



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, February, 20, 2024**

A meeting of the Committee of Adjustment was held on Tuesday, February 20, 2024 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:

Manager	Shannon VanDalen
Planner	John Douglas
Secretary-Treasurer	Chenxi Tang
Planning Technician	Jassie Cleaver

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2023-207	1791311 Ontario Inc. (John Bacher)
PLB-2023-221	Ruigrok Acres (1791852 Ont. Inc.)
PLB-2024-005	Sheppland Farms Ltd

MINOR VARIANCES:

PLA-2024-002	Dale Gibbons
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Previously Deferred:

PLB-2023-194	1791311 Ontario Inc. (John Bacher)
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DECLARATIONS OF PECUINARY INTEREST:

CONSENTS:

A) PLB-2023-207 1791311 Ontario Inc. (John Bacher)

Present: Lucas Leyland; John (Bacher)

Member Ricker asks for the reason why staffs recommended approval.

The Planner provided reasons for the boundary adjustment.

The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.086 hectares (0.21 acres). The retained parcel will have an approximate area of 34.6 hectares (85.50 acres).

The Committee made the following decisions:

PLB-2023-189

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 **1791311 Ontario Inc. (John Bacher)**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.086 hectares (0.21 acres). The retained parcel will have an approximate area of 34.6 hectares (85.50 acres). **RAINHAM CON 5 PT LOT 7 RP 18R6857 PART 4 PT PART 1, known municipally as 16 Erie Avenue N**

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.
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 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 Leyland Lucas and Leyland Jennifer and further identified as Roll # 2810-158-003-14800-0000.
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 a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 27.44 metres (90.03 feet), and an area of 0.28 hectare (0.21 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 ctang@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**
The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected	NAD_1983_UTM_Zone_17N
Coordinate System:	
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic 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 February 20, 2026, after which time this consent will lapse.

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

B) PLB-2023-221

Ruigrok Acres (1791852 Ont. Inc.)

Present: Kim Hessels, Michael Koetsier, Marc Ruigrok

The agent provided a history of the lot and reasons why the application should be approved.

The owner of the benefitting land provided additional information on the lot and the agent provided the committee pictures taken from the lot.

Member Wagter provided his opinion on the application

Member Makey asks a question regarding the wetland on the property and reasons of refusal.

The Planner provided clarification and reasons of refusal.

The applicant provided information on the wetland and reasons why the severed lands are unfeasible for farming

Member Fleck provided his opinion on the wetland issue.

The agent explained that the issues will be addressed in the next step.

The committee members and the agent continued to discuss the wetland issue.

Member ricker put forward a motion to approve the application

Member Bowman asks if the severed lands are farmed recently.

The owner provided answered the question.

The application proposes that approximately 0.3 hectares (0.74 acres) be severed from the subject lands, which has an approximate area of 21 hectares (52 acres), and added to the benefitting lands (7393 Highway 3). The subject application proposes the severance of approximately 0.3 hectares (0.74 acres) from the subject property to be added to the Benefitting Lands, which are approximately 0.6 hectares (1.54 acres) in area. If approved the Benefitting Lands (7393 Highway 3) would increase in area to approximately 0.9 hectares (2.2 acres) in area.

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 **Ruigrok Acres (1791852 Ont. Inc.)**, to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.3 hectares (0.74 acres) from the subject property to be added to the Benefitting

Lands, which are approximately 0.6 hectares (1.54 acres) in area. If approved the Benefitting Lands (7393 Highway 3) would increase in area to approximately 0.9 hectares (2.2 acres) in area.
CANBOROUGH CON 3 PT LOT 8 RP, 18R7486 PART 1, known municipally as 7393 Highway 3

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.
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 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 Koetsier Michael William and further identified as Roll # 2810-022-001-04403-0000.
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 a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 46.34 metres (152.03 feet), and an area of 0.3 hectare (0.74 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 ctang@haldimandcounty.on.ca and gis@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 February 20, 2026, after which time this consent will lapse.

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

C) PLB-2023-005 Shepland Farms Ltd

Present: Scott Sheppard

A discussion of the details of the application.

Condition 5 amended to show the updated information

An additional condition to be added to rezone the lot to prevent future severance

The applicant proposes to sever a lot containing an existing surplus farm dwelling. The severed lands will have a frontage of approximately 104.85 metres (344.0 feet) and will contain an area of 1.349 hectares (3.3 acres). The retained parcel will contain an area of approximately 19.02 hectares (47.0 acres).

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 **Wilfred and Fiona Westerveld**, to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will have a frontage of approximately 104.85 metres (344.0 feet) and will contain an area of 1.349 hectares (3.3 acres). The retained parcel will contain an area of approximately 19.02 hectares (47.0 acres). **WAL CON 4 PT LOT 21, known municipally as 1675 Concession 3 Walpole**

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. 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.
4. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the retained parcel. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. 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. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 104.85 metres (344.00 feet) and will contain an area of 1.34 hectares (3.30 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 ctang@haldimandcounty.on.ca and gis@haldimandcounty.on.ca. **The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.**

The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected NAD_1983_UTM_Zone_17N
Coordinate System:
Projection: Transverse_Mercator

False_Easting: 500000.00000000
False_Northing: 0.00000000
Central_Meridian: -81.00000000
Scale_Factor: 0.99960000
Latitude_Of_Origin: 0.00000000
Linear Unit: Meter
Geographic 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 February 20, 2026, after which time this consent will lapse.

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

Minor Variance:

A) **PLA-2024-002** **Dale Gibbons**

Present: Dale Gibbons

No Discussion

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 a storage building on the subject property.

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 **Dale Gibbons**, 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 a storage building on the subject property. **RNH CON 3 PT LOT 15 RP, 18R3222 PART 1, known municipally as 1111 Concession 3 Rd**

DECISION: Approved

CONDITIONS:

REASONS: The proposal is consistent with the Provincial Policy Statement (2020), conforms to the Province’s Growth Plan (2019), conforms to the Haldimand County Official Plan and meets the criteria and intent of the Haldimand County Zoning By-law HC-1 2020.

Previously Deferred:

A) **PLB-2023-194** **1791311 Ontario inc John Bacher**

Present: Rebecca Mollegard; John Bacher

Member Bowman asks about the septic system, the agent provided information on the septic system and reasons for approval.

The Planner provided additional information on the issue.

Member Ricker asks staff regarding reasons for approval

The Planner answered Member Ricker's question.

The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 0.28 hectares (0.69 acres). The retained parcel will have an approximate area of 35.5 hectares (87.7 acres). The reason for the adjustment is to add space for the septic system and parking to the benefitting lands.

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 **1791311 Ontario inc John Bacher**, to sever a lot for future residential development. The severed lands will contain an area of approximately 0.28 hectares (0.69 acres). The retained parcel will have an approximate area of 35.5 hectares (87.7 acres). The reason for the adjustment is to add space for the septic system and parking to the benefitting lands. **RAINHAM CON 5 PT LOT 7 RP 18R6857 PART 4 PT PART 1 Known municipally as 16 Erie Avenue N**

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.
 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 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 SAT PROPERTIES INC and further identified as Roll # 2810-158-003-13800-0000.
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 a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 28.62 metres (93.90 feet), and an area of 0.28 hectare (0.69 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 ctang@haldimandcounty.on.ca and gis@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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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 February 20, 2026, after which time this consent will lapse.

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

OTHER BUSINESS:

The minutes of the January 23, meeting were adopted as presented.

The meeting adjourned at 9:57 A.M.



Chairman



Secretary-Treasurer