



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, OCTOBER 17, 2023**

A meeting of the Committee of Adjustment was held on Tuesday, October 17, 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-2023-125	Huigen Bros. Dairy Farm Ltd.	APPROVED as amended
PLB-2023-134	Maxine, Barbara and Lorraine Montague	APPROVED
PLB-2023-137	Gordon Brdar	APPROVED
PLB-2023-138	Gordon Brdar	APPROVED

MINOR VARIANCES:

PLA-2023-131	Duane Boychuk and Tammy Hornak	APPROVED
PLA-2023-132	David and Linda Link	APPROVED as amended
PLB-2023-140	1000092840 Ontario Inc. (Justin Awde)	APPROVED

DECLARATIONS OF PECUINARY INTEREST: NONE DECLARED

CONSENTS:

A) PLB-2023-125 Huigen Bros. Dairy Farm Ltd.

Present: Yolanda Huigen, applicant

The proposal is to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have a frontage of approximately 50 metres (164 feet) and will contain an area of 0.59 hectares (1.46 acres). The retained parcel will contain an area of approximately 39.7 hectares (98.15 acres).

No comment from applicant. Member Bowman asked whether a condition should be included regarding the septic system. Staff noted that a septic evaluation had been submitted with the application, so an additional condition may be unnecessary. Committee decided to include it for this application, but that future report need to allude to the fact that a septic evaluation had already been completed.

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 **Huigen Bros. Dairy Farm Ltd.**, to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have a frontage of approximately 50 metres (164 feet) and will contain an area of 0.59 hectares (1.46 acres). The retained parcel will contain an area of approximately 39.7 hectares (98.15 acres). **Concession 1, Part Lot 15, Registered Plan 18R4717 Part 1, Geographic Township of Walpole, known municipally as 3246 Rainham Road**

DECISION: 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.
 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 copy of the registered reference plan of the severed parcel, with a frontage of 50 metres (164 feet), and an area of 0.59 hectares (1.46 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

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 17, 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-2023-134

Maxine, Barbara and Lorraine Montague

Present: Eric Montague, agent

This application was approved at the August 17, 2021 Committee of Adjustment meeting, but approval lapsed. The application proposes to sever an approximately 2.43 hectare (6.02 acre) parcel of former railway land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands at 2471 Highway 3 (Roll Number 2810.332.005.02500) to add property to the benefitting lands.

It was noted that Hydro One had sent comments after the planning report was written, stating that they had no comments or concerns regarding the application.

A letter of concern from Barbara Chambers, neighbour of the subject property, was read into the minutes. It stated;

“Good Morning

My name is Barbara Chambers and I own the property at PRTN ½ Lot 12 Concession 8 Township of Walpole Part 1 Reg Plan 18R6229 Haldimand County Or better known as 1535 Sandusk Road, Jarvis, Ontario

We received a letter in the mail regarding the application that was submitted by Maxine Barbara and Lorraine Montague for a severance

A little history on my property

Back on August 9, 2004 I approached Mr. Michael Montague and his wife Laureen both of whom are now deceased. We were looking to purchase a piece of property to build a home on so our children would not have to switch schools and we would be able to build a home and a garage on. Michael and Laureen agreed to sever a parcel of land off of the N ½ of PRT LOT 12 now known as 1535 Sandusk Road

Michael and I filled out the necessary paperwork to get the process started with Haldimand County in February of 2005. Michael was in his early 80's when this was taking place. He was a retired farmer and knew his land well. He knew what he had severed and what was still a full farm. The application for severance was made to the county all the appropriate paperwork was submitted and the appropriate fees paid in full. Time moved on and the application came before council and the planning committee denied the application on the grounds that this land had already received one severance. Michael stood up before council and the planning department with all his paperwork that he has as well as all the paperwork that we had done together. His statement was that if the planning department had done their research, they would find out that the natural waterway that runs behind his property in the bush is a natural severance and there has never been a severance off of this farm holding at all. Planning was advised to go back and investigate this matter because Mr. Montague was correct in his statement. So now our severance was on hold until planning went back to investigate this matter. During this matter we were told this by Shannon Van Dalen of the planning department. Now this application was deferred till May of 2005 so planning could do their homework and research. So now we sit and wait for another decision. This was brought back before council with their new finding. It was true in fact that Mr. Michael Montague was in fact 100% correct. So now the lot is purchased

from Michael & Laureen Montague on September 2005 was complete. So now this has placed us 9 months behind schedule and winter is fast approaching. Th of the lot was reduced from what we wanted because of the Grand River Conservation Authority. The reason given to us was that the size of the lot that we wanted was going to affect the natural waterway that was going to be in the property and their concern was that that natural waterway was not to be disturbed or altered in any way. So, the lot size was reduced. Once the severance was granted we had been informed and so had Michael Montague that this would be the last severance in Haldimand County off an agriculture holding due to the greenbelt policy.

During construction we had to have the GRCA come out and do periodic inspections just so that they were comfortable that we were not changing the natural water way. We had to follow the rules and be accountable for what we were doing. Fast forward several years later, why are we being presented with a letter wanting a severance.

Back some time ago when I came home from work one day there was yellow sign attached to the pole at the end of the railway line facing Sandusk Road. I sent over to the sign to have a read it indicated that there was an application to do a severance as a boundary adjustment so that a parcel could be added to the farm that was located on 2471 Hwy 3 (roll number 2810.332.005.02500) . This property has for many years been a farm holding. The railway line has not been part of this land in years past. So, if there are no severances allowed due to the green belt rules how can this application be approved in the first place. Back when this first came to be I did an inquiry to Haldimand County as to what was the plan for this, I also asked planner Shannon Van Dalen if the rules had changed and how could a severance have been approved if it had been passed that no more severances off a farm holding. She has yet to get back to me and that was August 2021. Upon doing research when using an old, abandoned railway line there are certain things that must be done in order to use it. The soil on and around the must be clear of any contaminates. Test holes in fact had been done on this line and found to be contaminated is that true? Was the soil removed that was contaminated or just clean dirt brought in to cover up the contaminated soil? We live in a small community and the neighbours do talk. One day after I came home from work I went outside to find a culvert had been installed on the railway line, they own it ok but now that culvert when it was installed now drains directly into my backyard. On the 8th concession there is a huge culvert that was installed because the small one was rotten and needed to be replaced. This culvert now drains the North side of the Sandusk Road. So now we have 2 culverts that drain into my backyard, because when the one that the applicant placed on the rail line, they have rerouted the natural waterway and the water pools and sits in my backyard. I did call Haldimand County and speak with John, and he came out to my home and had a look to see what I was speaking about. He did not realize that the culvert was that large and we also spoke about the culvert on Sandusk that is full of weeds and cattails. I asked him if that was on my property or County, he indicated that it was on County property and is should be cleaned out as it is not allowing the flow of water to move freely. Why is it ok for some to come in and do what they want and not have to follow the rules, but others are held accountable and not allowed to alter anything. I am strongly opposed to this severance as I feel that it will affect my property and land surrounding my house due to alterations on that line when they start to build a building. I feel that it will have a negative impact on the waterways in the area as well as the wildlife and it has already increased the pooling of water that has now created

more mosquitos that have gathered in the stagnant water that now sits, because they have already altered the natural waterways. I feel that this is way more than a boundary adjustment not everyone will benefit from this only certain people it is not all good for those of us that live within the 60 meters of this property. Is it going to continue being farmed or will it be use for a commercial business that is being run on an agriculture Zone with Hazzard land overlay as it is now. If anyone was to come out to this property they would see the destruction that has already occurred to the waterways and the vegetation and habitat of the animals that live in the area. Again I am strongly opposed to this severance as I feel it will not benefit the area

Question How wide is the rail line and how far does the property line have to be away from a neighbours property line?

Pictures are attached (NOTE: THESE PHOTOGRAPHS WERE DISTRIBUTED TO THE COMMITTEE)

Respectfully
Barbara Chambers”

The agent was not aware of the concerns from Ms. Chambers, the previous application only lapsed due to environmental assessment.

Member Ricker asked if there have been any changes to provincial policies since the original approval. The planner said that they have not been any changes. Member Makey asked if the environmental assessment had been done since the lapsing of the first approval. The agent said that it had been completed, and is filed with the Ontario Ministry of Environment. The lapsing occurred due to the amount of time needed to complete the assessment and they determined that it was easier to let the original approval to lapse.

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 **Maxine, Barbara and Lorraine Montague**, to sever an approximately 2.43 hectare (6.02 acre) parcel of former railway land as a boundary adjustment. The severed lands will be amalgamated with the abutting lands at 2471 Highway 3 (Roll Number 2810.332.005.02500) to add property to the benefitting lands. **Concession 8, Part Lots 9-12, Registered Plan 37R5365 Parts 1-4, Registered Plan 37R5364 Parts 1-4, Geographic Township of Walpole, no civic address**

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 John Nicholas

Montague & Leo Cornelius Montague and further identified as Roll No. 2810.332.005.02500, 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 John Nicholas Montague & Leo Cornelius Montague and further identified as Roll # 2810.332.005.02500.
4. That a Record of Site Condition be submitted to the Planning and Development Division prior to the signing of the certificate. Alternatively, the County will accept evidence from a qualified professional that any associated site remediation process has been initiated along with a commitment to a completion date for the Record of Site Condition process. Contact the Planner at 905-318-5732 for further clarification.
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 2.43 hectare (6.02 acre). 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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Geographic Coordinate System:	GCS_North_American_1983
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8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 17, 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-2023-137 and PLB-2023-138 Gordon Brdar

Present: Adam Moote, agent
Kathleen Hayes, neighbour of the subject property
Linda Smith, neighbourhood of the subject property

The applicant proposes to sever two lots for future residential development. In application **PLB-2023-137**, the severed lands will have a frontage of approximately 34 metres (111.5 feet) and contain an area of approximately 0.15 hectares (0.37 acres). In application **PLB-2023-138**, the severed lands will have a frontage of approximately 34 metres (67.2 feet) and contain an area of approximately 0.16 hectares (0.4 acres). The retained parcel will contain an area of approximately 0.27 hectares (0.67 acres).

An email was read into the record from Daniel Browne, neighbour of the subject property. It read;
Planning application for: vacant lot, Lighthouse Dr. Port Maitland. Part lot 24, concession 4 Meeting on October 17th.

“ Please accept my following submission.

From Daniel Browne, Port Maitland.

I live in the affected area and I call on the committee to deny this request and maintain their long term planning for the area, as told to me on more than one occasion.

That lot and the lots that were also severed in that group of four lots were never intended for anything more than single family homes, ever. How do I know that? because I called the planning and zoning committee when the original zoning was changed, and again every time they were severed.

I was told, every time I asked, that those lots are single family lots, and will never be anything else as any further severing would not be in line with the planning of the community, and I quote "you will never see anything on those lots other than single family homes. We will never allow it, it does not fit with the long term planning of the community"

Now, here we are, as someone attempts to do what the planning and zoning committee told me, and others, they would never allow, because it's not in the best interests of the community. They now tell me that "times change". I ask, what has changed? I don't get a satisfactory answer. So, I will do my best to answer myself. Much has changed, and not for the better.

Port Maitland is a community that does not even have 100 people living here. It's also a community in crisis and has been for several years. People who have lived her for decades or longer no longer enjoy the peace and quiet that they once did. Our park and pier are no longer enjoyable or safe for families. We all have seen the stories in newspapers and have heard worse from neighbors we know. If it was not beneficial for the long-term planning of the area when originally severed, it's even more important that they stick to the original planning now.

Adding 3 lots, they say 2 but really its 3, will only add more people to a community that is already stressed. And what will the plans be for those lots once severed? will they be air-bnb? short term rentals? camp trailers? french fry huts? why not, if there is no long-term planning what will stop any of that once someone decides to do it? At that point, it's too late. Thats why you have long term planning, to avoid those problems before they happen.

Look at the other lots in that group, severed earlier, and the beautiful homes that sit on them, as originally intended. That is what the long-term planning and zoning committee was concerned with preserving originally, so I ask again, what has changed? is there anything better in this community than it was back then? Is now the time to abandon long term planning for dollar bills?

I can only conclude that it's about money, and more tax money flowing. These things usually come down to money, and the people making the decisions rarely are the same people who live with them. It's something people talk about all over the county, decisions made today, based on

money, that go against those made previously, based on what is best for a community long term. I believe it cost someone an election.

The people who live in a community have to deal with it. It means a lot more to people living somewhere, to hold onto what little of their community still exists, than money does.

You simply cannot roll the dice on planning a community.

How could anyone who spends any time in this beautiful area, ever conclude at this time, that more people are beneficial? I accept a single-family home on that property, as it was originally severed for and planned for and accepted by the community. And that is what the person who now owns it bought. They bought a lot intended for a single-family home. To abandon that vision now, with what has happened over the last several years in this community, is just wrong.

What I do accept is the original planning and zoning committee telling me that nothing will ever be on that lot except a single-family home, ever. Now I am told they have a high turnover of people, and the people that told me that, no longer work there. Thats a cop-out. The people might change, but the plans should not.

This needs to be denied, and the lot left as a single-family lot, as it was when purchased, and as intended and as promised to anyone who inquired at the original zoning and severance discussions.

Port Maitland is a special place. The reason its special is because of the people who live here, and the original zoning and planning decisions were based on preserving that.

I don't know what they are based on now, but if this is approved, we know for certain that it's not based on what is best for this community. I suspect, as I said earlier, it's based-on money. Decisions based on money, over people, are rarely if ever the right ones.

Will the county do what is in the best interest of a community?

We will know the answer from this decision.

Thanks for your time,
Daniel Browne,
Port Maitland."

A further email from Mr. Brown stated;

"As I said, I was told over and over that there would never be approved anything but a single-family home on that lot. Its right in there.

And this was only a few years ago, just before the pandemic. Things have only gotten worse in this area, if it wasn't acceptable back then, it's certainly not now.

Please be sure to add this to my submission.

If they wanted more lots on that property, that's what they should have severed it for. But they didn't, because it would not have been approved. Now suddenly, when things in the community are even more strained, someone is wanting to do just that. It should not be approved.

Please don't use some generic provincial statement to approve this. It's a hamlet with less than 100 people, and in 2018 the decision was based on what is best for the community.

Thanks,
Daniel Browne”

The agent went through the process that this application had gone through, and he stated that he approves the recommendation within the planning report.

Ms. Hayes owns property adjacent to the subject property. She had questions regarding the archaeological assessment required in a previous by-law approved for the property (129-H-03). She stated that she had a copy of the said report, and, in her opinion, the report did not address the issues on the property. She further stated that out-of-town visitors attending the nearby beach often park their cars around the subject property. She wondered where the parking for visitors would be if there are three houses built on the subject property.

There was a discussion regarding who had copies of the geological and archaeological reports. As a result of this discussion, it was determined that the reports required to lift the holding on the subject property placed by the 2003 bylaw had been completed. It was discussed as to why severances were even being considered. The agent stated that if the holding had not been lifted as a result of the needed reports being completed, then no severances could be considered on the property.

There was discussion as to whether the applications should be deferred until matters had been clarified.

Member Makey asked where parking would be for the proposed lots, given the need for working septic systems on each property. The planner stated that the applicant will have to show to Building staff that all elements of the proposed residences (including parking and septic systems) can adequately be accommodated on the proposed lots. The agent then provided an explanation, as well as a basic diagram showing the proposed location of septic systems on each of the proposed lots, explaining that both parking and septic systems could be accommodated on the lots.

Ms. Smith stated that the subject lot, as it is currently configured, was meant for one single-family dwelling. Therefore, she asked why this application is being considered. The planner answered that current provincial and County planning policy have changed since the original severance, as well as there have been improvements to septic system technology. Because of this, the applications can be considered and reviewed by staff and the committee. He further added, as a

result of questions asked during the discussion, that all concerns have been addressed through previous reports and comments.

Ms. Hayes opined that the proposal is not conducive to the existing community, and that it does not fit the ambiance of Port Maitland.

Member Wagter asked staff if this proposal could come back to the committee for a possible boundary adjustment. The planner stated that, should the committee approve the application, a minor variance will be made a condition to address any deficiencies that may result from the severances. The agent asked as to how First Nation groups have participated in the process. The planner stated that Six Nations had provided comments, which were included in the planning report before the committee. He added that First Nations would have participated in the archaeological assessment that resulted from the holding placed on the property in 2003.

The Committee made the following decisions:

PLB-2023-137

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 **Gordon Brdar**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 34 metres (111.5 feet) and contain an area of approximately 0.15 hectares (0.37 acres). The retained parcel will contain an area of approximately 0.27 hectares (0.67 acres). **Concession 4 South of Dover Road, Part Lot 24, Registered Plan 18R7650 Parts 4 to 6, Hamlet of Port Maitland, Geographic Township of Dunn, no civic address**

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 a revised concept plan, drawn to scale with all setbacks shown in metric, showing that both a building and a septic system can be accommodated on the retained lot and each of the two severed lots, to the satisfaction of the Haldimand County Building Controls and By-law Enforcement Division. Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
 3. 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.

4. Receipt of final approval of the required minor variance (Minor Variances can take three months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
5. 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.
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 34 metres (111.5 feet), and an area of 0.15 hectares (0.37 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
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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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 17, 2025, after which time this consent will lapse.

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

PLB-2023-138

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 **Gordon Brdar**, to sever a lot for future residential development. The severed lands will have a frontage of approximately 34 metres (67.2 feet) and contain an area of approximately 0.16 hectares (0.4 acres). The retained parcel will contain an area of approximately 0.27 hectares (0.67 acres). **Concession 4 South of Dover Road, Part Lot 24, Registered Plan 18R7650 Parts 4 to 6, Hamlet of Port Maitland, Geographic Township of Dunn, no civic address**

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 a revised concept plan, drawn to scale with all setbacks shown in metric, showing that both a building and a septic system can be accommodated on the retained lot and each of the two severed lots, to the satisfaction of the Haldimand County Building Controls and By-law Enforcement Division. Please contact the Building Controls and By-law Enforcement Division at 905-318-5932, for further clarification.
 3. 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.

4. Receipt of final approval of the required minor variance (Minor Variances can take three months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.
5. 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.
6. 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.
7. 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.
8. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 34 metres (111.5 feet), and an area of 0.16 hectares (0.4 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 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 Datum:	System:GCS_North_American_1983 D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before October 17, 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-2023-132 David and Linda Link

Present: David Link, applicant

The proposal is to request relief from the exterior side yard provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the existence of storage containers and storage on the subject property.

The applicant stated that he was aware that the setback should be 4.8 metres from the hydro line, not the 5.0 metres now being requested by Hydro One. He reiterated that he requests the 3.3 metre setback.

Member Ricker asked for clarification about the dimensions being requested. The planner stated that the applicant should work for the 5.0 metre setback that Hydro One requested, which would be a 3.5 metres setback from the property line. Member Ricker then asked if the applicant was to respect the 5.0 metre request would staff be able to support the application. The planner said that staff would be able to support the application if the change was made. Further discussion ensued regarding the merits of 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 **David and Linda Link**, to request relief

lands. He added that he was concerned about the possible environmental impact of the proposal. Chairperson Brown responded that the Niagara Peninsula Conservation Authority would have input into any potential impacts of the development.

Mr. Bousfield made note that hunting occurs in the area, and questioned if there would be a safety concern if the proposed use is established. He asked whether a zoning amendment would be required. The planner responded by explaining the definition of an on-farm diversified use, of which the proposed use falls under, thus a zoning amendment is not required. He then explained why the request to the percentage of the on-farm diversified use versus total area is being made, thus requiring this minor variance application. The planner then went over the future steps that would be required before the proposed development begins, including the site plan process that would be necessitated.

A general discussion ensued regarding the proposed beekeeping operation on the site, as well as the loss of farmland that would occur due to the application. Mr. Bousfield was not sure that the proposed use is related to agriculture. He also made reference to the number of accidents that have occurred on Highway 3 in the area, and he expressed concern about the potential increased traffic that would occur in the area as a result of the proposal. The planner expressed his disagreement with Mr. Bousfield regarding of on-farm diversified use, and he was of the opinion that the proposal does, in fact, meet the criteria. He added that the percentage in question is in place to limit the loss of active agricultural land. He concluded that staff is satisfied that the minor variance being requested is reasonable, and that the site plan process will address many of the concerns being raised at the meeting. The supervisor added that all concerns can be sent to planning staff by letter or email, so that staff can the concerns are dealt with at the site plan process, as the site plan process does not have a public meeting component.

A further discussion occurred over whether all the activities being proposed will fit within the 2.73% area being proposed.

Member Makey asked the applicant had a 'Plan B', should this minor variance be refused. The applicant responded that he did not have a 'Plan B', and that the area affected by the proposal has been reduced as much as is possible.

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 **1000092840 Ontario Inc. (Justin Awde)**, to request relief from the percentage of lot coverage provisions of the Agricultural (A) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the establishment of a themed farm stay resort and outdoor assembly area on the subject property. **Concession 2, Part Lot 17, Registered Plan 18R3213 Part 1, Geographic Township of Canborough, known municipally as 6811 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.

PREVIOUSLY DEFERRED:

A) PLA-2023-131 Duane Boychuk and Tammy Hornak

Present: Duane Boychuk, applicant

This application was deferred from the September 12, 2023 Committee of Adjustment meeting. Relief is requested 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.

No comment from the applicant. Member Ricker removed himself from the discussion, as he was not present at the previous meeting in which this application was before the committee. Member Wagter asked if the food truck was currently on the property. The applicant said that it was not currently present on the parcel.

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: 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 September 12, 2023 meeting were adopted as presented.

The meeting adjourned at 11:36 am.



Chairman



Secretary-Treasurer