



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, APRIL 16th , 2024**

A meeting of the Committee of Adjustment was held on Tuesday, April 16th, 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:	Supervisor Development Services	Krystina Wheatley
	Senior Planner	John Douglas
	Senior Planner	Mark Andrews
	Secretary-Treasurer	Chris Tang
	Planning Technician	Jassie Cleaver

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2024-118	James McDonald	APPROVED
PLB-2024-017	Haybury Farms	APPROVED
PLB-2024-032	Steve Moodie	APPROVED
PLB-2024-034	David Mattice	APPROVED
PLB-2024-035	Rosa Flora	DEFERRED

MINOR VARIANCES:

PLA-2024-022	Donald Nicklin and Nancy Cronkwright	APPROVED
PLA-2024-036	John Ariens	APPROVED
PLA-2024-037	Harvey Hyma and Deborah Hyma	APPROVED
PLA-2024-038	Innophos Canada Inc	APPROVED

DECLARATIONS OF PECUINARY INTEREST: None declared.

CONSENTS:

A) PLB-2023-118
James McDonald

Present: Carly McQueen

Discussion took place to acknowledge that the address was changed to 867 South Coast Drive last year and to have the address corrected in the application. Applicant had to wait for email from Long Point Region Conservation Authorities confirming that they have seen the submittals and have no concerns with the proposed severance, which was retained and shown to committee members at the end of committee meeting.

The proposal is for the creation of a new lot for future residential development. The proposed severed lands will have a frontage of approximately 20.48 meters (67.2 feet) and an area of approximately 0.81 hectares (2.0 acres). The retained parcel will contain an area of approximately 11.59 hectares (28.6 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 **James McDonald** to sever the parcel of land for future residential development. The proposed severed lands will have a frontage of approximately 20.48 meters (67.2 feet) and an area of approximately 0.81 hectares (2.0 acres). The retained parcel will contain an area of approximately 11.59 hectares (28.6 acres). **Walpole Concession 1 Part Lot 16 RP, 18R3676 PART 2 RP 18R5237, PARTS 16 17 PT PART 1, Known municipally as 867 South Coast 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. 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 a copy of the registered reference plan of the severed parcel, with a frontage of 20.48 metres (67.2 feet), and an area of 0.81 hectare (2.0 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

4. Full Lot Grading Plan
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.
5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 16, 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-2024-017
Haybury Farms

Present: No one present

No relevant discussion took place.

The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will contain an area of 0.45 hectares (1.11 acres) and have a frontage of 80 meters (262.47 feet). The retained lands will contain an area of approximately 21.26 hectares (52.53 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 **Haybury Farms** to sever the parcel of land containing an existing surplus farm dwelling and accessory structure. The severed lands will have an area of approximately 0.45 hectares (1.11 acres), and a frontage of approximately 80 meters (262.47 feet), and the retained lands will have an area of approximately 21.26 hectares (52.53 acres) and a frontage of approximately 640 meters (2,099.75 feet). **Walpole Concession 10, Part Lot 1 Parcels 2-3, Section D-1 Registered Plan 37R3474 Part 1, known municipally as 1344 County Line.**

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 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 a copy of the registered reference plan of the severed parcel, with a frontage of 80 metres (262.47 feet), and an area of 0.45 hectare (1.11 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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Prime Meridian:	Greenwich
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4. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 16, 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-2024-032
Steve Moodie

Present: Kim Hessels

Kim Hessels showed concerns for condition 6, regarding the requirement of a zoning by-law amendment due to the cost. Options were discussed between Kim Hessels, Member Ricker, and Member Makey but ultimately it was decided that similar applications have been approved in the past without a zoning by-law amendment requirement, Paul Makey came to the decision that condition 6 be lifted. All committee members aside from Member Bowman were in support of this decision for the application, Member Bowman did not support this application.

The applicant proposes to sever the lands made surplus through farm amalgamation, severed lands are to have a frontage of 46 meters (150.9 feet) and an area of 0.57 hectares (1.40 acres). Retained lands to have a frontage of 723 meters (2,372 feet) and an area of approximately 55.6 hectares (137.39 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 **Steve Moodie** to sever a dwelling made surplus through farm amalgamation. The proposed severed lands to have a frontage of approximately 46 meters (150.9 feet), and an area of 0.57 hectares (1.40 acres). Retained lands to have a frontage of approximately 723 meters (2,372 ft) and an area of 55.6 hectares (137.39 acres). **North Cayuga Concession 1 Street South Part Lot 12, municipally known as 534 Haldimand Road 32.**

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 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 a copy of the registered reference plan of the severed parcel, with a frontage of 46 metres (150.9 feet), and an area of 0.57 hectare (1.40 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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Geographic Coordinate System:	GCS_North_American_1983
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Prime Meridian:	Greenwich
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4. Entrance permit required for Retained Parcel
 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.
5. A new septic system, satisfactory to the Haldimand County Building Department, be installed prior to final approval of the consent.
6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 16, 2026, after which time this consent will lapse.

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

D) PLB-2024-034
 David Mattice

Present: Mary Mattice

Mary Mattice addressed the concerns of the shape of the proposed severed lands, and explained that the shape of the parcel of land was strategic to the needs of the farmers, and that the parcel cannot be made smaller due to the fact the agricultural lands are directly adjacent with the driveway to the property. Mark Andrews answered questions regarding the required zoning variance, and explained that it was required to address the frontage of the property being 5.5 meters where 30 meters is required, Member Makey disagrees as he explains that the owner/applicant does not have a say in how far back the house is located and that they have done a lot of improvements to the house and should be accredited for such, Member Makey also adds that the farmers do not want to be landlords so severing the house would be ideal for farmer's needs. Member Ricker and Member Flex agree with Member Makey on his view of the matter.

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 **David Mattice** to sever a lot containing an existing surplus farm dwelling and accessory structure. The severed lands will have a frontage of approximately 7.74 meters (18.83 feet) and will contain an area of 0.66 hectares (1.63 acres). The retained parcel will contain an area of approximately 42.4 hectares (104.77 acres) **Walpole Concession 4 Part Lot 15, municipally known as 1179 Concession 3, Walpole.**

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 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 Minor Variance application will be required to seek relief from the provisions of the Agriculture (A) zone of Zoning By-law No. HC 1-2020, as amended for minimum lot frontage (5.74 m is proposed and minimum 30 m is required).
 4. That, as a condition of Consent, the retained lands shall be rezoned to remove residential uses and associated accessory uses, in accordance with the Haldimand County Official Plan and Provincial Policies.
 5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 5.74 metres (18.83 feet), and an area of 0.66 hectare (1.63 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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Linear Unit:	Meter
Geographic Coordinate System:	GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before April 16, 2026, after which time this consent will lapse.

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

E) PLB-2024-035
Rosa Flora

Present: Mitchell Baker, Kim Hessel, Adam Moote

Mitchell Baker explains the proposal and the situation, as the greenhouse has already began the development process making it so the lands will not be able to be reverted to prime agricultural lands at this time. Kim Hessels joins and explains that when the property was purchased there was a boundary adjustment conducted to make the property a whole – this was done without realizing that insurance will not cover greenhouses that large due to the high ticket. Application reason was to meet the 10,000 litre per day for septic limits. Member Ricker mentioned that the septic issue would have been known prior to starting construction, John Douglas says from a policy perspective the finances are not a planning consideration, nor is septic and that until more research has been conducted in regards to the septic matters this application cannot be supported. Council agrees and the application is deferred.

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 **Mitchell Baker** to sever a piece of land from the existing agricultural lot to permit the construction of a new greenhouse. The severed parcel will have a frontage of 118.94 meters (390.22 feet), and the retained parcel will have a frontage of 280.21 meters (919.32 feet). The severed parcel will have an area of approximately

25.23 hectares (62.34 acres) and the retained parcel will have an area of 15.1 hectares (37.31 acres). The severance is proposed to keep the water flow rate under 10,000 L per day.

DECISION: DEFERRED

CONDITIONS: N/A

REASONS: The proposal be deferred for the reason being that the applicant has not provided sufficient studies to show that the application is consistent with the surrounding areas, and needs to consult with MECP to comply with any applicable regulations from the MECP.

MINOR VARIANCES:

A) **PLA-2024-022**
Donald Nicklin and Nancy Cronkwright

Present: Donald Nicklin

Member Bowman had questions regarding water and septic, applicant confirmed that septic evaluation had been complete and the way the slope on the property is, there will be no concerns for septic.

The Minor Variance application is to move existing house north, to previous location from date of purchase in 1992, Minor Variance required to conform with the recommendations of Long Point Region Conservation in regards to the minimum distance from the lake bank.

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 Donald Nicklin and Nancy Cronkwright to allow the existing dwelling to be relocated to the north of the property, where the dwelling was previously located in 1992 to conform with the recommendations of Long Point Region Conservation in regards to the minimum distance from the lake bank.

DECISION: APPROVED

CONDITIONS: No Conditions

REASONS: The proposal is consistent with the Provincial Policy Statement (2020) and conforms to the Provinces' Growth Plan (2019), as well as to the Haldimand County Official Plan. It meets the criteria and intent of the Haldimand County Zoning By-Law HC-1 2020

B) **PLA-2024-036**
John Ariens

Present: John Ariens, Archie Merigold

Archie Merigold came to the podium to speak on the application, and reflected on the challenges that took place for this project, and how these challenges were overcome with the help of the municipality to allow for this project to move forward. Mr. Merigold credited Member Ricker as he was part of the amalgamations of creating these lands, and thanked everyone for all the time and effort that has gone into this project.

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 **918965 Ontario Limited** to allow for construction of 8 additional dwelling units and to allow the height of the buildings to be constructed to accommodate the additional units to exceed that permitted by the zoning by-law.

DECISION: **APPROVED**

CONDITIONS: No Conditions

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

C) **PLA-2024-037**
Harvey Hyma and Deborah Hyma

Present: Harvey Hyma and Deborah Hyma

No discussion took place for this application

The proposal is requesting relief from the interior side yard provision of the Lakeshore Residential (RL) Zone of the Zoning By-law HC 1-2020. Relief is requested to permit the construction of a new garage.

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 **Harvey Hyma and Deborah Hyma** for

relief from the interior side yard provisions within the Lakeshore Residential (RL) Zone of the Zoning By-law HC 1-2020 for the construction of a new garage.

DECISION: APPROVED

CONDITIONS: No conditions

REASONS: The proposal is consistent with the Provincial Policy Statement (2020) and conforms to the Provinces' Growth Plan (2019), as well as to the Haldimand County Official Plan. It meets the criteria and intent of the Haldimand County Zoning By-Law HC-1 2020

D) **PLA-2024-038**
Innophos Canada Inc

Present: Adam Moote, David Livesey (from Beckley Beach Committee)

David Livesey from Beckley Beach Committee who has been neighbors with Innophos for over 50 years voices concerns of noise increase, truck traffic, and condensation coming from the factory. Adam Moote addresses these concerns, due to the proposal being for office space and storage it should not impact noise or cause more condensation, and GRCA will be coming in for inspection prior to site plan approval. Krystina Wheatley also comments for the traffic concern, and notes that a traffic report will be required for site plan approval.

The proposal is seeking relief from maximum height provisions, to increase the height from the permitted 11m to 15.96m (relief of 4.96m), and relief for front yard setback of 1.325 (4.675m where 6m is required).

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 **Innophos Canada Inc** to allow relief of the maximum height provisions, allowing 15.96m where 11m is the maximum allowance, and relief for the front yard setback of 1.325m (4.675m where 6m is required).

DECISION: APPROVED


CONDITIONS: No Conditions

REASONS: The proposal is consistent with the Provincial Policy Statement (2020) and conforms to the Provinces' Growth Plan (2019), as well as to the Haldimand County Official Plan. It meets the criteria and intent of the Haldimand County Zoning By-Law HC-1 2020


OTHER BUSINESS:

The minutes of the March 26th, 2024 meeting were adopted as amended.

The meeting adjourned at 11:00am



Chairman



Acting Secretary-Treasurer

