



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, AUGUST 15, 2023**

A meeting of the Committee of Adjustment was held on Tuesday, August 15, 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 Fleck
	Paul Makey
	Brian Snyder
	Brian Wagter
	Carolyn Bowman

**STAFF PRESENT:**

Supervisor Development Services	Alisha Cull
Planner	John Douglas
Secretary-Treasurer	David Scott
Planning Technician	Chenxi Tang

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

PLB-2023-032	Hedley Seeds	REFUSED
PLB-2023-082	Devries Family Farms Inc.	APPROVED
PLB-2023-105	Gibkoz Inc.	APPROVED

**MINOR VARIANCES:**

PLA-2023-043	Tyler King	APPROVED
PLA-2023-097	Lucas Baldwin	APPROVED
PLA-2023-103	Vince Casali	APPROVED
PLA-2023-106	Henri Bennemeer and Sheila Joris	APPROVED
PLA-2023-111	Andresa Sisson and Tao Drayton	DEFERRED

**DECLARATIONS OF PECUINARY INTEREST: NONE DECLARED**

## CONSENTS:

### A) PLB-2023-032 Hedley Seeds

Present: Kim Hessels, agent  
Ellen Guenther, neighbour

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 39.92 hectares (98.6 acres). The retained parcel will have an approximate area of 0.48 hectares (1.2 acres). The property is combine the agricultural production on two adjoining properties together on one property.

The agent disagreed with the recommendations in the report, and she suggested that, in her estimation, that the application made good, common sense, and would improve the property in the long run. The agent further stated that to apply for the proposal as a surplus farm dwelling severance would be restrictive, and the cost involved made such an application prohibitive.

Ms. Guenther stated that she had no problem with the proposed boundary adjustment, as it would improve on what currently exists on the property.

Member Fleck asked for clarification as to why the staff recommended refusal of the application. The planner explained that both provincial and County policy does not allow such an application. He then explained the conditions under which an application for a boundary adjustment is permitted under policy, such as for a legal and/or technical reason, and added that this application does not meet any of the allowable conditions. Member Fleck then asked if the size of the resulting lot would meet the size criteria for a surplus farm dwelling severance. The planner confirmed that it would.

Discussion continued regarding the merits of the application, and whether the application could be considered appropriate development for the area. There was also discussion about the possibility of the severing of the resulting farm parcel.

Member Makey asked what the applicant would do with the resulting house lot. The agent explained that the lot would be sold as a building lot, taking advantage of a strong real estate market. The agent further explain that, in her estimation, the results of the application would improve the situation in the area.

Member Fleck asked why the applicant would not just farm the property, to which there was no response. Further discussion ensued, in which it was explained that a condition could be added, at the discretion of the committee, restricting further residential development on the farm property.

The Committee made the following decision:



parcels, have been satisfied. The county is responsible for maintaining municipal drains on behalf of the community of landowners involved in the drain. The cost of the drain maintenance is assessed to the landowners. The division of land requires that the assessment be recalculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.

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 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 71 metres (233 feet) and will contain an area of 0.57 hectares (1.4 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 August 15, 2025, after which time this consent will lapse.

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

**C) PLB-2023-105**

**Gibkoz Inc.**

Present: Darko Jakovina, agent  
Adam Koziol, owner

The proposal is to sever a lot for future residential development. The severed lands will have a frontage of approximately 23.16 metres (76 feet) and contain an area of approximately 636.2 square metres (0.16 acres). The retained parcel will contain an area of approximately 881.5 square metres (0.22 acres).

A letter was read from Judith Kambeitz (a neighbour of the subject property) as follows:

“Like many small towns, Dunnville displays its uniqueness through its residential and business areas that grew organically over the many decades.

Broad Street is one of the most traveled roads in Dunnville, not only by fellow Dunnville and Haldimand citizens, but also by those traveling to and from. The uniqueness of the town is displayed on this street.

In my view, the proposed severance from the current building/lot and a potential additional commercial building would appear as two sore thumbs jammed on small lots, completely incongruous with the surroundings.

I am against the proposed application.”

The agent stated that they are happy with the recommendations. They are still deciding as to whether or not there will be a commercial or residential development on the proposed lot. They are planning to sell the lot for future development.

Member Ricker thought that the application is a good proposal, and wanted to know if the development would have enough parking for future development. This was confirmed by both the planner and agent.

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 **Gibkoz Inc.**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 23.16 metres (76 feet) and contain an area of approximately 636.2 square metres (0.16 acres). The retained parcel will contain an area of approximately 881.5 square metres (0.22 acres). **Plan 69, Part Lots 10 to 12 North of Broad Street, Registered Plan 18R1687 Parts 2,3,4 and 6, Urban Area of Dunnville, known municipally as 111 Broad Street East**

**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. The applicant will provide the Planning & Development Department with a revised site plan showing the required Daylight Triangle (Part 3), with measurements conforming to the requirements set out in Table 4.56 of Zoning By-law HC 1-2020. Receipt of a letter from the Planning & Development Division indicating that their requirements, regarding a property dedication, have been satisfied. A dedication to the County of Part 3 of the revised Site Plan, the daylight triangle, is required to bring the road allowance width up to current standards. Contact the Planning & Development Division at 905-318-5932 for more information.
  3. Receipt of a letter from the Building Department indicating whether, after a review of the revised site plan, whether a minor variance(s) are required prior to final approval of the consent.
  4. If required, receipt of final approval of the 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.
  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, with a frontage of approximately 23.16 metres (76 feet) and contain an area of approximately 636.2 square metres (0.16 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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before August 15, 2025, 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-2023-097 Lucas Baldwin**

Present: Lucas Baldwin, applicant

The proposal is to request relief from the height of building and building area provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of a garage on the subject property.

No comments from applicant.

Member Ricker asked staff if there would be any further variances required. The planner said no, that Building had already reviewed and determined the necessary variances.

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 **Lucas Baldwin**, to request relief from the height of building and building area provisions of the Hamlet Residential (RH) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of a garage on the subject property. **Plan 63 RCP, Part Lot 1, Hamlet of Unity Side Road, Geographic Township of Seneca, known municipally as 53 Unity Side Road**

**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-2023-103 Vince Casali**

Present: Vince Casali, applicant

The proposal is to request relief from the exterior side yard and primary use provisions of the Marine Commercial (CM) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of a tourist cabin on the subject property.

No comments from applicant. An explanation was given as to the purpose of a tourist cabin, which was given by the applicant.

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 **Vince Casali**, to request relief from the exterior side yard and primary use provisions of the Marine Commercial (CM) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of a tourist cabin on the subject property. **Plan 69, Part Lot 24 South of Main Street, Registered Plan18R1308 Part of Part 1, Urban Area of Dunnville, known municipally as 548 Main Street East**

**DECISION: APPROVED**

**CONDITIONS:**

1. 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. 6253, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.

**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-2023-106 Henri Bennemeer and Sheila Joris**

Present: Henri Bennemeer, applicant

The proposal is to request relief from the setback provisions of the Lakeshore Residential (RL) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the relocation of the existing dwelling on the subject property.

Hydro One sent comment after the finalization of the report stating that they had no objections to the application.

No comment from applicant. It was recognized that there are issues with the property, that will be mitigated by 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 **Henri Bennemeer and Sheila Joris**, to request relief from the setback provisions of the Lakeshore Residential (RL) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the relocation of the existing dwelling on the subject property. **Concession 5 South of Dover Road, Part Lot 10, Registered Plan 18R1498 Parts 6 and 9, Geographic Township of Dunn, known municipally as 34 Paradise Line**

**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.

Present: No one present

The proposal is to request relief from the dwelling unit as an accessory use provisions of the Neighbourhood Institutional (IN) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the establishment of a residential dwelling on the subject property.

Two letters of support were received regard this application. Monica Graham lives in the log cabin across from the Anglican church, in York which is being turned into a residence. She has met the owners and they are wonderful people, she is looking forward to them fixing the church up and wants everyone to know she is in favor.

A second letter of support was received from Kelly & Sheila Berry (also neighbours of the subject property) which says:

“This letter is in support of Andresa and Tao in their request to gain residence in their purchased property and home at 3 Nelles St. East, York. They purchased the Anglican church for this specific purpose, have had many expenses to upgrade, improve, and renovate the grounds and the church with the expectation and pre-approval in 2021 to make a home out of the church building. Andresa and Tao have made so many changes and decisions for themselves and their children; they are excited to become a part of our community, to get involved, to have their children in community sports and activities and have already registered their children at Seneca Central and Cayuga Secondary Schools with the intent to begin classes this September. School begins in 4 weeks. They have been living with such uncertainty and difficulty for the past two years. What a shameful way to treat newcomers to our county and to change the rules on them. Tao and Andresa have spent an unimaginable amount of money on the restoration and renovations of the declining church building.

Andresa and Tao are outstanding people; a loving family with so much to offer not only the citizens of York but our county as well. Our neighbours and those who have had the opportunity to work with Andresa and Tao on the renovations are very impressed with them. They are what one would call ‘perfect neighbours’.

On another note, let’s discuss the cemetery. Andresa and Tao have been burdened with the cost, maintenance, and responsibility of the attached graveyard. When the Anglican church was not willing to take the cemetery back, why didn’t Haldimand County immediately take responsibility for it? How can a community graveyard be a community member’s responsibility and expense when it is located within a village of Haldimand County and is a service to the community? Why would Haldimand County want or allow this to happen?

There are so many things wrong with this situation and we are hopeful that Haldimand County will make this right.”

The committee saw no sign on the property. The applicant made the office aware of the sign being posted.

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 **Andresa Sisson and Tao Drayton**, to request relief from the dwelling unit as an accessory use provisions of the Neighbourhood Institutional (IN) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the establishment of a residential dwelling on the subject property. **Part of the Warner Nelles Tract, Registered Plan 18R7167 Part of Part 1, Geographic Township of Seneca, known municipally as 3 Nelles Street East**

**DECISION:            DEFERRED**

**REASONS:**        To give the applicant time to post the notice sign on the property as per the *Planning Act*.

**PREVIOUSLY DEFERRED:**

**A)                    PLA-2023-043                    Tyler King**

Present: Maggie Crown, agent

This application was deferred at the May 16, 2023 Committee of Adjustment meeting. Relief is requested from the secondary dwelling distance to principle dwelling provisions of 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 principle dwelling on the property.

No comments from agent or committee.

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 **Tyler King**, to request relief from the secondary dwelling distance to principle dwelling provisions of 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 principle dwelling on the property. **Range 1 from the Grand River, Part Lot 20, Registered Plan 18R6387 Part 2, Geographic Township of Moulton, known municipally as 1362 Northshore Drive**

**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.

**OTHER BUSINESS:**

The minutes of the July 18, 2023 meeting were adopted as presented.

The meeting adjourned at 10:15 am.



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Chairman



Secretary-Treasurer