



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, SEPTEMBER 12, 2023**

A meeting of the Committee of Adjustment was held on Tuesday, September 12, 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

MEMBERS ABSENT: Don Ricker

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-2023-087	Howard and Lisa Nigh	APPROVED
PLB-2023-089	Ron Atkinson	APPROVED
PLB-2023-090	Archie Arnold Duwyne and Cheryl Ann Merigold	APPROVED
PLB-2023-116	M3 Developments	APPROVED

MINOR VARIANCES:

PLA-2023-040	Bradley Booker	APPROVED
PLA-2023-102	John and Jenny Medeiros	APPROVED
PLA-2023-109	Val Casciani	APPROVED
PLA-2023-111	Andresa Sisson and Tao Drayton	APPROVED
PLA-2023-114	Jeff Leyland	APPROVED
PLA-2023-122	Jim Powell	APPROVED
PLA-2023-131	Duane Boychuk and Tammy Hornak	DEFERRED

DECLARATIONS OF PECUINARY INTEREST: NONE DECLARED

CONSENTS:

A) PLB-2023-087 Howard and Lisa Nigh

Present: Brad Clarke, agent

The proposal is to sever a lot for future residential development. The severed lands will have a frontage of approximately 6.1 metres (20 feet) and contain an area of approximately 434 square metres (0.1 acres). The retained parcel will contain an area of approximately 434 square metres (0.1 acres).

No comment from the agent. Member Fleck asked for the nature of the development. The agent said that the development included two semi-detached units, and that the application was to divided the units into separate ownership. Member Fleck than asked if there was sufficient frontage to allow access to the property. The planner said that there is enough room for access to each property. Building would ensure everything is dealt with to County satisfaction.

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 **Howard and Lisa Nigh**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 6.1 metres (20 feet) and contain an area of approximately 434 square metres (0.1 acres). The retained parcel will contain an area of approximately 434 square metres (0.1 acres). **Plan 343, Part Lots 21 and 22 West of Walpole Street, Registered Plan18R5296 Parts 1 to 4, Urban Area of Jarvis, known municipally as 17 Walpole Drive**

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 and Development Division indicating that their requirements, regarding a drainage re-apportionment agreement between both severed and retained 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 re-calculated 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 applicant enter into an agreement regarding municipal services extension and servicing allocation. Municipal services (watermain, sanitary sewer main) within the road allowance must be extended to service the newly created lot, and Servicing Allocation (water and waste water) has been allocated for the severed property. Contact the Planning & Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential.
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 6.1 metres (20.01 feet) and contain an area of approximately 434 square metres (0.0434 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 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 September 12, 2025, after which time this consent will lapse.

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

B) PLB-2023-089 Ron Atkinson

Present: Louise Harris, representing applicant

The proposal is to sever a lot for future residential development. The severed lands will have a frontage of approximately 41.15 metres (135 feet) and contain an area of approximately 4477 square metres (1.1 acres). The retained parcel will contain an area of approximately 46.5 hectares (114.9 acres).

No comments from the representative or the committee.

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 **Ron Atkinson**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 41.15 metres (135 feet) and contain an area of approximately 4477 square metres (1.1 acres). The retained parcel will contain an area of approximately 46.5 hectares (114.9 acres). **Concession 3, Part Lot 18, Geographic Township of Walpole, known municipally as 497 Cheapside 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 partial lot grading plan to address surface drainage of the property, have been satisfied. Please note that grading plans must be prepared/stamped/signed by a qualified Professional Engineer as per Haldimand County Design Criteria. Contact the Development and Design Technologist at 905-318-5932, ext. 6253 for further clarification regarding required extent/limits. 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 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. Receipt of final approval of the required zoning amendment (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
6. 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.

7. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 41.15 metres (135 feet) and contain an area of approximately 4477 square metres (1.1 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 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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before September 12, 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-2023-090 Archie Arnold Duwyne and Cheryl Ann Merigold

Present: Michael McLaughlin, agent
Archie Merigold, applicant

The proposal is to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 1.958 hectares (4.8 acres). The retained parcel will have an approximate area of 2.577 hectares (6.4 acres). The reason for the adjustment is to reconfigure the boundary to add all lands south of the municipal drain to the benefitting lands.

The agent passed to the committee an amended proposal for their review, in response to the staff report recommending refusal of the application. The applicant wished to adjust the proposed lot line to the north shore of the municipal drain, so that all wetlands would be adjusted to the benefitting lands. The agent then explained the application, including the reasoning that the application was in front of the committee, and further reiterated that the land in question would not be developed. The agent stated that he disagreed with the assessment of County staff, that the land in question is prime agricultural lands. The agent also believed that the definition of a minor variance is not being used in this case; his reasoning being that the land being transferred, though relatively large in size, has more in common with the land that they are being boundary adjusted to. The agent believed that the functionality of the properties would not be compromised by the change, and that any application in front of the committee must be vetted on their relative merits. The agent then concluded by saying that he felt that the application met the intention of both provincial and County policy. He further stated that the applicant is willing to adjust the proposal to address the concerns of staff.

The applicant then gave a history of both properties. He explained that half the benefitting land is marshland, similar to the land proposed to be boundary adjusted, and much of the remaining is woodlot. The applicant confirmed that the land has never been farmed. He emphasized that, in his opinion, will improve the stewardship of the land. The applicant stated that much work has been done to improve the land; including the removal of an old military road, and the removal of refuge from the property. The applicant concluded that he and his wife own both properties involved in the application, though the benefitting land are owned by an holding company owned by the applicants.

Member Makey asked the agent if the municipal drain flows through both properties, and asked if the access to the property at 1056 Northshore Drive was adequate to accommodate farm implements. The agent responded in the affirmative to both questions.. Member Makey then asked if access could be established to 1052 Northshore Drive. The applicant stated that it may be cost prohibitive, as well as damaging environmentally.

Through a question from Member Bowman, the planner stated that staff preference was for the proposed lot line not to be through the middle of the municipal drain, as it would divide a environmentally sensitive feature between two properties. The planner added that staff could support the adjustment of the proposed lot line to what the applicant had presented to the committee. Given the lateness of the proposed change from the applicant, it was not possible to change the report in front of the committee. Member Fleck asked about what the current use for the structure that exists on the benefitting lands (1052 Northshore Drive). The applicant responded that it was a family recreation facility, and that it was not ever used as a full-time residence. The agent added that there was no economic benefit for the applicant s regarding the boundary adjustment, but that the proposal was to improve the stewardship of the lands. The agent added that a dwelling could be built on the property as things stand now, irregardless of the application, and that current policy prohibits any future severances.

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 **Archie Arnold Duwyne and Cheryl Ann Merigold**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 1.958 hectares (4.8 acres). The retained parcel will have an approximate area of 2.577 hectares (6.4 acres). The reason for the adjustment is to reconfigure the boundary to add all lands south of the municipal drain to the benefitting lands. **Range 1 from the Grand River, Part Lot 13, Geographic Township of Moulton, known municipally as 1056 North Shore Drive**

DECISION: MOTION TO REFUSE: REFUSED

MOTION TO APPROVE: APPROVED as amended

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. 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 918965 Ontario Ltd. and further identified as Roll No. 2810-023-002-15200, if required.
2. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, ***in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties.*** This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6253, for further clarification.
3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
4. That the severed parcels become part and parcel of the abutting lands presently owned by 918965 Ontario Ltd. and further identified as Roll # 2810-023-002-15200.

5. 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.

6. 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.

7. Receipt of a copy of the registered reference plan of the severed parcel, with an area of approximately 2.097 hectares (5.2 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 and astewart@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

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Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
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 September 12, 2025, after which time this consent will lapse.

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

D) PLB-2023-116 M3 Developments

Present: Gord Mahoney, agent

The proposal is to sever a lot for future retirement residential development. The severed lands will have a frontage of approximately 136.93 metres (449 feet) and contain an area of approximately 1.0745 hectares (2.66 acres). The retained parcel will contain an area of approximately 4.183 hectares (10.34 acres).

The agent made a Power Point presentation showing the details of the property and proposal. The agent stated that the proposal have to go through the site plan process, and that the application will require future easements to be approved by the committee.

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 **M3 Developments**, to sever a lot for future retirement residential development. The severed lands will have a frontage of approximately 136.93 metres (449 feet) and contain an area of approximately 1.0745 hectares (2.66 acres). The retained parcel will contain an area of approximately 4.183 hectares (10.34 acres). **Plan 720, Part Lots 12 to 16, Plan1037, Part Lots 13 to 16, Registered Plan 18R6232 Parts 1 and 2, Registered Plan 18R3082 Part 2, Urban Area of Dunnville, known municipally as 726 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. Subject to the approval from the Grand River Conservation Authority.
 3. 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.

- 4. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 136.93 metres (449 feet) and contain an area of approximately 1.0745 hectares (2.66 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 draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

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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 September 12, 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-2023-040 Bradley Booker

Present: Brock Glenney, representative

The proposal is to request relief from the height of building 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 storage building on the subject property.

No comment from the representative or the 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 **Bradley Booker**, to request relief from the height of building 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 storage building on the subject property. **Concession 1, Part Lot 18, Registered Plan 18R3091 Part 1, Geographic Township of Rainham, known municipally as 5318 Rainham 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-2023-102 John and Jenny Medeiros

Present: Kim Hessels, agent

This application is a revised condition of consent application PLB-2022-138, which was approved at the October 12, 2022 Committee of Adjustment meeting, with conditions revised at the April 18, 2023 Committee of Adjustment meeting. Relief is requested from the lot area and lot frontage provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to recognize deficiencies as a result of the consent application.

No comment from the agent.

Member Bowman asked for clarification of placement of a gas tank in relations to the septic. The planner stated that the tank cannot be placed on the septic system.

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 request relief from the lot area and lot frontage provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC-1 2020. The relief is requested to recognize deficiencies as a result of the consent application. **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 Highway 3**

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-2023-109 Val Casciani

Present: Val Casciani, applicant
 Wendy Casiani, applicant

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

A letter of concern was received from George and Margaret Roach, neighbours of the subject property, and was read into the record. It stated:

“We are the owners of the lands adjacent to the subject property on the west side. We had no objection to the construction of the garage when the owners of 57 Winger Drive, Selkirk advised of same shortly after taking possession of the property at the end of March of this year. They subsequently had numerous trees removed from the back and east side of the subject lands and advised that they would be bringing in some dirt to clean up the back and side of their property. Again, we had no concern regarding this anticipating a couple of loads or so of dirt. However, over the past month there has been a total of at least 10 dump truck loads delivered to the subject property all being graded across the rear with a small amount down the east side.

The properties back onto a field and the drainage from same is between our properties. The traditional flow of the water from the field since we took possession in August, 1999 has been north to south and then east to west from the high side to the lowest. It has always appeared that our lands are lower than the subject property as we have never observed a significant accumulation of water on said property and we have traditionally had what is referred to as “Lake George” by the neighbourhood on our vacant property. With the changes in the ground from winter freezes, spring thaws, summer droughts and grading of neighbouring lands over the years there has been an increase in the accumulation of water at the rear of our dwelling and the neighbours' lands to the west of us. Please see attached pictures for reference (NOTE: These pictures were distributed to committee members). The significant grading change to the subject property is cause for concern as we have no idea what impact this will have on the future flow of water.

If the owners had not undertaken this grading change until after the respective hearing we would not have submitted any response to the application as we did not and still do not have an objection to the construction of the garage provided the location of same and all necessary grading of the subject lands do not impact the existing drainage from the rear field. We do feel that the above referred to grading, the large foundation area, run off from the roof and eaves, potential drifting snow and spring thaw run off caused by the additional large structure on the

lands are all cause for concern for even greater flooding than has traditionally been the case. We would appreciate all grading of the property be addressed to protect the integrity of all adjacent lands.

We wish this letter to be viewed as an expression of concern regarding the grading and not an objection to the construction of the garage and we do not wish to cause any undue delays.”

The applicant addressed the concerns of the flooding issue stated in the neighbours letter. He also has concerns with the flooding issue in the area, and has taken numerous actions to mitigate the situation. He added that the Roachs have decided not to extend the ditching across their property, which he believes is the reasoning for the flooding on their property. He added that he has been in contact to the County to work on the ditches on the public roads to improve the conditions. Winger Drive is a private road, and therefore the responsibility of the property owners. They concluded that they are trying to improve the situation, but they will need more help from the other neighbours.

No comments from the 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 **Val Casciani**, to request relief from the height of building and accessory building area provisions of the Lakeshore Residential (RL) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of a detached garage on the subject property. **Concession 1, Part Lot 21, Geographic Township of Walpole, known municipally as 57 Winger 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.

D) PLA-2023-114 Jeff Leyland

Present: Jeff Leyland, applicant

The proposal is to request relief from the accessory building area provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of an accessory structure on the subject property.

No comment from the applicant or the 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 **Jeff Leyland**, to request relief from the accessory building area provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of an accessory structure on the subject property. **Concession 5 to 6, Part Lot 42, Geographic Township of Oneida, known municipally as 871 5th 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.

E) PLA-2023-122 Jim Powell

Present: Jim Powell, applicant

The proposal is to request relief from the height of building provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of an accessory structure on the subject property.

No comments from the agent. There was debate about the presence of a sign, with a majority of committee members saying that they had seen the sign.

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 **Jim Powell**, to request relief from the height of building provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of an accessory structure on the subject property. **Concession 3, Part Lot 1, Geographic Township of Canborough, known municipally as 193 Robinson 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.

F) PLA-2023-131

Duane Boychuk and Tammy Hornak

Present: No one present

The proposal is to request relief from the provisions of the Open Space (OS) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the establishment of a food truck on the subject property.

It was noted that the sign was not 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 **Duane Boychuk and Tammy Hornak**, to request relief from the provisions of the Open Space (OS) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the establishment of a food truck on the subject property. **Onondaga Mission School Lot, Geographic Township of Seneca, known municipally as 2305 Haldimand Highway 54**

DECISION: **DEFERRED**

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

PREVIOUSLY DEFERRED:

A) PLA-2023-111

Andresa Sisson and Tao Drayton

Present: Andresa Sisson and Tao Drayton, applicants
John Westbrook, neighbour

This application was deferred from the August 15, 2023 Committee of Adjustment meeting. Relief is requested 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.

The applicant wanted to apologize for not posting the sign prior to the last meeting. Mr. Westbrook wished to provide his support for the application. Member Fleck asked about the status of the shipping container. The planner said that if Building had issue with the container, then they would enforce it. The applicant stated that once the dwelling is established, the container will be removed.

A discussion occurred regarding the cemetery operation. The applicants stated that they are duly licensed to operate a cemetery, and that was a condition of sale from the Anglican Diocese.

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**

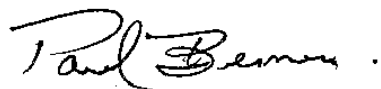
DECISION: APPROVED

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 August 15, 2023 meeting were adopted as presented.

The meeting adjourned at 10:54 am.



Chairman



Secretary-Treasurer