31 hectares (0.771 acres). The property is to provide additional space for a house and shop. **WAL CON 1 PT LOT 16 WAL CON 1 PT LOT 16 RP, 18R5237 PARTS 8 TO 15, known municipally as 855 South Coast Dr**

DECISION: **Approved**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee for deed stamping in accordance with the Haldimand County User Fees By-law. Also, a one (1) foot square, unencumbered, parcel of land dedicated to Haldimand County, which must be shown on the reference plan, is required from the abutting lands presently owned by 1964267 Ontario Inc. and further identified as Roll No. 2810-153-002-04420, if required.
 2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.

3. That the severed parcels become part and parcel of the abutting lands presently owned by 1964267 Ontario Inc. and further identified as Roll No. 2810-153-002-04420.
4. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and that the one (1) foot square parcel of land dedicated to Haldimand County is an unencumbered parcel of land. Also the solicitor will apply to consolidate the two parcels into one consolidated PIN so the two parcels can be assessed together and the consolidation information will be provided to the Secretary-Treasurer once completed.
5. 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.
6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 1.48 hectares (3.66 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 and 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	System:GCS_North_American_1983
Coordinate	
Datum:	D_North_American_1983
Prime Meridian:	Greenwich

Angular Unit: Degree

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 14, 2024, after which time this consent will lapse.

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

MINOR VARIANCES:

A) **PLA-2023-019** **Fries Business Solutions Inc.**

Present: Quintin Jarvis, Joyce Smith

The proposal is to request relief from the driveway width provision of Downtown Commercial (CD) Zone of the Zoning By-law HC-1 2020. Relief is requested to permit additional dwelling units to be added to site.

The agent provided the reasoning for the application.

Ms. Smith expressed concerns regarding ownership of the laneway and property tax. Ms. Smith also have concerns regarding the existing arch over the laneway.

The agent explained that there is nothing proposed to make adjustment to the arch.

Member Wagter asks if Ms. Smith enters the building through the laneway.

The agent explained that there has been an easement between the owners.

Member Wagter expressed the concern regarding width to pass another vehicle in the laneway.

Planner explained that it was taken into consideration.

Member Bowman expressed concerns regarding traffics.

The agent provided a brief regarding the existing traffics.

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 **Fries Business Solutions Inc.**, to request relief from the driveway width provision of Downtown Commercial (CD) Zone of the Zoning By-law HC-1 2020. Relief is requested to permit additional dwelling units to be added to site. **Plan 905, Block 24 Lot 3 and Part of Lot 2, Registered Plan 18R1881 Part 2, Urban Area of Hagersville, known municipally as 42 King Street West**

DECISION: Approved

CONDITIONS:

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-2023-020** **Rodger**

Present: Dave Karlnee

The proposal is to request relief from the accessory building height provision of Hamlet Residential (RH) Zone of Zoning By-law HC-1 2020. Relief is requested to permit the construction of a new storage building.

The agent asked if condition can be added to the application so that the application can be approved.

Planner explained that conditions should not be added to minor variance application and the concerns from Building department.

Member Ricker and Wagter expressed that considering that there has been contact between Building and the applicant, he has no concerns.

Member Bowman expressed that she would recommend deferral.

Deferral was defeated 1 to 5

Member Ricker made a motion to approve the application.

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 **Rodger**, to request relief from the accessory building height provision of Hamlet Residential (RH) Zone of Zoning By-law HC-1 2020. Relief is requested to permit the construction of a new storage building. **Haldimand Tract, Part Lot 22, Registered Plan 18R5553 Part 1, Geographic Township of Dunn, known municipally as 64 Haldimand Trail**

DECISION: Approved (5-1)

CONDITIONS:

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-2023-055**

Cayuga RCL

Present: owner not present, John Elfin

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 construction of an outdoor patio.

Neighbor Elfin expressed concerns regarding the curb in the existing parking lot.

Planner explained that the application is the construction of an outdoor patio which will result the loss of 9 parking spaces.

Member Makey asks if there has been sufficient parking spaces in the past.

Planner explained that Building department determines the number of parking spaces and uncertain about the number of parking spaces in the past.

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 **Cayuga RCL**, 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 construction of an outdoor patio. **CAY LOT 4 S TALBOT LOT 4 N, MCKAY RP 18R3641 PARTS 1,2 & 3, known municipally as 11 Talbot St W**

DECISION: Approved

CONDITIONS:

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-2023-060**

Foster

Present: John Foster

The proposal is to request relief from the exterior side yard provision of Community Institutional (IC) Zone of Zoning By-law HC-1 2020. Relief is requested to permit the construction of a garage.

Member Ricker asks the reason behind the setback relief of the application.

Planner explained the history and zoning of the lot.

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 **Foster**, to request relief from the exterior side yard provision of Community Institutional (IC) Zone of Zoning By-law HC-1 2020. Relief is requested to permit the construction of a garage. **CAY PT LOT 4 S PRINCESS, known municipally as 57 Munsee St S**

DECISION: Approved

CONDITIONS:

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.

E) **PLA-2023-064** **Prinzen & Son Ltd**

Present: Kim Hassels

The proposal is to request relief from the lot frontage provision of Agriculture (A) Zone of Zoning By-law HC-1 2020. Relief is requested for the condition of previously approved consent application to permit a lot with reduced lot frontage.

Member Ricker asks about the history regarding the severance.

Planner explained that there is no information regarding the nearby lot being a severed lot.

Planner also mentioned that this application is a condition of consent.

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 **Prinzen & Son Ltd**, to request relief from the lot frontage provision of Agriculture (A) Zone of Zoning By-law HC-1 2020. Relief is requested for the condition of previously approved consent application to permit a lot with reduced lot frontage. **WAL CON 6 PT LOT 21, known municipally as 1720 Concession 6 Walpole**

DECISION: Approved

CONDITIONS:

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.

F) **PLA-2023-065** **Adams**

Present: Jack Adams, Dan Van Hee

The proposal is to request relief from the accessory building height and accessory building area provision of Residential Type 1-A Zone of Zoning By-law HC-1 2020. Relief is requested to permit the construction of a storage shed.

Member Bowman expressed concern regarding entering the building.
Mr. Adams provided information regarding the concern.

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 **Adams**, to request relief from the accessory building height and accessory building area provision of Residential Type 1-A Zone of Zoning By-law HC-1 2020. Relief is requested to permit the construction of a storage shed. **CAL PLAN 75 LOT 72 PT LOT 14, E SELKIRK, known municipally as 40 Dundee Dr**

DECISION: Approved

CONDITIONS:

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

Present: Craig Rohe

The proposal is to request relief from the Parking and Amenity Space provision of Downtown Commercial (CD) Zone of Zoning By-law HC-1 2020. Relief is requested to permit the residential apartment located above second floor.

Member Ricker asks why is parking is required now.
Planner explained that this is due to the addition of residential units.

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 **11089872 Ontario Ltd.**, to request relief from the Parking and Amenity Space provision of Downtown Commercial (CD) Zone of Zoning By-law HC-1 2020. Relief is requested to permit the residential apartment located above second floor. **Plan 69, Part Lot 9 to Part Lot 11 West of Bridge Street, Urban Area of Dunnville, known municipally as 108 Bridge Street**

DECISION: Approved

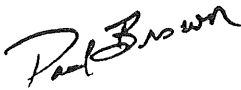
CONDITIONS:

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.

OTHER BUSINESS:

The minutes of the May 16, 2023 meeting were adopted as amended.

The meeting adjourned at 10:08 AM



Chairman

acting



Secretary-Treasurer

