



THE CORPORATION OF HALDIMAND COUNTY

Committee of Adjustment Hearing Agenda

Date: Tuesday, July 16, 2024
Time: 9:00 A.M.
Location: Haldimand County Administration Building - Council Chambers

Pages

- A. Call to Order
- B. Land Acknowledgement
- C. Roll Call
- D. Disclosures of Pecuniary Interest
- E. Approval of Previous Committee of Adjustment Meeting Minutes
 - 1. Committee of Adjustment Minutes - June 11th, 2024 1
- F. Hearings Re: Consents
 - 1. PLB-2024-096 15

Application is received to sever a parcel of land for boundary adjustment, and to create an easement. The boundary adjustment is to adjust a portion of land having a frontage of 28.03 meters (91.96 feet) and an area of 0.16 hectares (0.40 acres) from 492 South Coast Drive to 516 South Coast Drive to provide lot frontage and road access to 516 South Coast Drive. The easement is to have a frontage of 7.06 meters (23 feet) and an area of 0.067 hectares (0.17 acres) to provide road access to 514 South Coast Drive. **WALPOLE CONCESSION 1 PART LOT 13, known municipally as 492 South Coast Drive**

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|--|--------------|----|
| 2. | PLB-2024-097 | 22 |
| <p>Consent to sever application to boundary adjust a portion of land having a frontage of 23.46 meters (80 feet), and an area of 0.30 hectares (0.75 acres) from 488 South Coast Drive to 492 South Coast Drive, and to retain 492 South Coast Drive with a frontage of 57.31 meters (188 feet) and an area of 0.76 hectares (1.85 acres). WALPOLE CONCESSION 1 PART LOT 13 REGRISTED PLAN 18R6842 PARTS 1 AND 2, Known municipally as 488 South Coast Drive</p> | | |
| 3. | PLB-2024-128 | 30 |
| <p>An application is received to sever 15 Mary Street from 11-13 Mary Street to make each lot independent again as they are currently merged on title. The severed lands will have a frontage of 20.11 meters (66 feet) and an area of 1,011 square meters (11,851 square feet), and the retained lands will have a frontage of 40.23 meters (132 feet) and an area of 2,023 square meters (21,775 square feet). JARVIS PLAN 1506 BLOCK H PART LOT 87 PART LOT 88 PART 11-15 MARY ST, JARVIS, known municipally as 15 Mary St</p> | | |
| 4. | PLB-2024-129 | 39 |
| <p>An application is received to sever 11-13 Mary Street for future residential development. The severed and retained lands will both have a frontage of 20.12 meters (65 feet) and an area of 1,011 square meters (10,882 square feet). JARVIS PLAN 1506 BLOCK H PART LOT 87 PART LOT 88 PART 11-13, Known municipally as 11-13 Mary St, Jarvis</p> | | |

G. Hearings Re: Minor Variances

- | | | |
|---|--------------|----|
| 1. | PLA-2024-095 | 48 |
| <p>Relief is requested from the Accessory Uses, Buildings and Structures to Residential Uses provision and Cargo Containers use for storage purposes provisions of the Lakeshore Residential (RL) Zone of the Zoning By-Law HC 1-2020. Applicant seeks relief from the accessory building area, and the permitted uses to allow for cargo containers as a permitted use on the subject lands. RNH PLAN 140 LOT 13, known municipally as 11 Featherstone Avenue</p> | | |

2. PLA-2024-116 55

Relief is requested from the Building Height and Accessory Building Area provisions of the Agriculture (A) zone of the zoning bylaw HC 1-2020. The relief is requested to permit the construction of an accessory building in the form of a detached garage located in front of the existing single family dwelling. **NORTH CAYUGA PARK PART LOT 3 EAST OF WEST, RIVER ROAD REGISTERED PLAN 18R1943 PART 1, known municipally as 2160 River Rd**

3. PLA-2024-125 62

Relief is requested from the Exterior Side Yard, Rear Yard, Accessory Building Height, Accessory Lot Coverage from the Agriculture (A) Zone of Zoning By-law HC 1-2020. The relief is to add fabric roof structures for weather-protected storage of farm equipment and to add a fabric roofed farm equipment repair structure. **RNH PLAN 140 LOT 13 SOUTH CAYUGA CONCESSION 4 PART LOT 30, REGISTERED PLAN 18R597 PART 1, known municipally as 20 Mt. Olivet Rd**

H. Hearings Re: Previously Deferred Matters

1. PLA-2024-066 70

Relief is requested from the rear yard setback provisions and the parking space dimension of the Urban Residential Type 1-B (R1-B) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of a secondary suite. **PLAN 18M52 LOT 45, known municipally as 24 Sumac Drive**

2. PLA-2024-094 83

Relief is requested from the amenity space provisions of the Downtown Commercial (CD) Zone of Zoning By-Law HC 1-2020, to allow for indoor storage space for residents. **PLAN CAYUGA EAST OF THE GRAND RIVER LOT 3 PART LOT 2 SOUTH, TALBOT STREET REGISTERED PLAN 18R6728 PART 3, MUNICIPALLY KNOWN AS 15 TALBOT STREET WEST, CAYUGA.**

I. Other Business

J. Adjournment



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
MINUTES
TUESDAY, June 11, 2024**

A meeting of the Committee of Adjustment was held on Tuesday, June 11, 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 Carolyn Bowman

MEMBERS ABSENT:	Members:	Brian Wagter
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STAFF PRESENT:	Supervisor, Planning & Development:	Krystina Wheatley
	Planner:	John Douglas
	Secretary Treasurer:	Chenxi Tang
	Planning Technician:	Jassie Cleaver
	Planner:	Mark Andrews

The Committee of Adjustment dealt with the following applications:

CONSENTS:

PLB-2024-065	JUNGAS	APPROVED
PLB-2024-080	SCHARRINGA	APPROVED
PLB-2024-084	ROSE	APPROVED
PLB-2024-085	GREGORIO HOLDINGS INC.	APPROVED
PLB-2024-086	NIEUWESTEEG	APPROVED

MINOR VARIANCES:

PLA-2024-068	PREST	APPROVED
PLA-2024-071 & 072	BRDAR	APPROVED
PLA-2024-078	WARBURTON	REFUSED
PLA-2024-083	WELKINS	APPROVED
PLA-2024-094	TALBOT	DEFERRED

DECLARATIONS OF PECUINARY INTEREST: None declared.

CONSENTS:

A) PLB-2024-065 JUNGAS

Present: Marc Jungas, Lavarre Taylor

A letter has been receive regarding complaints on the drainage.

The owners mentioned that the their property will be properly drained and the drainage problem is on the builder. The owners states that the additional lot they create will not contribute to the drainage problem.

Member Don asked a question regarding setback if the application is approved.

The Planner answered that Building and Planning do not have concern regarding the setback at this time.

Member Don proposed to add a condition regarding drainage plan.

A discussion of Building's department's comment took place.

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 **Marc Jungas / Lavarre Taylor** to sever a piece of land for residential purpose. The severed land will have a frontage of approximately 30.48 metres (100.00 Feet) and an area of 0.26 hectare (0.64 acre). The retained lands will have a frontage of approximately 30.48 metres (100.00 feet) and an area of 0.26 hectare (0.64 acre).
DUN CON 5 SDR PT LOT 19 DEP, 72117 PCL 21, known municipally as 389 Lighthouse 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 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.
4. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 30.48 metres (100.00 feet), and an area of 0.26 hectare (0.64 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 jcleaver@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

5. That a Zoning By-law Amendment be received and approved as a Condition of Consent to permit a single detached dwelling on the lands to be retained (i.e., 389 Lighthouse Drive). Please note that approvals for a Zoning By-law Amendment can take 3-4 months to complete.
6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 11, 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-2024-080**

SCHARRINGA

Present: Ed Scharringa, Kim Hessels

A discussion regarding the 1-foot square condition took place.

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 **Ed & Elaine Scharringa**, to sever a piece of land for boundary adjustment. The severed land will have a frontage of 264.5 metres (867.78 feet), and an area of 4.55 hectares (11.24 acres). The retained lot will have an area of 164.9 metres (541.01 feet), and an area of 3.22 hectares (7.96 acres). **OND RIVER RANGE PT LOT 43 PT, LOT 44 RP 18R4496 PART 1, known municipally as 4028 River Rd**

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 ELGERSMA RAYMOND JAMES & ELGERSMA JANELLE JOY and further identified as Roll No. 2810-153-005-00200-0000.

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 ELGERSMA RAYMOND JAMES & ELGERSMA JANELLE JOY and further identified as Roll No. 2810-153-005-00200-0000.
5. That a septic evaluation for retained 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.)
6. 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.
7. 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.
8. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 264.5 metres (867.78 feet), and an area of 4.55 hectare (11.24 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 jcleaver@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

9. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 11, 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-2024-084**

ROSE

Present: Kim Hessels, David Rose

The agent expressed their concern regarding the refusal.

The owner asked questions regarding the minor variance application and the lot shape.

The Planner provided justification for the recommendation.

A discussion regarding the reason of refusal took place.

Member Ricker asked the owner regarding the width of the driveway.

Member Makey echoed Member Ricker's comment.

The recommendation for refusal was defeated.

A motion for approval was brought up by Member Fleck and seconded by Member Makey

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 Rose**, to sever a piece of land within the hamlet boundary for residential purpose. The severed land will have an frontage of 34 metres (111.55 feet) and an area of 0.25 hectares (0.62 acres). The retained land will have an frontage of 11 metres (36.09 feet) and an area of 26.7 hectares (67.98 acres). **CAN CON 2 PT LOT 6 & 7 RP, 18R6111 PART 1, no known municipal 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 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 34 metres (111.55 feet), and an area of 0.25 hectare (0.62 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 jcleaver@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. Receipt of final approval of minor variance to address the reduced lot frontage of retained lands (Minor Variances can take three months,

therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.

5. That the Owner pays to the Niagara Peninsula Conservation Authority the required consent review fee and provides proof of payment to Haldimand County.
6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 11, 2026, after which time this consent will lapse.

REASONS:

D) **PLB-2024-085**

GREGORIO HOLDINGS INC.

Present: Mike McLaughlin, Horacio Gregorio

The agent provided an overview of the application.

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 **Gregorio Holdings Inc.**, to create an easement over the westerly 2.5 metres of property for benefit of adjoining lands to the west. Application is being submitted with a companion application for an easement over 645 Sandy Bay Road for the benefit of 641 Sandy Bay Road. Easement to facilitate access to revetment along lakeshore of 641-645 Sandy Bay Road in accordance with GRCA requirements. **DUNN CON 5 SDR PT LOT 15 RP, 18R7947 PART 2, known municipally as 641 Sandy Bay Rd**

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 the description of the easement be reviewed and approved by Haldimand County prior to the issuance of the certificate.

4. Receipt of a copy of the registered reference plan of the easement. 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 jcleaver@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

5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 11, 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-2024-086**

NIEUWESTEEG

Present: Mike McLaughlin

No Discussion

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 **Ruth-Ann Nieuwesteeg**, to create an easement over the easterly 2.5 metres of property for benefit of adjoining lands to the east. The application is being submitted with a companion application for an easement over 641 Sandy Bay Road for the benefit of 645 Sandy Bay Road. Easement to facilitate access to revetment along lakeshore of 641-645 Sandy Bay Road in accordance with GRCA requirements. **DUNN CON 5 SDR PT LOT 15 RP, 18R7947 PART 1, known municipally as 645 Sandy Bay Rd**

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 the description of the easement be reviewed and approved by Haldimand County prior to the issuance of the certificate.
 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 a copy of the registered reference plan of the easement. 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 jcleaver@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

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before June 11, 2026, 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-2024-068** **PREST**

Present: Kim Hessels

Member Ricker asked a question regarding the size provision of the zoning by-law

The Planner provided a clarification.

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 **Dave and Pam Prest**, to request relief from the distance from principle dwelling, size of secondary suite and accessory building lot coverage provision from the Agriculture (A) Zone of Zoning By-law HC 1-2020. The relief is to permit the construction of a secondary suite. **NCAV CON 2 STR PT LOT 7 RP, 18R978 PART 2, known municipally as 405 Junction Road**

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

B) **PLA-2024-071 & 072** **BARDAR**

Present: Gordon Bardar

The Planner brought up a concern received from a neighbor.

Member Fleck asks if the sign has been posted.

Member Makey responded that there has been two signs posted

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 **Gordon Brdar**, to request relief from the lot area provision of the Hamlet Residential (RH) Zone of the Zoning By-law HC 1-2020. The application is a condition of consent regarding PLB-2023-137. **DUNN CON 4 SDR PT LOT 24 RP, 18R7650 PARTS 4 TO 6, no known municipal address**

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

C) **PLA-2024-078**

WARBURTON

Present: Shane Bowley

A discussion regarding the obstruction of sightline took place.

Member Makey brought up the concern that the foundation was poured before the application.

Member Fleck echoed Member Makey's concern.

Member Ricker echoed Member Makey's concern as well.

The Planner provided a brief explanation to what would happen if the committee refuses the application.

Member Bowman brought up the motion deferral

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 **Ryeon Warburton**, to request relief from the front and interior yard setback from the Lakeshore Residential (RL) Zone of Zoning By-law HC 1-2020. The relief is requested to construct an accessory structure. **DUN CON 4 SDR PT LOT 4, known municipally 3160 Lakeshore Road**

DECISION: Refused (3:2)

CONDITIONS:

REASONS:

D) **PLA-2024-083**

WILKINS

Present: Shelly Wilkins & Wray Wilkins, Kathy Eber

A letter of complaint from Ms. Eber was received and read regarding the visual aspect of the sea cans.

Ms. Eber provided their opposition verbally and provided their reason of opposition.

Member Makey asks if sea cans are permitted in CH zone

Member Fleck asks regarding the provisions and deficiencies of sea cans.

The Planner provided an explanation

A discussion regarding the location of the sea cans took place.

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 **Shelly and Wray Wilkings**, to request relief from the rear and side yard setback provisions of the Hamlet Commercial (CH) Zone of the Zoning By-law HC 1-2020. The relief is to permit the sea cans on the property. **NORTH CAYUGA CON 3 PT LOT 36 RP 18R3636 PARTS 1 TO 3 RP 18R6787 PARTS 1 TO 3, municipally known as 1192 Kohler Road**

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

E) **PLA-2024-094**

15 TALBOT INC.

Present: Hank Huitema

No public notice sign was posted, no discussion.

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 **15 Talbot Inc., to request relief from** the amenity space provisions of the Downtown Commercial (CD) zone of the Zoning By-law HC 1-2020. **PLAN CAYUGA EAST OF THE, GRAND RIVER LOT 3 PT LOT 2 S, TALBOT ST RP 18R6728 PART 3, known municipally as 15 Talbot St W**

DECISION: **DEFFERED**

CONDITIONS:

REASONS: No public notice sign posted

OTHER BUSINESS:

The minutes of the June 11, 2024 meeting were adopted as amended.

The meeting adjourned at 11:19 am

Chairman

Secretary-Treasurer



Haldimand County Committee of Adjustment Consent

Meeting Date: July 16, 2024
File Number: PLB-2024-096
Property Roll Number: 2810-332-002-02300-0000
Applicant: Uwe and Elizabeth Sandner
Agent: David Roe, Civic Planning Solutions Inc.
Property Location: WALPOLE CON 1 PT LOT 13, known municipally as 492 South Coast Drive

Recommendation

That application PLB-2024-096 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: A consent to sever application to:

- 1) Boundary adjust a portion of land having a frontage of 28.03 metres (91.96 feet) and an area of 0.16 hectares (0.40 acres) from 492 South Coast Drive to 516 South Coast Drive to provide lot frontage and road access to 516 South Coast Drive.
- 2) Create an easement having a frontage of 7.06 metres (23 feet) and an area of 0.067 hectares (0.17 acres) to provide road access to 514 South Coast Drive.

The existing easement will be abandoned.

Site Features and Land Use: The subject lands are located in the Township of Walpole and front onto the south side of South Coast Drive. The severed lands currently contain a driveway that has not been used and is covered by vegetation. The benefitting lands each contain a seasonal dwelling and accessory structures. The retained lands contain a single detached dwelling, accessory building, solar panels, and farmland. The surrounding land uses are generally lakeshore residential and agriculture in nature. Lake Erie is located to the south.

Existing Intensive Livestock Operations: Not applicable

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Building provided a sketch showing that there is a solar panel located on Retained Parcel 1, and Retained Parcel 2, and that there is a hydro meter box on Retained Parcel 1.

Haldimand County Planning & Development – Development Technologist: Permit for regulated areas by the LPRCA may be required.

Haldimand County Emergency Services: No comments received.

Long Point Region Conservation Authority: Staff advise that the proposed application is consistent with section 3.1 of the Provincial Policy Statement

Hydro One: No comments received.

Mississaugas of the Credit: No comments or concerns at this time.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

While the subject lands are located within a historic ribbon of existing lakeshore residential development along Lake Erie, the subject lands are designated “Agricultural” in the Haldimand County Official Plan.

The PPS permits lot adjustments in prime agricultural areas for legal or technical reasons, which is defined as severances for purposes such as minor boundary adjustments and easements, which do not result in the creation of a new lot.

The subject application satisfies this definition and criteria, as it will create road frontage and access for 516 South Coast Drive and a right of way via an easement for 514 South Coast Drive, which is desirable. The severed lands will remove a minimal amount of farmlands. Therefore, it is Planning staff's opinion that the proposal is consistent with the PPS.

A Place to Grow, 2020

A Place to Grow echoes the PPS, but is broader in nature. It speaks to protecting prime agricultural lands and focusing development within settlement areas at a high level. It does not contain policies that directly speak to boundary adjustments and easements that would affect this application. Therefore, it is Planning staff's opinion that the subject application conforms to a Place to Grow.

Haldimand County Official Plan (OP)

The OP echoes and builds upon the policies of the PPS. The subject lands are designated "Agricultural" in the Official Plan. The OP states that lot creation in the "Agriculture" designation is generally discouraged and may only be permitted in limited circumstances including severances for legal or technical reasons, including minor boundary adjustments and easements that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm. For the reasons listed in the PPS section above, it Planning staff's opinion that the proposal conforms with the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The severed and retained lands are zoned "Agricultural (A)" zone in the Haldimand County Zoning By-law HC 1-2020. The Benefitting lands are zoned "Lakeshore Residential (RL)" zone (516 South Coast Drive) and "Agricultural (A)" zone (514 South Coast Drive) in the Haldimand County Zoning By-law HC 1-2020. The existing residential uses are permitted in these zones.

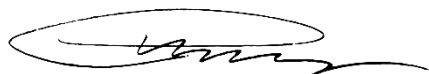
Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 2nd, 2024.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

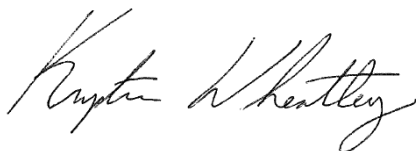
A copy of the staff report has been provided to the applicant.

Prepared by:



Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203

Reviewed by:



Krystina Wheatley, CET
Acting Supervisor, Planning & Development
905-318-5932 ext. 6208

IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING 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 28.03 metres (91.96 feet), and an area of 0.16 hectare (0.40 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 jcleaver@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:

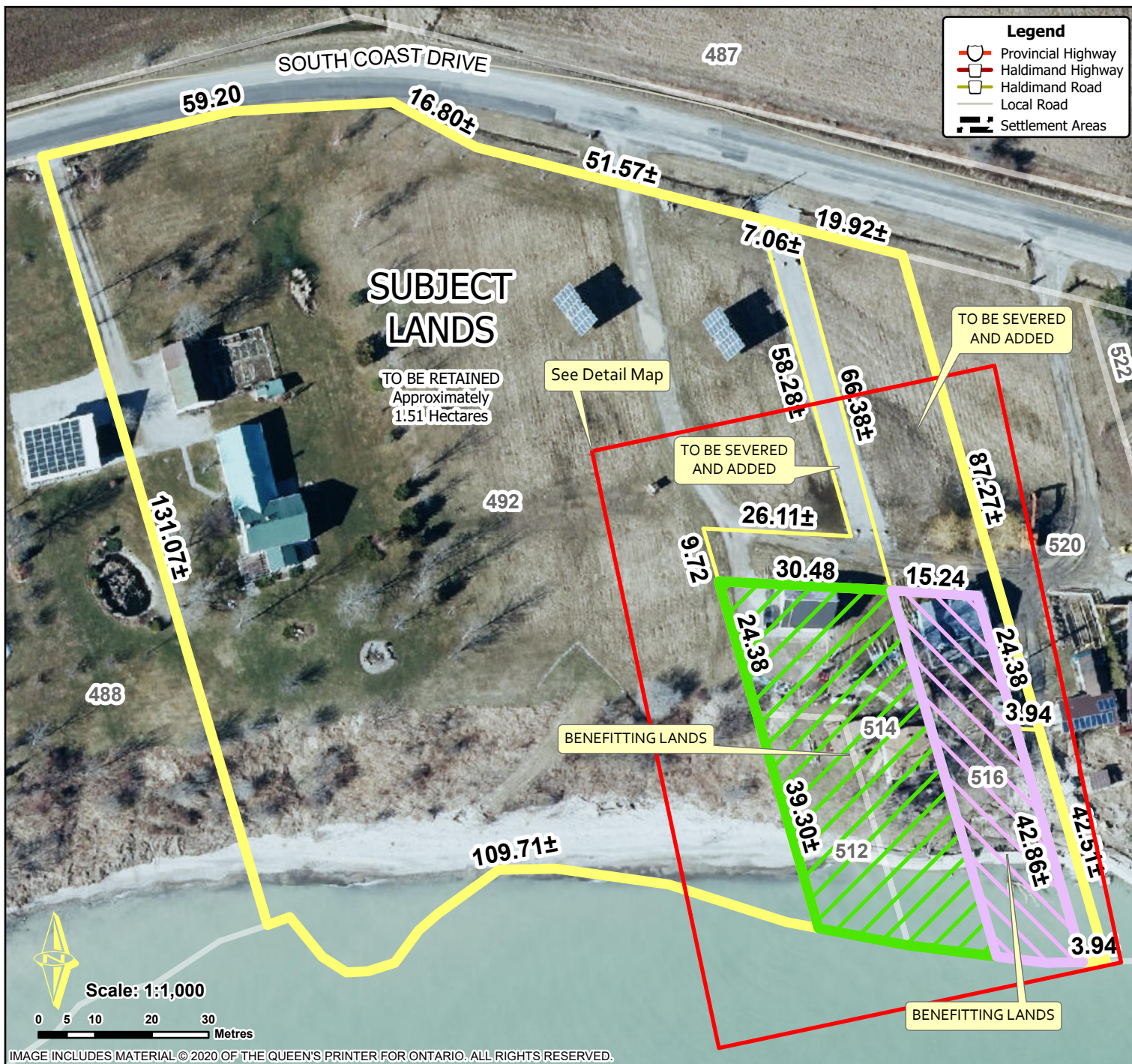
Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

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

File No. PLB-2024-096

Assessment Roll No. 2810.332.002.0230.0000

Location Map FILE #PLB-2024-096 APPLICANT: Sandner



Location:

**492 SOUTH COAST DRIVE
GEOGRAPHIC TOWNSHIP OF WALPOLE
WARD 1**

Legal Description:

WALPOLE CON 1 PT LOT 13

Property Assessment Number:

2810 332 002 02300 0000

Size:

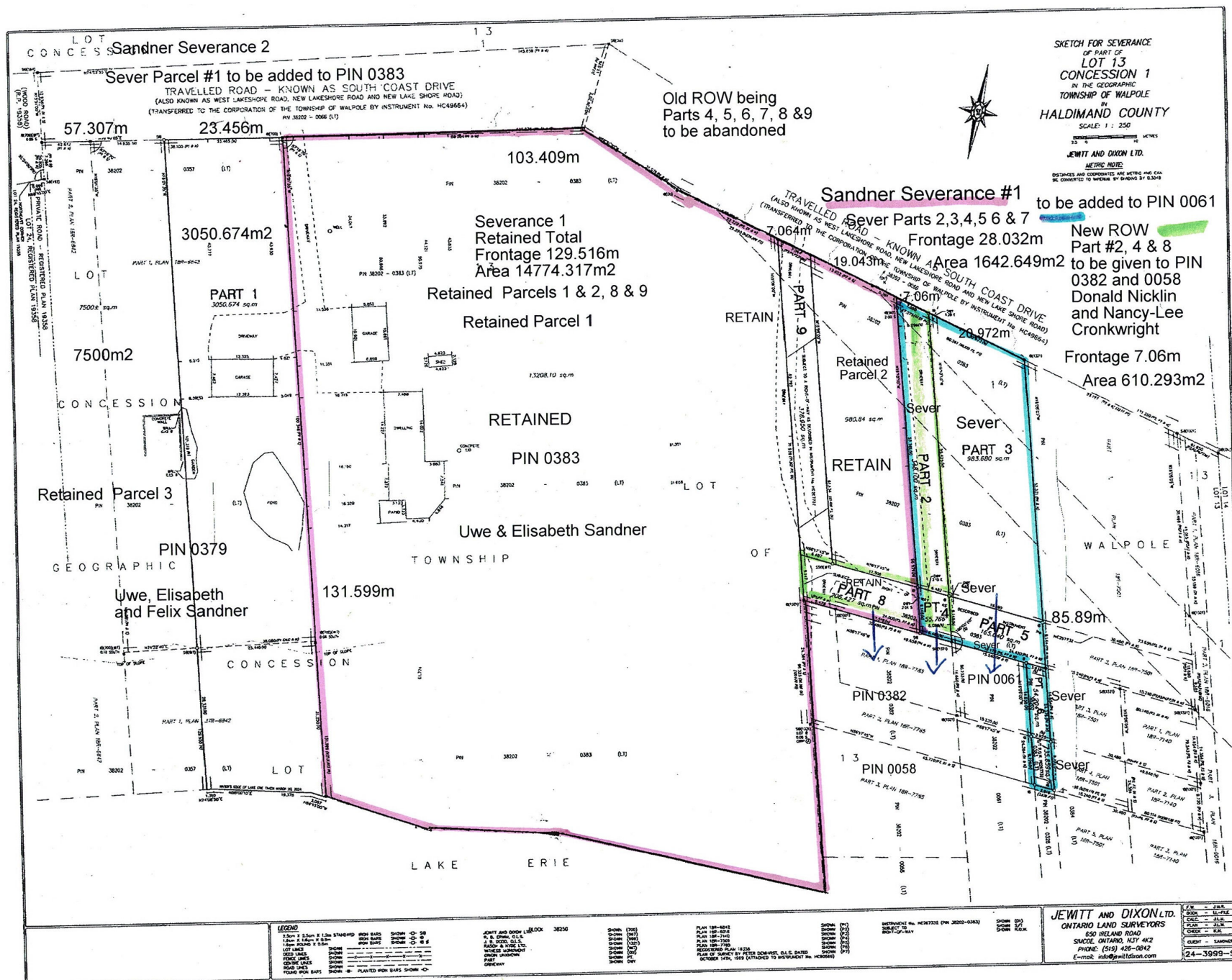
1.744 Hectares

Zoning:

**A (Agriculture), RL (Lakeshore Residential),
HCOP Lakeshore Hazard Lands, LPRCA
Regulated Lands**

HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.







Haldimand County Committee of Adjustment Consent

Meeting Date: July 16, 2024

File Number: PLB-2024-097

Property Roll Number: 2810-332-002-02260-0000

Applicant: Uwe Elisabeth & Felix Sandner

Agent: David Roe, Civic Planning Solutions Inc.

Property Location: WALPOLE CON 1 PT LOT 13 RP 18R6842 PARTS 1 AND 2, 488 South Coast Drive

Recommendation

That application PLB-2024-097 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: A consent to sever application to boundary adjust a portion of land having a frontage of 23.46 m (80 feet) and an area of 0.30 hectares (0.75 acres) from 488 South Coast Drive to 492 South Coast Drive and to retain 492 South Coast Drive with a frontage of 57.31 m (188 feet) and an area of 0.76 hectares (1.85 acres). The purpose of the application is to bring the solar panel onto the same lot as the single detached dwelling, as it is used by the single detached dwelling.

Site Features and Land Use: The subject lands are located in the Township of Walpole and front onto the south side of South Coast Drive. The lands being severed currently contain only a solar panel and the benefiting lands contain a single detached dwelling and accessory structures. The surrounding land uses are generally lakeshore residential and agriculture in nature. Lake Erie is located south of the subject lands.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: No comments received.

Haldimand County Planning & Development – Development Technologist: No comments received.

Haldimand County Emergency Services: No comments received.

Long Point Region Conservation Authority: Staff advised that the proposed application is consistent with section 3.1 of the Provincial Policy Statement, 2020.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

While the subject lands are located within a historic ribbon of existing lakeshore residential development along Lake Erie, the subject lands are designated “Agricultural” in the Haldimand County Official Plan.

The PPS permits lot adjustments in prime agricultural areas for legal or technical reasons, which is defined as severances for purposes such as minor boundary adjustments and easements, which do not result in the creation of a new lot.

The subject application satisfies this definition and criteria, as it will bring the solar panel (infrastructure) onto the same lot as the single family dwelling, without compromising the required frontage and size of the retained lands. Further, the severed and retained lands together are 1.07 hectares (2.64 acres) in size; they are too small to farm and are not actively farmed. Therefore, it is Planning staff’s opinion that the proposal is consistent with the PPS.

A Place to Grow, 2020

A Place to Grow echoes the PPS, but is broader in nature. It speaks to protecting prime agricultural lands and focusing development within settlement areas at a high level. It does not contain policies that directly speak to boundary adjustments that would affect this application. Therefore, it is Planning staff's opinion that the subject application conforms to a Place to Grow.

Haldimand County Official Plan (OP)

The OP echoes and builds upon the policies of the PPS. The subject lands are designated "Agricultural" in the Official Plan. The OP states that lot creation in the "Agriculture" designation is generally discouraged and may only be permitted in limited circumstances including severances for legal or technical reasons, including minor boundary adjustments that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm. The boundary adjustment will bring the solar panel onto the same lot as the single family dwelling, which is desirable. Since both the severed and retained lands are too small to farm and are not actively farmed, there is no impact on the functionality and viability of farmland. The impact of the proposal is therefore considered to be minor. It is Planning staff's opinion that the proposal conforms with the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Agriculture (A)" zone in the Haldimand County Zoning By-law HC 1-2020. The existing residential uses are permitted in the zone.

Both the severed lot and benefitting lot resulting from this proposal conform with all standards set out for "Agriculture (A)" zone in the Zoning By-law. Staff are satisfied that the proposal conforms with the Haldimand County Zoning By-law.

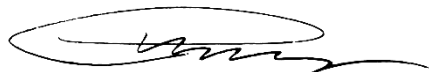
Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on July 2nd, 2024.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

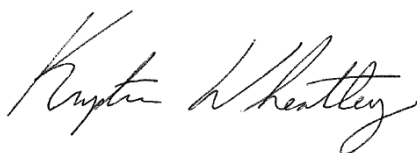
A copy of the staff report has been provided to the applicant.

Prepared by:



Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203

Reviewed by:



Krystina Wheatley, CET
Acting Supervisor, Planning & Development
905-318-5932 ext. 6208

IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

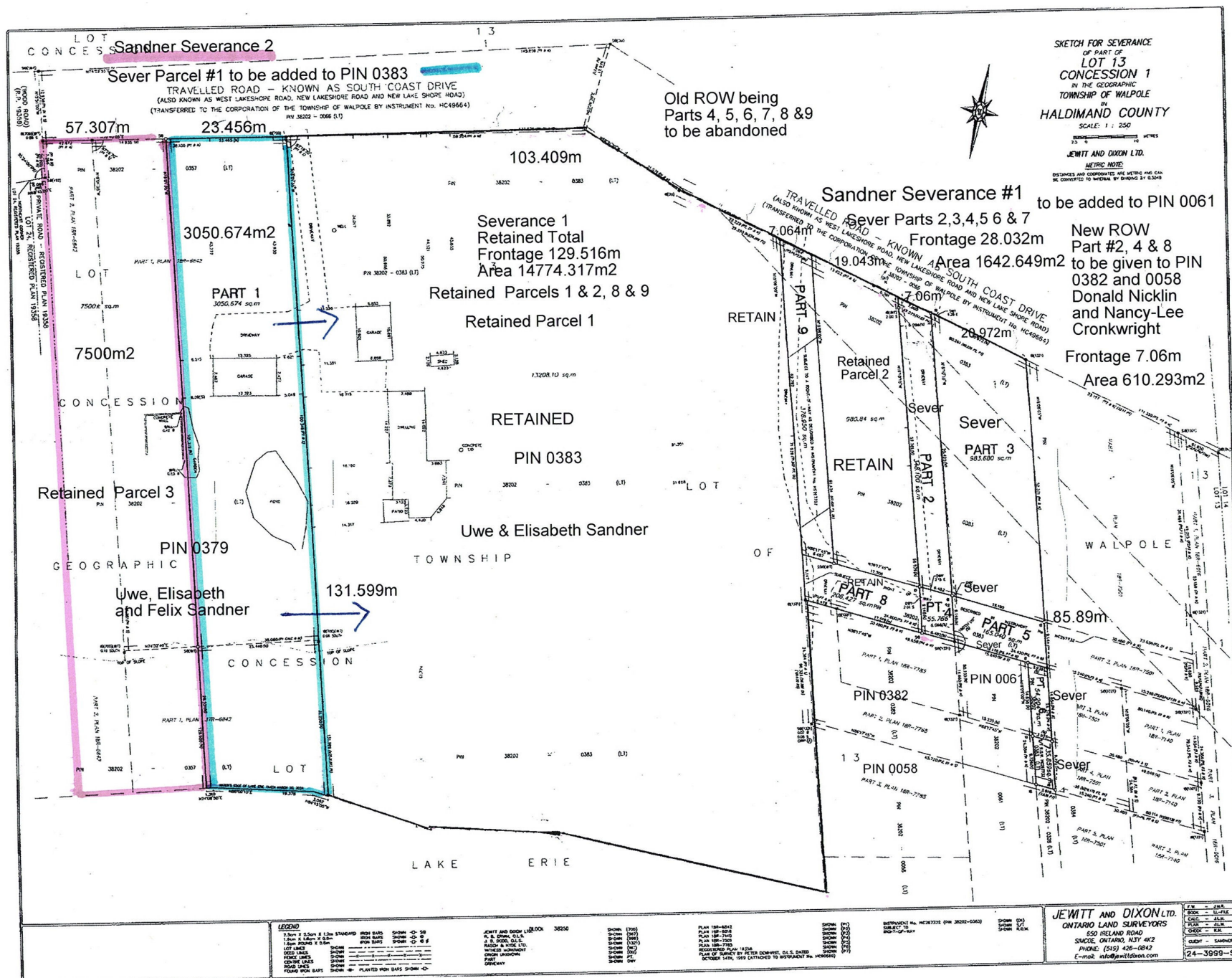
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
2. That the owner's solicitor provide 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 23.46 metres (76.97 feet), and an area of 0.30 hectare (0.75 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 jcleaver@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:

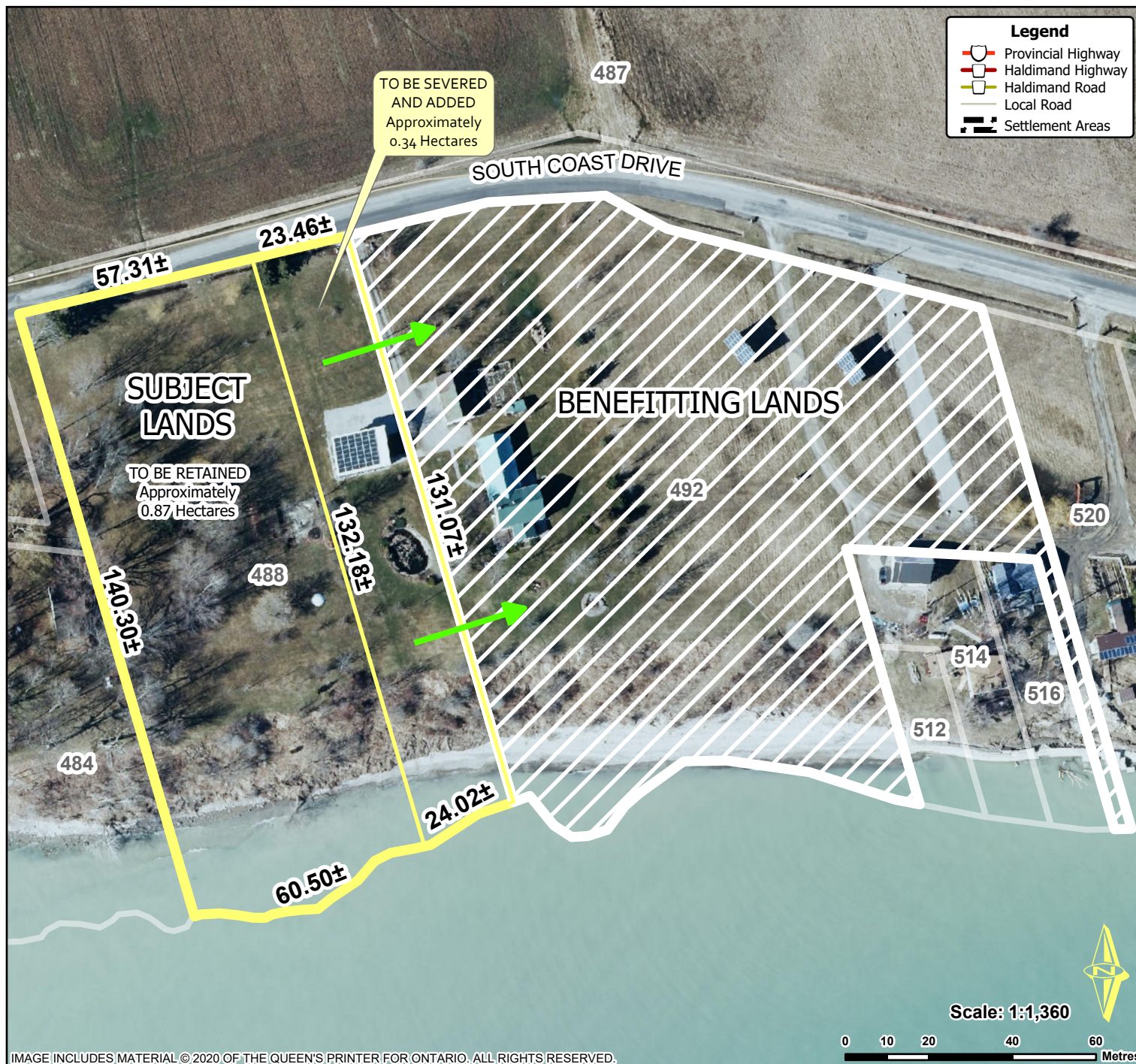
Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.00000000
False_Northing:	0.00000000
Central_Meridian:	-81.00000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.00000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

4. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the retained lands. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits required for retained parcel. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
5. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before 07 16, 2026, after which time this consent will lapse.

Assessment Roll No. 2810.332.002.0226.00000



Location Map FILE #PLB-2024-097 APPLICANT: Sandner



Location:

**488 SOUTH COAST DRIVE
GEOGRAPHIC TOWNSHIP OF WALPOLE
WARD 1**

Legal Description:

**WALPOLE CON 1 PT LOT 13 RP 18R6842
PARTS 1 AND 2**

Property Assessment Number:

2810 332 002 02260 0000

Size:

1.07 Hectares

Zoning:

**A (Agriculture), HCOP Lakeshore Hazard
Lands, LPRCA Regulated Lands**

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Haldimand County Committee of Adjustment Consent

Meeting Date: July 16, 2024

File Number: PLB-2024-128

Property Roll Number: 2810-331-001-01100-0000

Applicant: Estate of Violet Reynolds, Dawn Reynolds

Agent: Tom Flatt

Property Location: JAR PLAN 1506 BLK H PT LOT 87 PT LOT 88 PT;
11-15 Mary St, Jarvis

Recommendation

That application PLB-2024-128 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicant proposes to sever 15 Mary Street from 11-13 Mary Street to make each lot independent again as they are merged on title, as confirmed by the applicant's lawyer. The severed lands will have a frontage of 20.11 metres (66 feet) and an area of 1,011 square metres (11,851 square feet). The retained lands will have a frontage of 40.23 metres (132 feet) and an area of 2,023 square metres (21,775 square feet).

Site Features and Land Use: The subject lands are located within the urban area of Jarvis and front onto the west side of Mary St. The lands currently contain two single detached dwellings and accessory structures. The surrounding land uses are residential and agricultural in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: No comments received.

Haldimand County Planning & Development – Development Technologist:

Comments received to require a full lot grading plan prior to consent approval, municipal drainage re-appointment required with the Municipal Drain name being Jarvis No 1, and an entrance permit will be required for the severed and retained parcels.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Long Point Region Conservation Authority: The subject lands are not subject to natural hazards. The staff of LPRCA have no objections to the concept of the application.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The PPS encourages residential development and permits lot creation within settlement area boundaries, where other policies of the PPS can be upheld. The subject applications represent lot creation in the urban area boundary of Jarvis with adequate and appropriate infrastructure. Therefore, it is Planning staff's opinion that the subject application is consistent with the PPS.

A Place to Grow, 2020

A Place to Grow generally aligns with the PPS; therefore, it is Planning staff's opinion that the subject application is consistent with A Place to Grow.

Haldimand County Official Plan (OP)

The subject lands are designated “Residential” in the Haldimand County Official Plan and are within the existing urban boundary of Jarvis. The subject application is seeking to separate two residential lots that are merged on title. The lot creation policies of the Official Plan outline the general criteria for consent applications, which are as follows:

- a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;

Comment: The frontage and size of the severed and retained lands are in keeping with the lots in the neighbourhood. The severed and retained lands are sufficiently sized to accommodate the existing dwellings and to maintain the minimum required Zoning By-law provisions.

- b) The creation of new lots for development shall only be granted in accordance with relevant servicing policies contained in this Plan;

Comment: The proposed severed and retained lands are connected to full municipal services along Mary St.

- c) The proposed severed and retained lands front on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and

Comment: The proposed severed and retained front onto Mary St, which is an adequate municipal road.

- d) Not more than five lots are being created.

Comment: Only two lots are being created as a result of this application and related application PLB-2024-129.

Therefore, it is Planning staff’s opinion that the subject application conforms to the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Urban Residential Type 1-A (R1-A)". The "R1-A" zone requires a minimum frontage of 18 metres (59 feet) for corner lots and 15 metres (49 feet) for interior lots and a minimum lot area of 540 square metres (5,812 square feet) for corner lots and 450 square metres (4,843 square feet) for interior lots. The severed lands (interior lot) will have a frontage of 20.11 metres (66 feet) and an area of 1,011 square metres (11,851 square feet). The retained lands (corner lot) will have a frontage of 40.23 metres (132 feet) and an area of 2,023 square metres (21,775 square feet). The lot creation will also maintain the minimum required interior side yard setback of 3.0 metres (10 feet). The severed and retained lands satisfy the minimum required lot provisions. Therefore, it is Planning staff's opinion that the subject application conforms to the Zoning By-law.

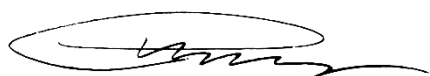
Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on June 25th, 2024.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

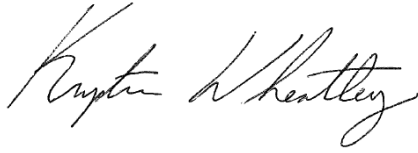
A copy of the staff report has been provided to the applicant.

Prepared by:



Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203

Reviewed by:

A handwritten signature in black ink, reading "Krystina Wheatley". The signature is fluid and cursive, with the first name "Krystina" and last name "Wheatley" clearly distinguishable.

Krystina Wheatley, CET
Acting Supervisor, Planning & Development
905-318-5932 ext. 6208

IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING 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 20.12 metres (66.01 feet), and an area of 0.10 hectare (0.247 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 jcleaver@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. 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. 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, with the Municipal Drain Jarvis No 1. 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

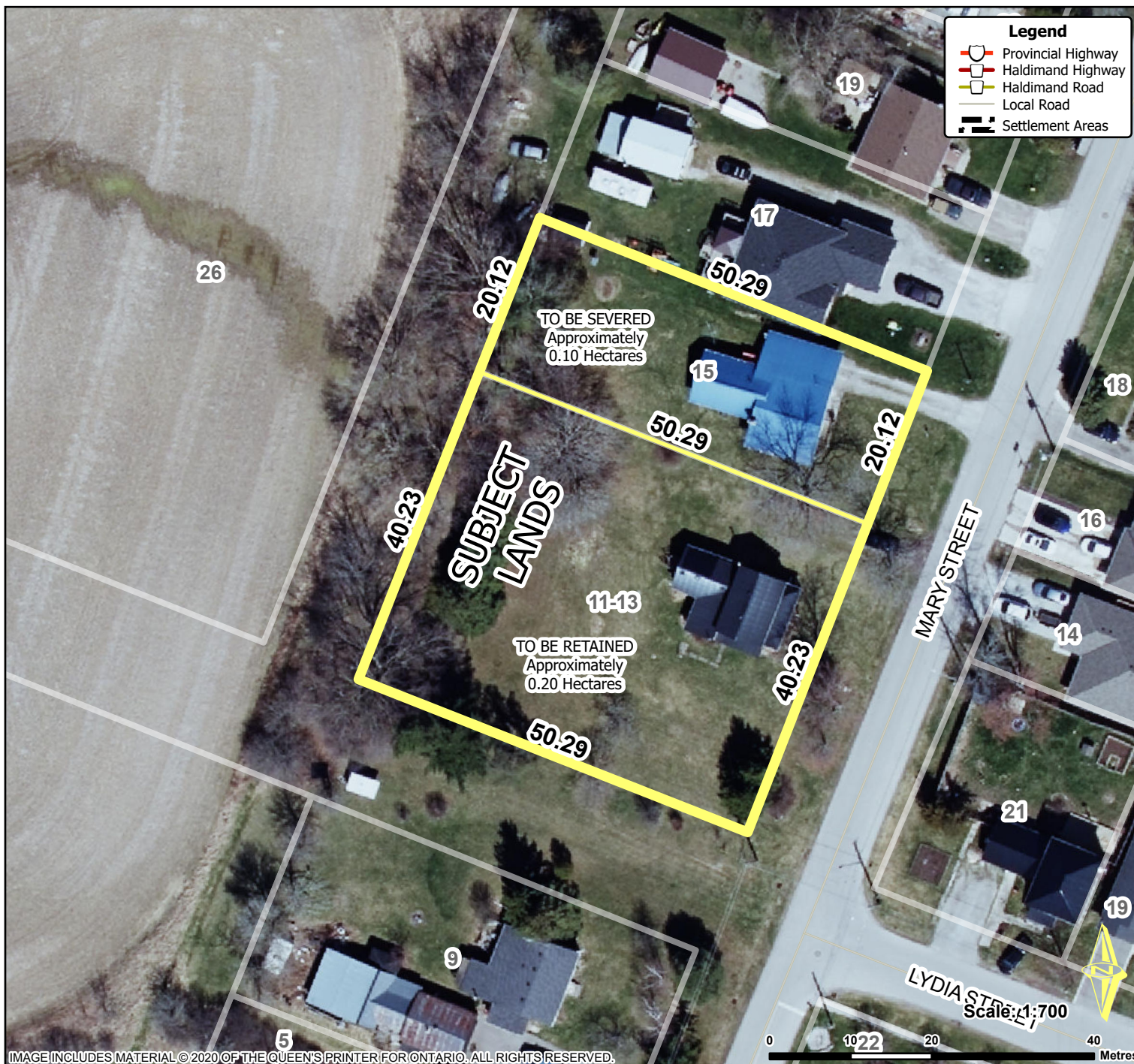
the assessment be re-calculated for the retained and severed parcels. A written request to initiate re-apportionment is necessary. A fee is administered with each agreement. Please allow six (6) weeks for completion of this process. Contact Project Manager, Municipal Drains at 905-318-5932, ext. 6424, for further clarification.

6. That the applicant enter into an agreement with Haldimand County regarding the required lot grading plan. Contact Chris Tang, Planner at the Planning & Development Division at 905-318-5932 ext. 6203 for further clarification. As this process can take a number of months to complete, early action of this condition is essential.
7. 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 permit is required for the severed, and retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before 07 16, 2026, after which time this consent will lapse.

File No. PLB-2024-128

Assessment Roll No. 2810.331.001.0110.00000

Location Map FILE #PLB-2024-128 APPLICANT: Reynolds



Location:

**11-13 MARY STREET
URBAN AREA OF JARVIS
WARD 1**

Legal Description:

JAR PLAN 1506 BLK H PT LOT 87 PT LOT 88

Property Assessment Number:

2810 331 001 01100 0000

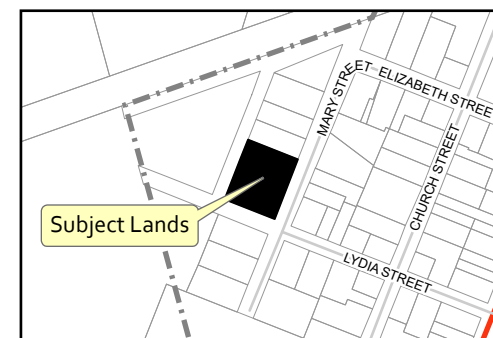
Size:

0.20 Hectares

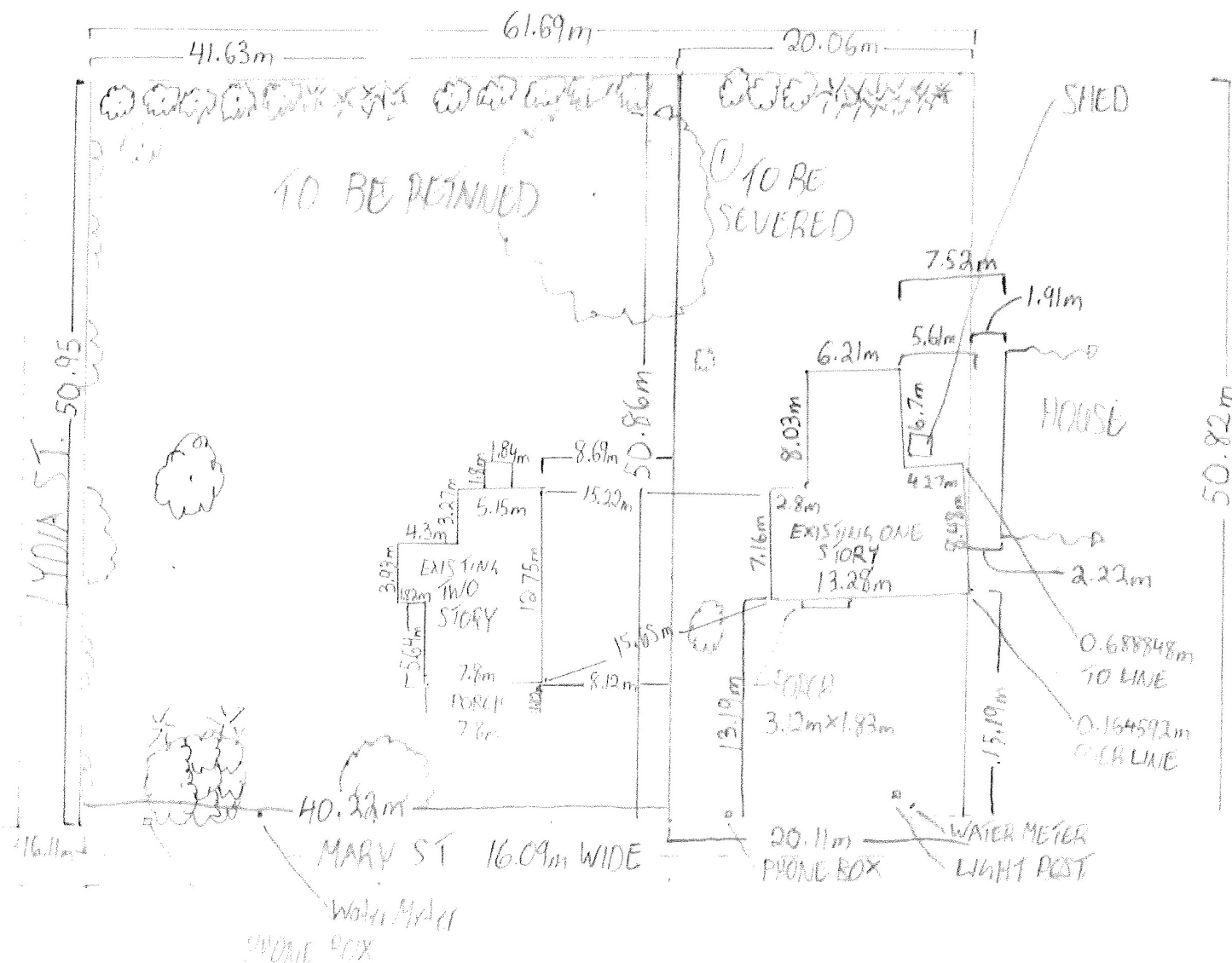
Zoning:

**R1-A (Urban Residential Type 1-A), LPRCA
Regulated Lands, HCOP Riverine Hazard
Lands**

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Owner's Sketch FILE #PLB-2024-128 APPLICANT: Reynolds





Haldimand County Committee of Adjustment Consent

Meeting Date: July 16, 2024

File Number: PLB-2024-129

Property Roll Number: 2810-331-001-01100-0000

Applicant: Estate of Violet Reynolds, Dawn Reynolds

Agent: Tom Flatt

Property Location: JAR PLAN 1506 BLK H PT LOT 87 PT LOT 88 PT;
11-13 Mary St, Jarvis

Recommendation

That application PLB-2024-129 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicant proposes to sever 11-13 Mary street for future residential development. The severed and retained lands will both have a frontage of 20.12 metres (65 feet) and area of 1,011 square metres (10,882 square feet).

Site Features and Land Use: The subject lands are located within the urban area of Jarvis and front onto the west side of Mary St. The lands currently contain a single detached dwelling and accessory structures. The surrounding land uses are residential and agricultural in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: No comments received.

Haldimand County Planning & Development – Development Technologist:

Municipal Drainage re-appointment required municipal drain name JARVIS NO 1, entrance permit will be required for the severed and retained parcel, and partial lot grading plan, prior to consent or approval will be required.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Long Point Region Conservation Authority: No comments received.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The PPS encourages development within settlement area boundaries that creates growth opportunities. The PPS encourages intensification, including infill development within existing neighbourhoods, where other policies of the PPS can be upheld. The subject application is for lot creation in the urban area boundary of Jarvis, which provides an additional residential lot within an existing neighbourhood with adequate and appropriate infrastructure. Therefore, it Planning staff's opinion that the subject application is consistent with the PPS.

A Place to Grow, 2020

A Place to Grow generally aligns with the PPS; therefore, it is Planning Staff's opinion that the subject application is consistent with A Place to Grow.

Haldimand County Official Plan (OP)

The subject lands are designated “Residential” in the Haldimand County Official Plan and are within the existing urban boundary of Jarvis. The subject application is seeking to create a new lot for future residential development. The lot creation policies of the Official Plan outline the general criteria for consent applications, which are as follows:

- a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;

Comment: The frontage and size of the severed and retained lands are in keeping with the lots in the neighbourhood. The severed and retained lands are sufficiently sized to accommodate a new dwelling on the severed lands and the existing dwelling on the retained lands and to maintain the minimum required Zoning By-law provisions.

- b) The creation of new lots for development shall only be granted in accordance with relevant servicing policies contained in this Plan;

Comment: The proposed dwelling on the severed lands will need to be connected to full municipal services along Mary St through the building permit process. The existing dwelling on the retained lands are connected to full municipal services.

- c) The proposed severed and retained land fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and

Comment: The severed and retained lands front onto Mary St, which is an adequate municipal road.

- d) Not more than five lots are being created.

Comment: Only two lots are being created as a result of this application and related application PLB-2024-128.

Further, the Official Plan contains more specific lot creation policies for new lot creation within stable residential neighbourhoods (such as this neighbourhood), which speak to

providing similarly size lot frontages and lot sizes that are in character with adjacent housing lots. It is Planning staff's opinion that the lot frontages and sizes for the severed and retained lands are in keeping with the neighbourhood and appropriately sized.

Therefore, it is Planning staff's opinion that the subject application conforms to the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Urban Residential Type 1-A (R1-A)". The "R1-A" zone requires a minimum frontage of 18 metres (59 feet) for corner lots and 15 metres (49 feet) for interior lots and a minimum lot area of 540 square metres (5,812 square feet) for corner lots and 450 square metres (4,843 square feet) for interior lots. The severed lands (corner lot) and retained lands (interior lot) will both have a frontage of 20.11 metres (66 feet) and an area of 1,011 square metres (11,851 square feet). The lot creation will also maintain the minimum required interior side yard setback of 1.2 metres (4 feet) on one side and 3.0 metres (10 feet) on the other. The severed and retained lands satisfy the minimum required lot provisions. Therefore, it is Planning staff's opinion that the subject application conforms to the Zoning By-law.

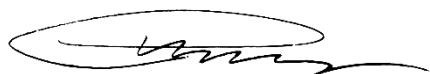
Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on June 25th, 2024.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

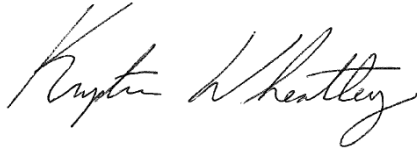
A copy of the staff report has been provided to the applicant.

Prepared by:



Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203

Reviewed by:

A handwritten signature in black ink, appearing to read "Krystina Wheatley". The signature is fluid and cursive, with the first name "Krystina" and last name "Wheatley" clearly distinguishable.

Krystina Wheatley, CET
Acting Supervisor, Planning & Development
905-318-5932 ext. 6208

IF APPROVED, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING 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 20.12 metres (66.01 feet), and an area of 0.10 hectare (0.247 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 jcleaver@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. 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 using municipal drain "Jarvis No1". 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.
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

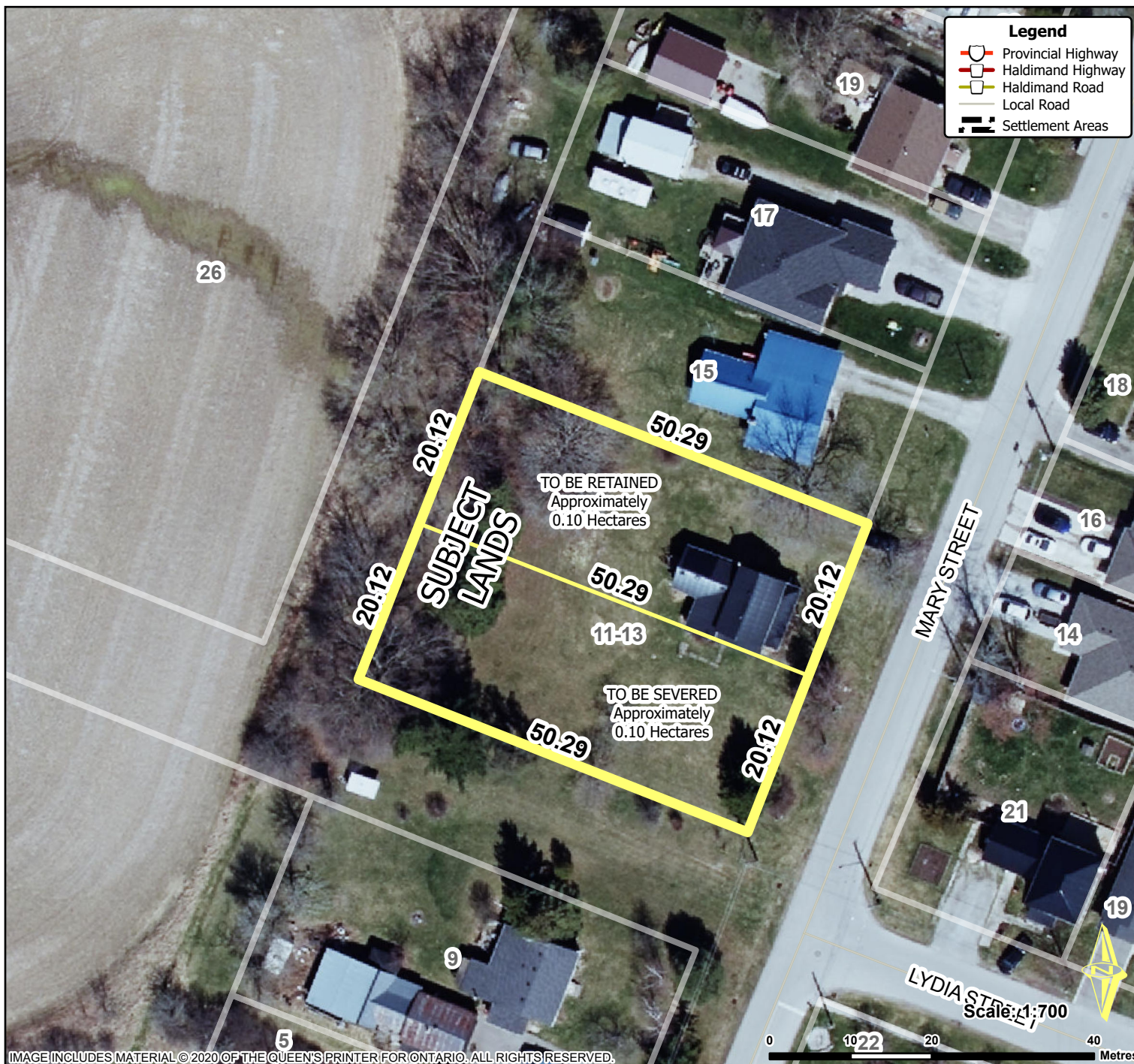
parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.

6. That the applicant enter into an agreement with Haldimand County regarding the required lot grading plan. Contact Chris Tang, Planner at the Planning & Development Division at 905-318-5932 ext. 6203 for further clarification. As this process can take a number of months to complete, early action of this condition is essential.
7. 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.
8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before 07 16, 2026, after which time this consent will lapse.

File No. PLB-2024-129

Assessment Roll No. 2810.331.001.0110.00000

Location Map FILE #PLB-2024-129 APPLICANT: Reynolds



Location:

**11-13 MARY STREET
URBAN AREA OF JARVIS
WARD 1**

Legal Description:

JAR PLAN 1506 BLK H PT LOT 87 PT LOT 88

Property Assessment Number:

2810 331 001 01100 0000

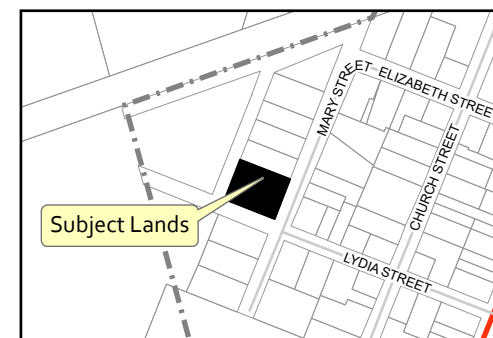
Size:

0.20 Hectares

Zoning:

**R1-A (Urban Residential Type 1-A), LPRCA
Regulated Lands**

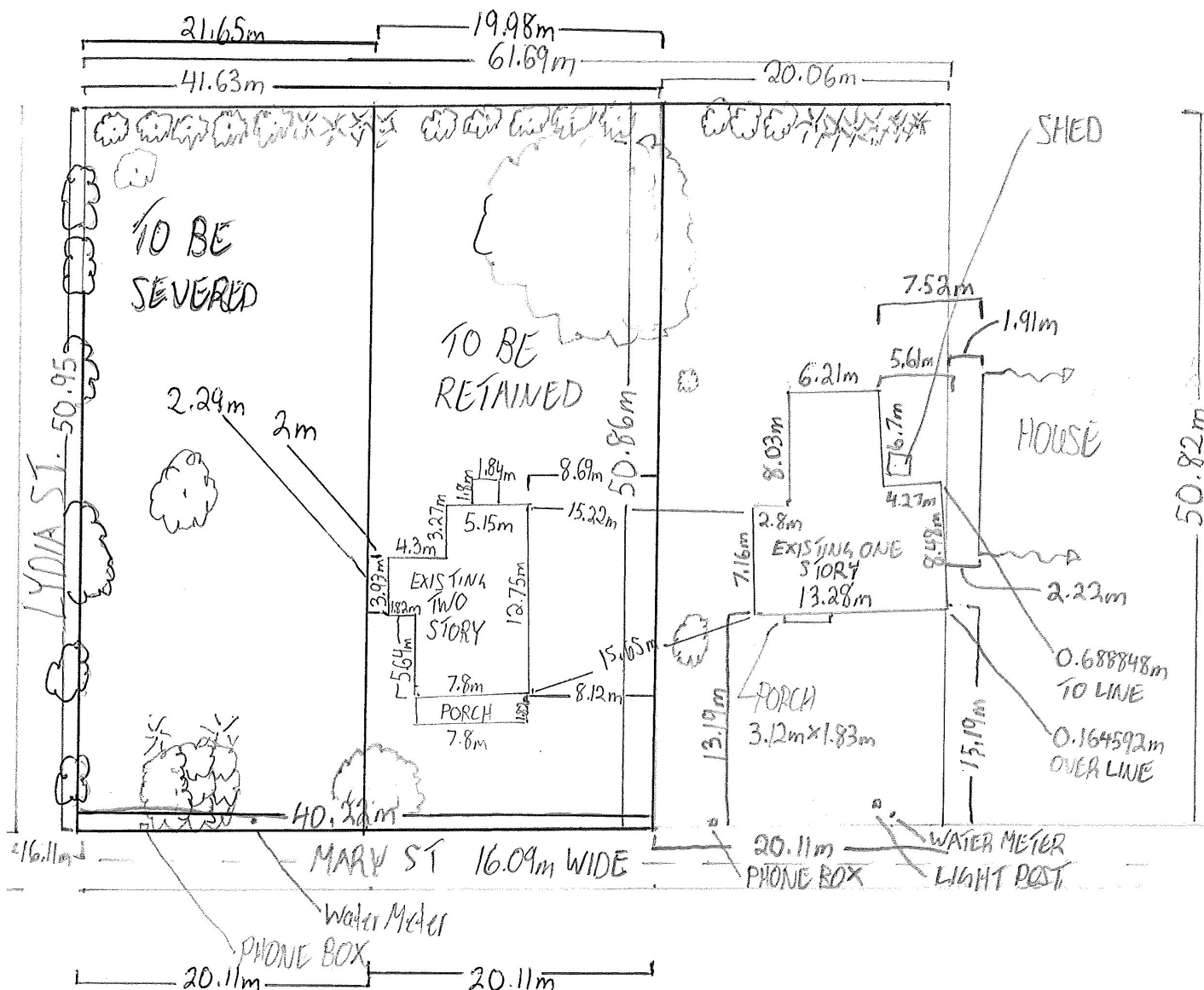
HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.



Owner's Sketch FILE #PLB-2024-129 APPLICANT: Reynolds



SCALE 1:40 (1cm=4m)





Haldimand County Committee of Adjustment Minor Variance

Meeting Date: July 16, 2024

File Number: PLA-2024-095

Property Roll Number: 2810-158-001-60184-0000

Applicant: Mike Balogh

Property Location: RNH PLAN 140 LOT 13, known municipally as 11 Featherstone Avenue

Recommendation

That application PLA-2024-095 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the Accessory Uses, Buildings and Structures to Residential Uses provision and Cargo Containers Use for Storage Purposes provision of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Accessory Building Area	75.0 m ² (807.3 ft ²)	117.0 m ² (1,259.4ft ²)	42.0 m ² (452.1 ft ²)
Permitted Use	No cargo containers	To add cargo containers as permitted use	Adding cargo containers as permitted use

Relief is requested to permit an additional accessory building in the form of a cargo container (also commonly referred to as a sea can container) on the subject lands, which will exceed the cumulative permitted accessory building area, and to permit a cargo container, which is not a permitted use in the Lakeshore Residential (RL) zone, on the subject lands for personal storage.

Site Features and Land Use: The subject lands are located in the Hamlet of Sweets Corners and front onto the south side of Featherstone Avenue. The subject lands currently contain a single detached dwelling and two (2) accessory structures. While the attached Location Map shows five (5) accessory structures on the subject lands, three (3) have been removed, which has been confirmed through site inspection. Two (2) existing accessory structures are shown correctly on the attached Owner's Sketch. A third (3rd) accessory structure is proposed in the form of a cargo container behind the existing accessory structures.

The surrounding land uses are generally Lakeshore Residential in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: No comments received.

Haldimand County Planning & Development Services – Development Technologist: No comments or concerns.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No Comments Received.

Long Point Region Conservation Authority: Long Point Region Conservation Authorities reviewed application and have advised that the proposal is consistent with section 3.1 of the Provincial Policy Statement 2020, and that the seacan is outside of the regulation limit of Ontario Regulation 41/24, hence will not require a permit from the LPRCA Office.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments or concerns at this time.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*.

1. Does the application conform to the general intent of the Official Plan?

Planning staff comment: The subject lands are designated “Resort Residential” in the Haldimand County Official Plan. Single detached dwellings and accessory structures are permitted in Lakeshore Nodes subject to policy criteria. Cargo containers are considered to be accessory structures. However, the Official Plan does not provide policy direction on cargo containers; cargo containers are regulated by the Haldimand County Zoning By-law HC 1-2020. It is Planning staff’s opinion that the proposal maintains the general intent of the Official Plan.

2. Does the application conform to the general intent of the Zoning By-law?

Planning staff comment: The subject lands are zoned “Lakeshore Residential (RL)” in the Haldimand County Zoning By-law HC 1-2020. This application is seeking relief of the cumulative accessory structure area to exceed the maximum permitted area to allow a third (3rd) accessory structure in the form of a cargo container on the subject lands. This application is also seeking to permit a cargo container on the subject lands, whereas the Zoning By-law does not permit a cargo container to be located in any residential zones, including the “Lakeshore Residential (RL)” zone. The intent of the cargo container is to be used for personal storage.

The intent of limiting the size or area of residential accessory structures is to ensure they remain accessory to the primary use on properties and to ensure they do not negatively impact the character of an area. The applicant is proposing a total of three (3) accessory structures on the subject lands which are generally in keeping with the size of residential accessory structures. The subject lands are large in comparison to most Lakeshore Residential properties, being 0.54 hectares (1.3 acres) in size, and abut two similarly sized Lakeshore Residential properties on the east and west and Lakeshore Road to the south, followed by Lake Erie. Therefore, Planning staff have no concerns with the size and area of the accessory structures.

The intent of prohibiting cargo containers on residential properties, including Lakeshore Residential properties, is due to their appearance. The cargo container will be located behind the existing accessory structures and will be adequately setback from the two abutting Lakeshore Residential properties and Lakeshore Road. Given the size of the subject lands, the location of the cargo container on the subject lands, and the setbacks to the abutting Lakeshore Residential properties, the cargo container is not anticipated to negatively impact neighbouring properties or the area. Therefore, Planning staff have no concerns

with permitting a cargo container on the subject lands for personal storage. It is the opinion of Planning staff that the subject application maintains the intent of the Zoning By-law.

3. Is the application desirable for the appropriate development of the lands in question?

Planning staff comment: For the reasons listed above, it is Planning staff's opinion that the application represents appropriate development of the subject lands.

4. Is the application minor?

Planning staff comment: For the reasons listed above, it Planning staff's opinion that the subject application is minor.

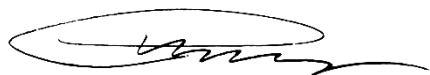
The subject application meets the four tests of a minor variance. Therefore, Planning staff recommends approval.

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on May 30th, 2024

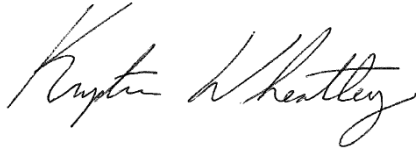
A copy of the staff report has been provided to the applicant.

Prepared by:



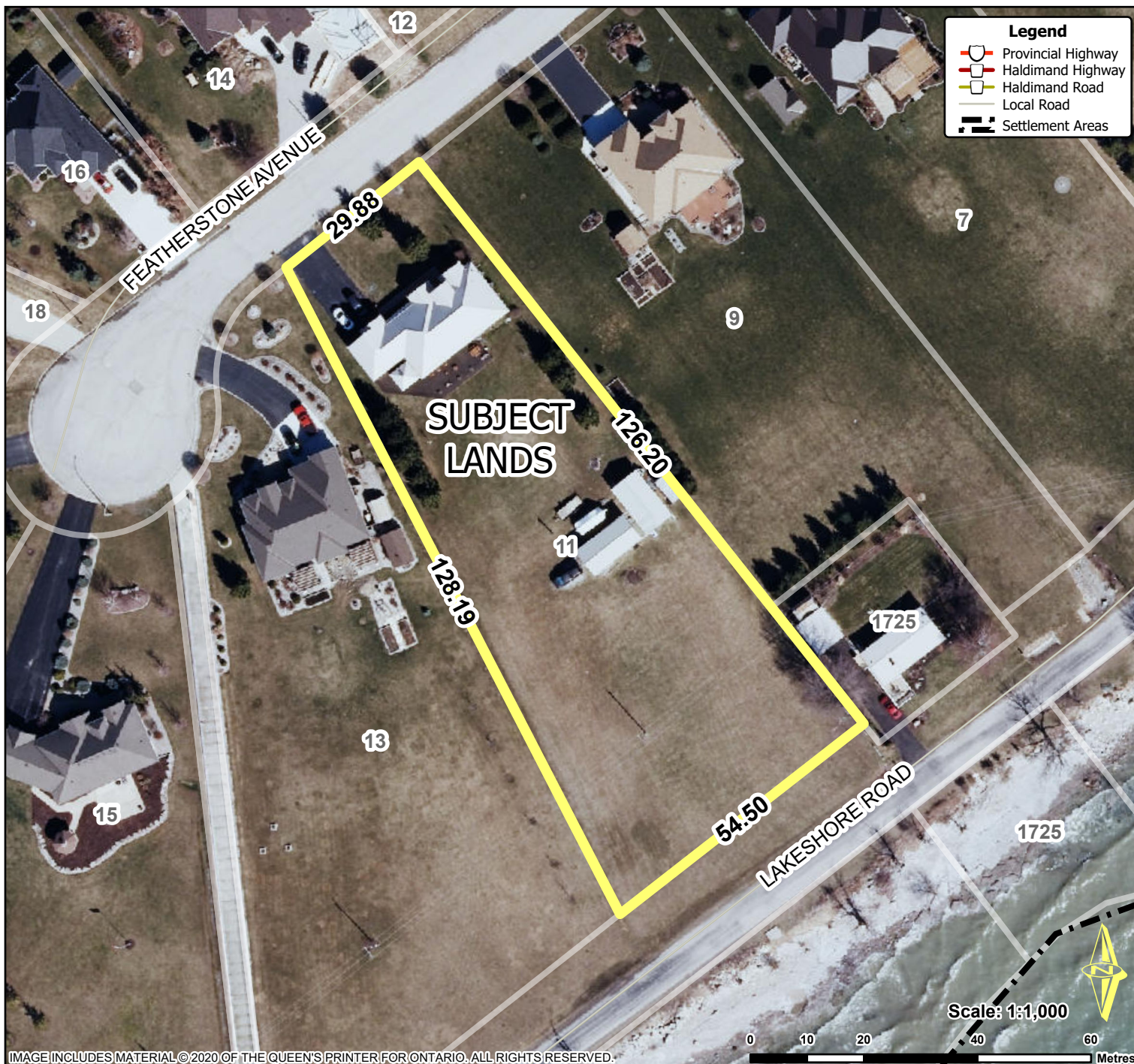
Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203

Reviewed by:

A handwritten signature in cursive script, reading "Krystina Wheatley".

Krystina Wheatley, CET
Acting Supervisor, Planning & Development
905-318-5932 ext. 6208

Location Map FILE #PLA-2024-095 APPLICANT: BALOGH



Location:

**11 FEATHERSTONE AVENUE
GEOGRAPHIC TOWNSHIP OF
RAINHAM
WARD 2**

Legal Description:

RNH PLAN 140 LOT 13

Property Assessment Number:

2810 158 001 60184 0000

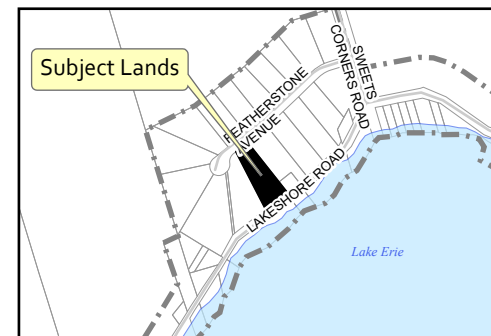
Size:

0.54 Hectares

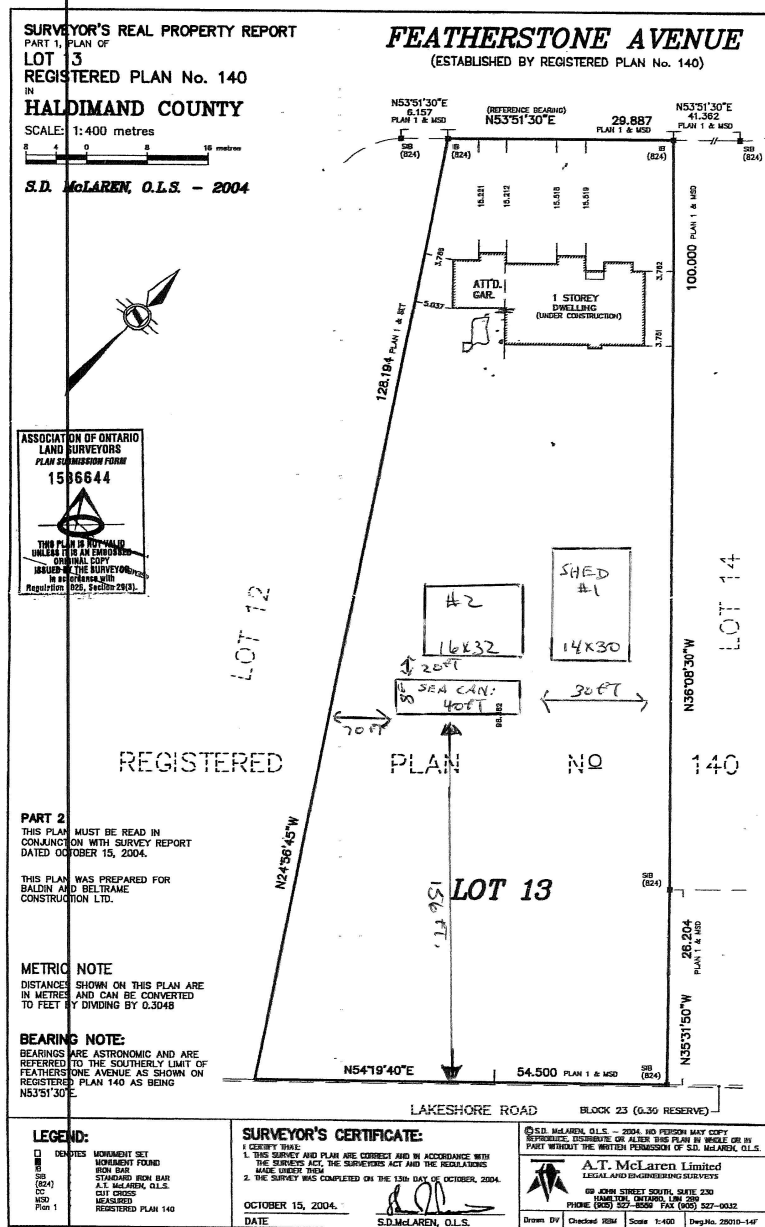
Zoning

**RL (Lakeshore Residential), HCOP Lakeshore
Hazard Lands, LPRCA Regulated Lands**

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Owner's Sketch FILE #PLA-2024-095 APPLICANT: BALOGH





Haldimand County Committee of Adjustment Minor Variance

Meeting Date: July 16, 2024

File Number: PLA-2024-116

Property Roll Number: 2810-155-001-11500-0000

Applicant: Arnold Schwisberg

Property Location: NCAY PARK PT LOT 3 E OF W, RIVER RD RP 18R1943
PART 1, known municipally as 2160 River Rd

Recommendation

That application PLA-2024-116 meets the four tests of a minor variance. Therefore, planning staff recommend approval of the application subject to the following conditions:

- 1) That the development shall be substantially in accordance with the attached sketch;
- 2) That the existing 8 x 14 accessory structure (shed) that is not accounted for on the zoning deficiency form or site plan be removed prior to issuance of a building permit
- 2) That the Development Technologist has approved a lot grading for the development;
- 3) That the applicant enter into a development agreement for lot grading purposes with the County and that the development agreement be registered on title

Details of the Submission

Proposal: Relief is requested from the Accessory Uses, Buildings and Structures to Residential Uses of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Height of Building	6.5 m (21.3 ft)	7.32 m (24.0 ft)	0.82 m (2.7 ft)
Accessory Building Area	200.0 m ² (2,152.8 ft ²)	219.0 m ² (2,357.8 ft ²)	19 m ² (204.5 ft ²)

Relief is requested to permit the construction of an accessory building in the form of a detached garage in front of the existing single family dwelling.

Site Features and Land Use: The subject lands are located in the township of North Cayuga and front onto the north side of River Road. The subject lands currently contain a single detached dwelling and an accessory structure. The surrounding land uses are generally residential and agricultural in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: No comments received.

Haldimand County Planning & Development Services – Development

Technologist: A permit from the GRCA will be required. A grading/drainage plan is required to show the water drainage path and to confirm the existing swale is sufficient to convey the water away from the property and that the new structure will not cause water ponding or any adverse effects to neighbouring properties.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Grand River Conservation Authority: GRCA has no comments of objection to the approval of this minor variance application. The applicant has been advised that the septic system upgrades proposed in the circulated plans will require a GRCA permit under Ontario Regulation 41/24.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit First Nations (MCFN): MCFN waived the Archaeological Assessment, with the conditions that if any archaeological resources are uncovered during any ground disturbance, all groundwork must stop immediately and Mississaugas of the Credit First Nations Department of Consultation & Accommodation (MCFN DOCA) be contacted, and that if the scope of the project changes MCFN DOCA must be notified.

Six Nations: No comments received.

Public: Call was received by neighbour worried about flooding; has been brought to the development technologist's attention.

Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*.

1. Does the application conform to the general intent of the Official Plan?

Planning staff comment: The subject lands are designated "Agricultural" in the Haldimand County Official Plan. Single family dwellings and accessory structures are permitted within the "Agricultural" designation. Therefore, it is Planning staff's opinion that the subject application conforms to the intent of Official Plan.

2. Does the application conform to the general intent of the Zoning By-law?

Planning staff comment: The subject lands are zoned "Agriculture (A)" in the Haldimand County Zoning By-law HC 1-2020. The subject application is seeking relief to permit an accessory building that exceeds the maximum permitted height and maximum area. The intent of the accessory building is to be used as a detached garage.

The intent of limiting the height and size or area of accessory buildings is to ensure they remain accessory to the primary use on properties and to ensure they do not negatively impact the character of the area. The proposed accessory building is to be used for personal storage, accessory to the primary dwelling on the subject lands.

In terms of building height, the accessory building will be setback 13 metres (42 feet) from the front lot line, and a minimum of 11.8 metres (38 feet) from the interior lot lines, such that it will not appear obtrusive. In terms of building area, the subject lands are relatively large for a rural residential lot, being 0.52 hectares (1.3 acres) in size and can support a larger residential accessory building. Also, the proposed building area approximates the permitted building area. Therefore, the structure is not anticipated to negatively impact neighbouring properties or the character of the area. It is Planning staff's opinion that the subject application maintains the intent of the Zoning By-law.

3. Is the application desirable for the appropriate development of the lands in question?

Planning staff comment: The proposed accessory structure will be built in line with the large detached accessory structure to the south and generally in line with the dwellings to the north (which are permitted to be taller and larger than the proposed accessory building). Also, for the reasons listed above, it is Planning staff's opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment: For the reasons listed above, it is Planning staff's opinion that the subject application is minor.

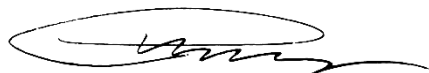
The subject application meets the four tests of a minor variance.

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on June 13th, 2024.

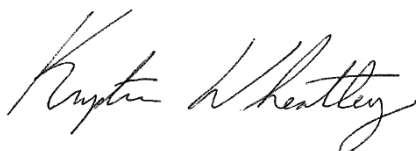
A copy of the staff report has been provided to the applicant.

Prepared by:



Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203

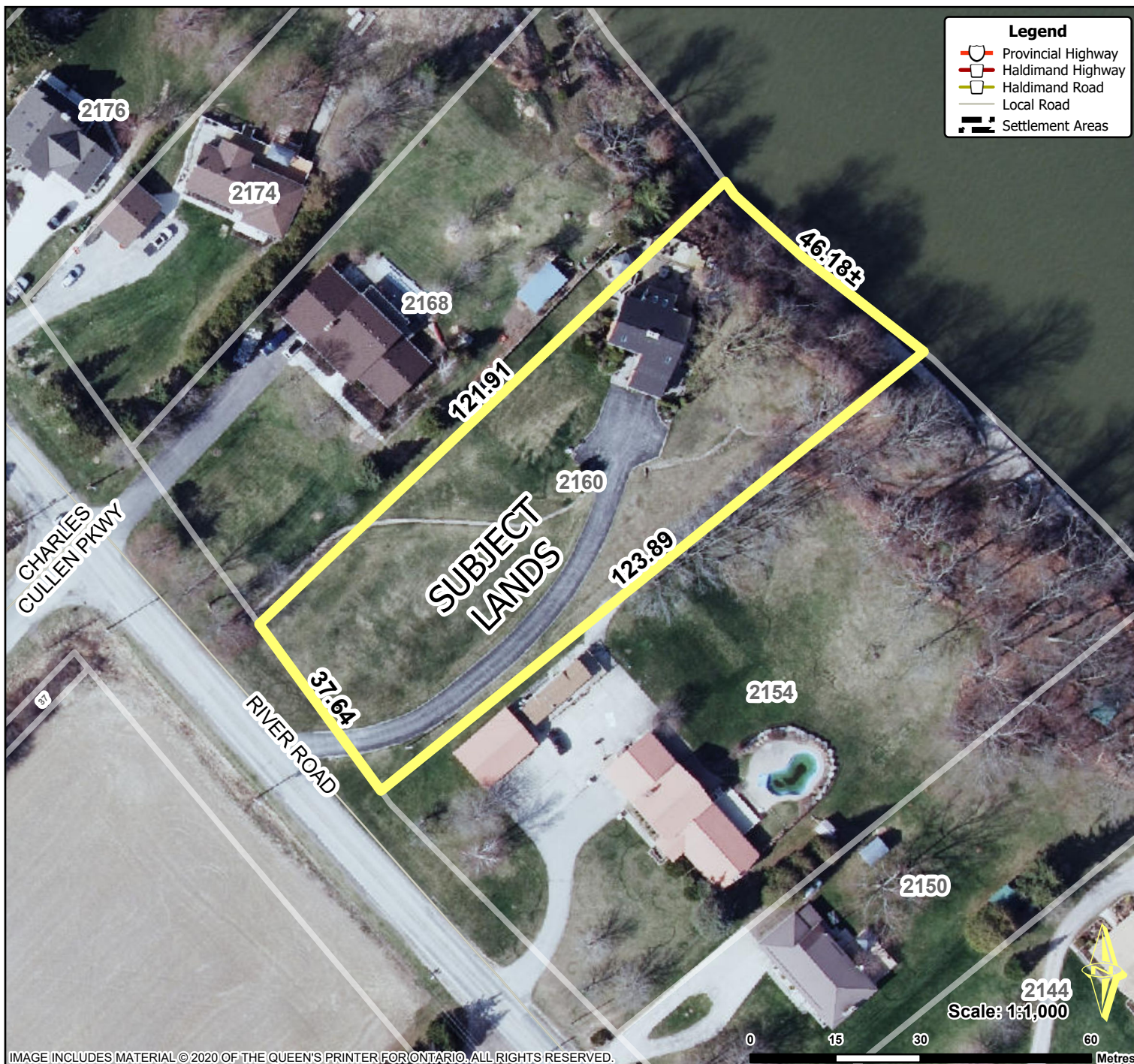
Reviewed by:



Krystina Wheatley, CET
Acting Supervisor, Planning & Development

905-318-5932 ext. 6208

Location Map FILE #PLA-2024-116 APPLICANT: SCHWISBERG



Location:

**2160 RIVER ROAD
GEOGRAPHIC TOWNSHIP OF
NORTH CAYUGA
WARD 4**

Legal Description:

**NCAY PARK PT LOT 3 E OF W RIVER RD RP
18R1943 PART 1**

Property Assessment Number:

2810 155 001 11500 0000

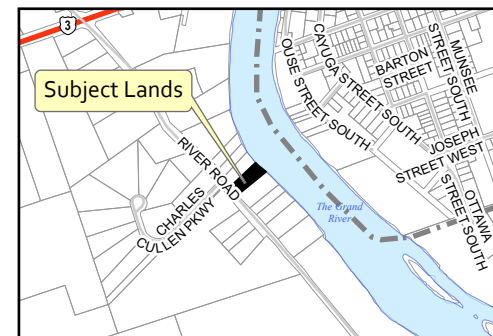
Size:

0.522 Hectares

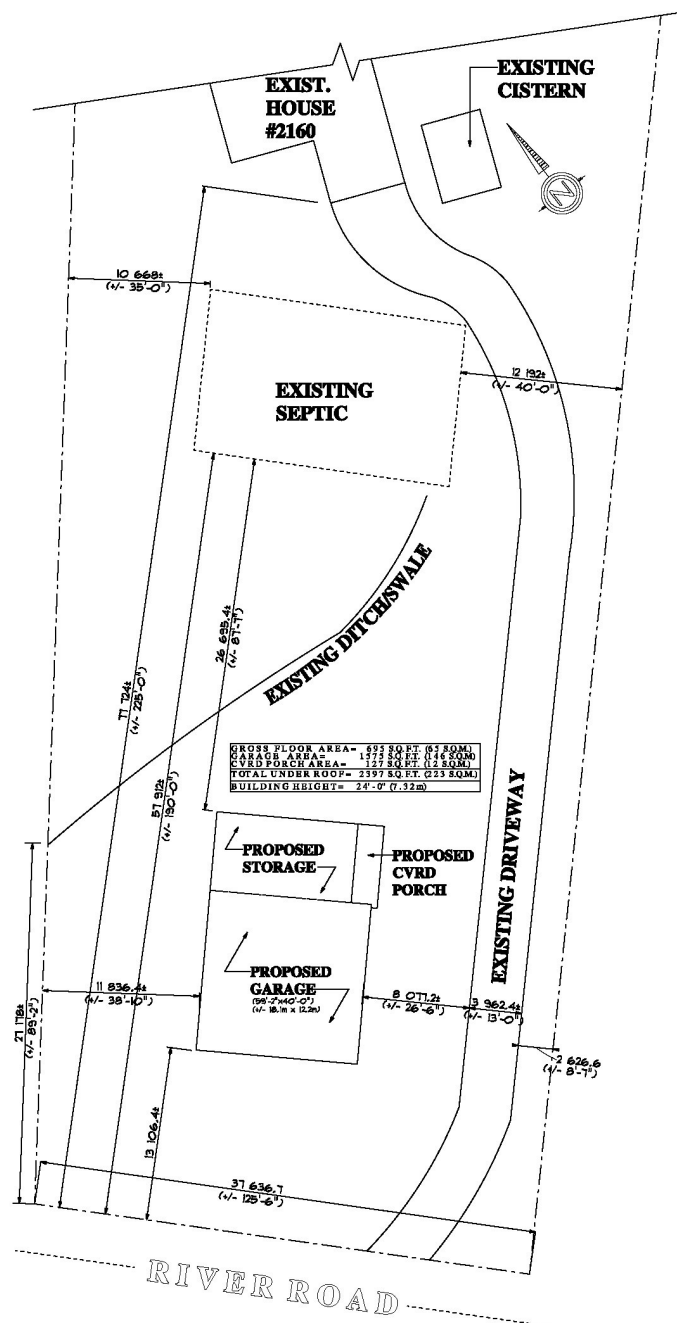
Zoning:

**A (Agriculture), GRCA Regulated Lands,
HCOP Riverine Hazard Lands**

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Owner's Sketch FILE #PLA-2024-116 APPLICANT: SCHWISBERG



SITE PLAN

ALL DIMENSIONS ARE APPROX. (N/-) AND
ARE BASED OFF HALDIMAND NAVIGATOR



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: July 16, 2024

File Number: PLA-2024-125

Property Roll Number: 2810-157-001-06500-0000

Applicant: David & Linda Link

Property Location: SOUTH CAYUGA CON 4 PT LOT 30 RP 18R597 PART 1,
known municipally as 20 Mount Olivet Road

Recommendation

That application PLA-2024-125 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the provisions of the “Agriculture (A)” zone of Zoning By-law HC 1-2020 as follows:

Development Standard(s)	Required	Proposed	Deficiency
Exterior Side Yard	13.0 m (42.65 ft)	3.5 m (11.48 ft)	9.5 m (31.16 ft)
Rear Yard	9.0 m (29.52 ft)	1.0 m (3.2 ft)	8.0 m (26.24 ft)
Accessory Height	6.5 m (21.32 ft)	7.1 m (23.29 ft)	0.6 m (1.96 ft)
Accessory Lot Coverage	200.0m ² (2,152.8 ft ²)	337m ² (3627.44 ft ²)	137m ² (1474 ft ²)

Relief is requested from the Exterior Side Yard, Rear Yard, Accessory Building Height, and Accessory Lot. The relief is to add fabric roof structures for weather-protected storage of farm equipment and to add a fabric-roofed farm equipment repair structure.

Site Features and Land Use:

The subject lands are located in the geographic township of South Cayuga. The subject lands are a corner lot; they front onto the north side of Haldimand Road 20 and flank the east side of Mount Olivet Road. The front lot line is Haldimand Road 20 and the exterior lot line flanks Mount Olivet Road. The rear lot line (north property line) is directly opposite the front lot line and the interior lot line (east property line) is directly opposite the exterior lot line. The subject lands currently contain a single detached dwelling, accessory structures, machinery parts, and cargo containers. The surrounding land uses are generally agricultural in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: Discussed the concerns of the hydro post set backs with building, building staff have no concerns

Haldimand County Planning & Development Services – Development Technologist: Had concerns about the setbacks with the hydro post, this has been addressed to building and there are no concerns

Haldimand County Emergency Services: No comments received

Grand River Conservation Authority: No comments received

Hydro One: No comments received

Municipal Property Assessment Corporation: No comments received

Mississaugas of the Credit: No comments or concerns

Six Nations: No comments received

Public: No comments received

Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Does the application conform to the general intent of the Official Plan?

Planning staff comment: The subject lands are designated “Agricultural” in the Haldimand County Official Plan. Single detached dwellings, residential accessory structures, and farm related structures are permitted uses within the “Agriculture”

designation. Therefore, it is Planning staff's opinion that the subject application conforms to the intent of Official Plan.

2. Does the application conform to the general intent of the Zoning By-law?

Planning staff comment: The subject lands are zoned "Agriculture (A)" in the Haldimand County Zoning By-law HC 1-2020. The subject application is seeking relief to permit an accessory structure with roof fabrics over the existing cargo containers for weather-protected storage of farm equipment and to add a fabric-roofed farm equipment repair structure adjacent to the current repair shop for weather-protected repairs, with a reduced exterior side and rear yards, and increased accessory structure height and lot coverage.

The purpose of the exterior side yard setback is to provide adequate setback from the lot line abutting the road to ensure road safety and maintenance are maintained, utility and telecommunication space is preserved, and to provide a consistent built line along the road. The cargo containers under which the accessory structure with roof fabrics will be installed were previously permitted via minor variance application PLA-2023-132 and no concerns with these items were raised during the previous or current minor variance applications. The exterior side yard setback will not be further reduced by this application; this application maintains the exterior side yard setback permitted via minor variance application PLA-2023-132. As such, planning staff have no concerns with the requested relief for the exterior side yard setbacks.

The purpose of the rear yard setback is to provide adequate space for grading and drainage and building separation between abutting lots. The north property line is the rear lot line. However, the north property line functions as an interior lot line. The abutting property to the north consists of farm field and no development, including a single family dwelling, residential accessory structures, and farm structures, exist north of the subject lands. As such, planning staff have no concerns with the requested relief for the rear yard setbacks.

The purpose of limiting the height of accessory building and accessory lot coverage is to ensure the accessory structures remain accessory to the primary use on the property and to make sure they do not negatively impact the character of the area. The subject lands are located within the agricultural area of the County. The proposed accessory buildings will be used for farm equipment, accessory to the primary dwelling on the property. Further, the large farm-related buildings are expected and are located in the agricultural area. The subject lands are surrounded by agricultural lands, including ground mounted solar farms. The

accessory structures will not impact the character of the area. As such, planning staff have no concerns with the requested relief for the accessory building and accessory lot coverage.

Therefore, it is Planning staff's opinion that the subject application maintains the intent of the Zoning By-law.

3. Is the application desirable for the appropriate development of the lands in question?

Planning staff comment: The subject lands are zoned "Agriculture (A)" where accessory structures, such as a repair shops and the existing cargo containers are permitted. The proposed accessory structures are not anticipated to negatively impact surrounding properties or the character of the agricultural area. Therefore, it is Planning staff's opinion that the subject application is appropriate and desirable development.

4. Is the application minor?

Planning staff comment: For the reasons listed above, it is Planning staff's opinion that the subject application is minor.


Overall, it is Planning staff's opinion that the subject application meets the four tests of a minor variance.

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* and was viewed on property by planning staff on July 2nd, 2024.

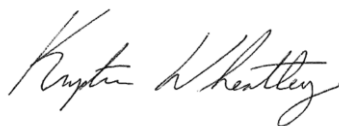
A copy of the staff report has been provided to the applicant.

Prepared by:



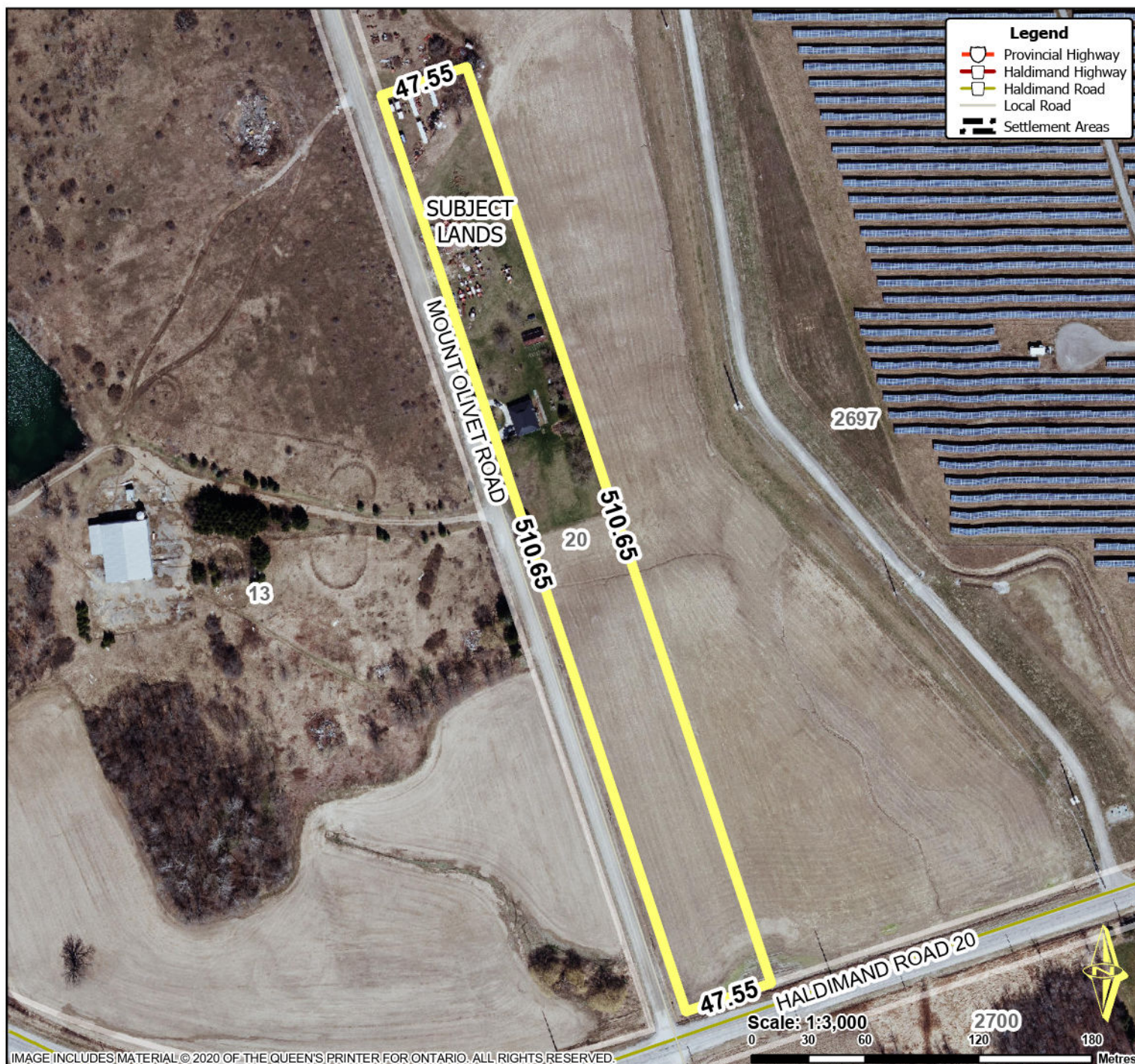
Ryan Michtics
Student Assistant, Planning & Development
905-318-5932 ext. 6210

Reviewed by:



Krystina Wheatley, CET
Acting Supervisor, Planning & Development
905-318-5932 ext. 6208

Location Map FILE #PLA-2024-125 APPLICANT: LINK



Location:

**20 MOUNT OLIVET ROAD
GEOGRAPHIC TOWNSHIP OF
SOUTH CAYUGA
WARD 2**

Legal Description:

**SOUTH CAYUGA CON 4 PT LOT 30 RP
18R597 PART 1**

Property Assessment Number:

2810 157 001 06500 0000

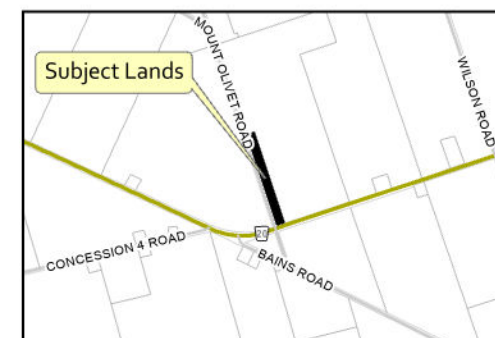
Size:

2.42 Hectares

Zoning:

A (Agricultural)

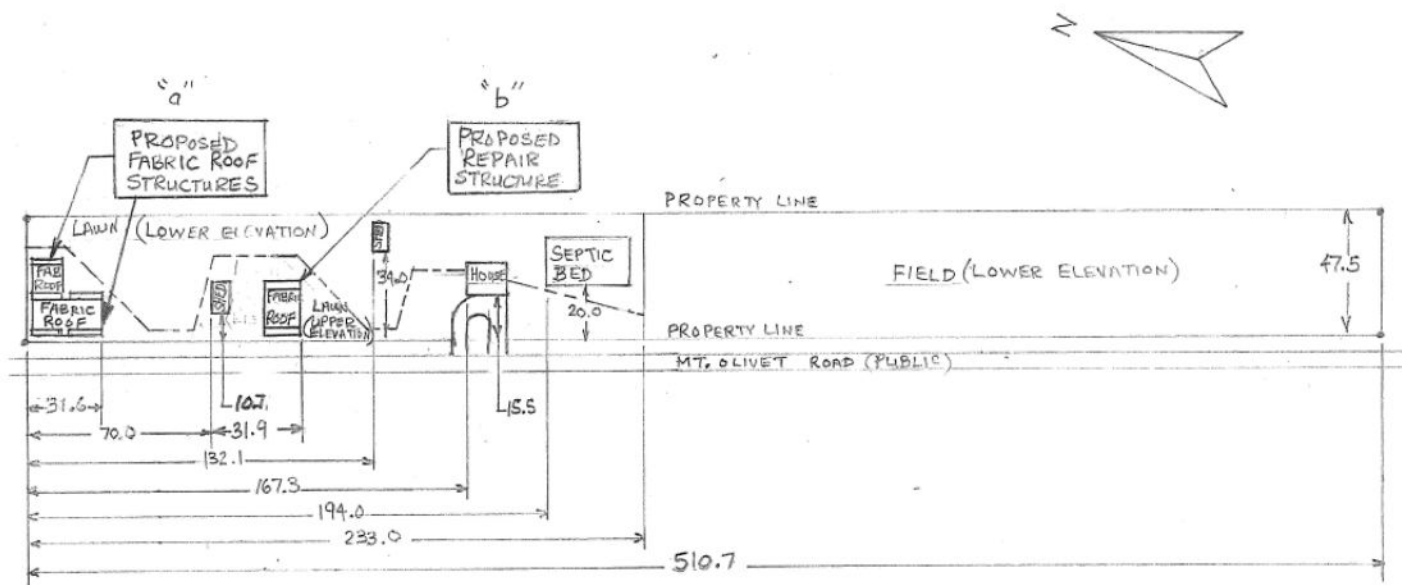
HALDIMAND COUNTY, ITS EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.



Owner's Sketch 1 of 2 FILE #PLA-2024-125 APPLICANT: LINK



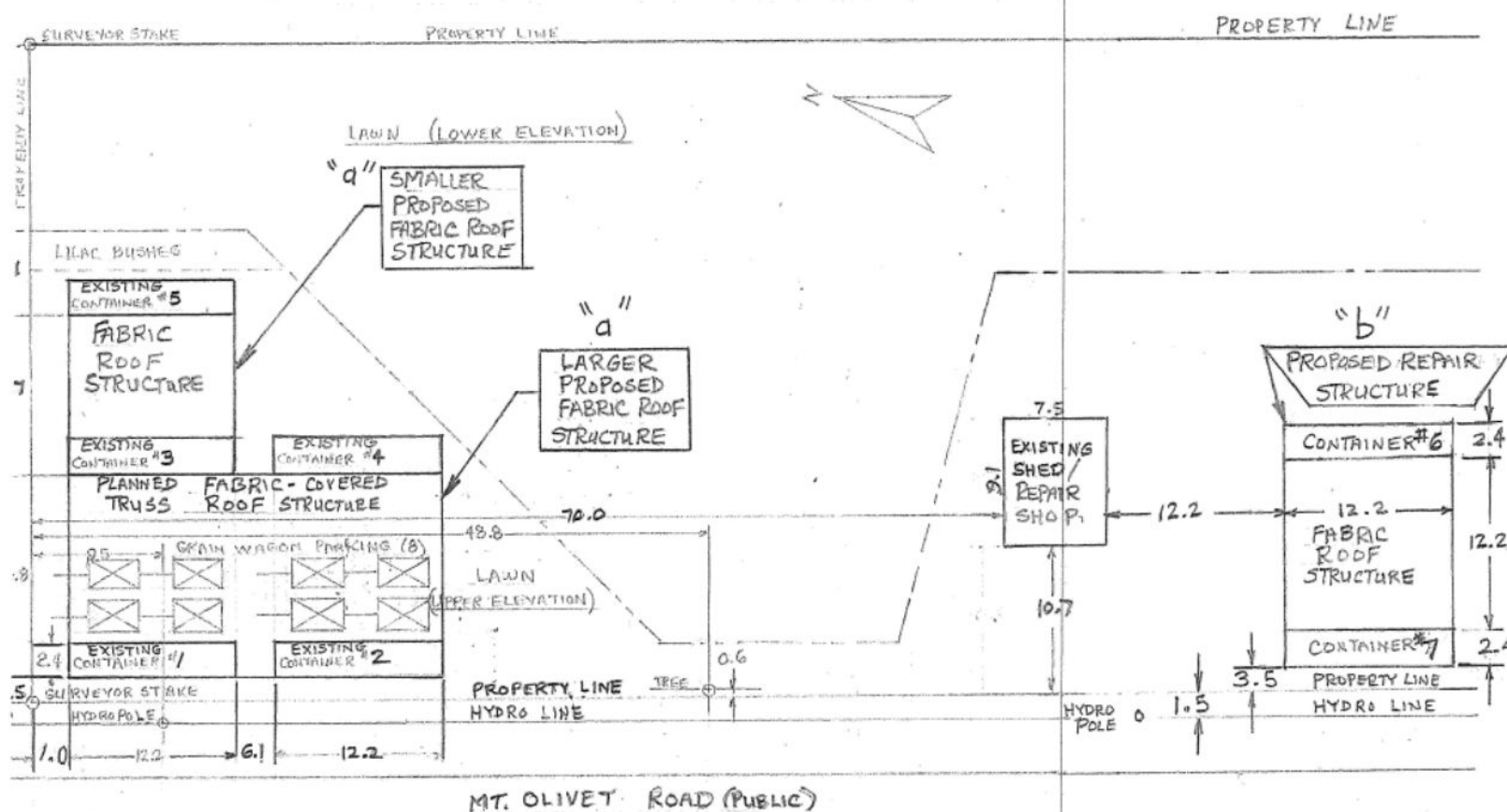
AGRICULTURAL LOT DIAGRAM PLAN (ENTIRE PROPERTY SHOWN)



Owner's Sketch 2 of 2 FILE #PLA-2024-125 APPLICANT: LINK



AGRICULTURAL LOT DIAGRAM PLAN (NORTHERN ENLARGEMENT OF PROPERTY)





July 16, 2024

MEMORANDUM

File No.: PLA-2024-066

TO: Committee of Adjustment

FROM: Chris Tang, Planner

SUBJECT: Resubmission of a Previously Deferred Application

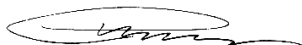
LOCATION: 24 Sumac Drive, Caledonia; Legally Described as PLAN 18M52 LOT 45

Committee of Adjustment Chair and Members,

The Committee of Adjustment first heard minor variance application PLA-2024-066 on May 14, 2024. Planning staff recommended approval of this application. The Committee deferred this application due to the failure to post the public notice sign within the legislated timeline required by the *Planning Act*. An updated public notice sign was posted on the subject property on June 25, 2024. As the sign has now been posted appropriately, staff recommend that the application be approved.

The staff report from May 14, 2024 is attached to this memo.

Regards,



Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: May 14th, 2024

File Number: PLA-2024-066

Property Roll Number: 2810-152-005-08943-0000

Applicant: Bashir Khan

Agent: Mobeen Yousafzai

Property Location: 24 Sumac Drive, Caledonia ; Legally Described as PLAN 18M52 LOT 45

Recommendation

That application PLA-2024-066 be approved. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the provisions of the Urban Residential Type 1-B Zone of Zoning By-law HC 1-2020. The relief is requested to permit the construction of a secondary unit in the basement of the existing dwelling on the property. The proposed additional unit will require a parking space and a separate entrance to allow for an access point for future tenants of the proposed secondary unit. Two variances, as shown in the following table, are required to permit the secondary unit in the basement of the subject property.

Development Standards	Required	Proposed	Deficiency
Rear Yard (Below Grade Entrance)	5.5 meters (18 feet)	4.8 meters (15.7 feet)	0.7 meters (2.3 feet)
Secondary Suite Parking Space Dimensions	2.75m x 5.2m (9.00f x 17.0f)	2.75m x 4.5m (9.00ft x 14.77ft)	0.0m x 0.7m (0.0ft x 2.3ft)

Site Features and Land Use:

The Subject Property (24 Sumac Drive) is approximately 0.29 hectares (0.72 acres) in area with approximately 10.4 metres (34.1 feet) of frontage on Sumac Drive, and is designated Residential in the Official Plan, and Urban Residential Type R1-B in the Haldimand County Zoning By-Law HC 1-2020.

The proposed secondary unit is to be located in the basement of the dwelling, and will have a separate walkway to the east of the driveway, leading down the right side of the dwelling to the secondary unit's below grade entrance, which is proposed to be located to the right side of the rear end of the dwelling.

The parking space seeking relief is located to the left of the driveway. The left side parking space is unable to meet the parking dimensions required due to the overhanging design of the dwelling, the supports cause a deficiency of 0.0m x 0.7m on the left portion of the driveway.

Currently, there is an air conditioning system located where the proposed principal entrance for the basement unit is to be placed. The air conditioning system will be removed and relocated if application is to be approved.

Entrance to backyard for principal unit will remain located to the left back portion of the building being 1.9 meters (6.2 feet) away from the proposed entrance.

Minor Variance will be required to allocate the secondary unit's principal entrance due to the stairs creating a deficiency of 0.7 meters (2.3 feet) for the rear yard setbacks.

Directly adjacent to the property are similar single detached dwellings, with sidewalks on both sides, and general surrounding land use includes a mixture of residential uses, open space, institutional zones, and neighbourhood commercial use.

The Subject Property is within 300 meters of a wetland, and has regulated lands through GRCA to the east, west and north of the subject property

Existing Intensive Livestock Operations:

There are no existing livestock operations located within 500 meters of the subject property.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: 1.AC Unit shall not be placed on walkway as per Table 4.55 for Entrances, iii.) Where the only entrance to a secondary dwelling unit is provided from the rear yard or side yard, the entrance must

be accessed by a continuous, unobstructed walkway of at least 1 metre wide between the main wall of the building and the side lot line.

2. There's a wall that extends 4'-11" (1.5 metres) on the left side of the garage door that isn't shown on the proposed site plan.

Haldimand County Planning & Development Services – Development

Technologist: No Comments or Concerns.

Haldimand County Emergency Services: No Comments Received.

Haldimand County Water and Wastewater Engineering & Compliance: No Comments Received

Hydro One: No Comments Received

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Does the application conform to the general intent of the Official Plan?

Planning staff comment:

The Subject Property is designated Residential in the Haldimand County Official Plan. Residential designations within the Official Plan permit all forms of residential development, taking into consideration the surrounding built form and ensuring the planning is consistent with the existing development and will not have a negative impact on the surrounding lands or effect the available services.

Section "O" of the Official Plan speaks for Secondary Suites, which will be permitted subject to the regulations of the Zoning By-Law so long as;

- a) The unit is clearly subordinate to the primary residential unit in the dwelling;

The unit proposed is a basement suite to a large single detached dwelling, the basement unit will be clearly secondary to the primary residence of the Subject Property.

- b) Adequate on-site parking for both residential units is provided;

The Subject Property has one (1) garage parking space, and two parking spaces in the driveway. The variance is required for the deficiency of 0.0 meters x 0.07 meters for the Secondary Suites parking space, the space has been demonstrated to still be adequate for parking a standard sized vehicle.

- c) Adequate servicing capacity exists;

The Subject Property is run on municipal services, and are adequate for servicing an additional unit.

- d) The secondary suite complies with Provincial building and fire code requirements;

No comments from building or fire, if application is approved there will be more extensive plans required for the dwelling to ensure the secondary suite complies with all building and fire code requirements.

- e) The exterior appearance of the dwelling is not significantly altered to accommodate the unit.

The proposed unit will not create significant alterations to the dwelling, the only adjustments that will be made to the external visual of the dwelling is the additional walkway to access the backyard, and the separate entrance for the secondary unit which will be located on the back of the property and will not be visible to the majority public.

The proposed development is an additional unit to the basement of the existing dwelling, the proposal allows for additional housing within the Residential designations of Haldimand County's Official Plan and conforms with the surrounding uses.

Staff are of the opinion that this application for Minor Variance maintains the intent and purpose of the County Official Plan.

2. Does the application conform to the general intent of the Zoning By-law?

Planning staff comment:

The subject property is zoned Urban Residential Type 1-B - both one and two family dwellings are permitted uses within the Urban Residential Type 1-B Zone.

However, the proposed secondary unit in the single detached dwelling has the following deficiencies from the standard of the by-law for which two variances are required:

Rear Yard (Below Grade Entrance)

Table 6.2A of the Zoning By-Law states that the minimum rear yard setback is 7.5 meters, Section 4, 4.20(h), has exceptions for below grade entrances allowing the entrance to project a maximum of 1.5 meters (4.9 feet) making the minimum setback for this specific site 5.5 meters (18 feet).

The proposed rear yard setback is 4.8 meters (15.7 feet) , deficient by 0.7 meters (2.3 feet).

Secondary Suite Parking Space Dimensions

General provisions for secondary suite parking space dimensions (per parking space) are set out in Table 4.55 of the Zoning By-law requires that the parking be 2.75 meters x 5.2 meters. Due to the overhang design of the dwelling, there is a support located on the left side of the driveway keeping the structure supported. The proposed driveway will be 2.75 meters x 4.5 meters (9.00ft x 14.77ft) , creating a deficiency of 0.0 meters x 0.7 meters (0.0ft x 2.3ft) for the secondary suite parking space. Upon site visit it was seen that a standard sized vehicle is able to be parked in the space without encroaching onto the sidewalk and having an adequate amount of space between the garage and the car.

Planning staff are of the opinion that with the proposed variances the proposal maintains the general intent and purpose of the Zoning By-law.

3. Is the application desirable for the appropriate development of the lands in question?

Planning staff comment:

Within the Provincial Policy Statement, Policy 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 1.1.1 works towards creating healthy, liveable and safe communities by promoting efficient development and land use patterns which sustain the long term well being of the province, 1.1.1 (b) includes accommodating an appropriate affordable range of residential types which includes “additional residential units”, the Subject Property fall within the Settlement Areas, which are the main focus areas for growth and development.

1.1.3.3 speaks on creating transit friendly housing options through intensification and redevelopment, the subject property is within a subdivision, and will allow for the basement space to be redeveloped into a unit hence creating opportunity for a diverse range of living accommodations within the Town of Caledonia.

Within the Official Plan, Caledonia has the highest notability in regards to attracting new growth due to the proximity to the City of Hamilton, and the availability to water and wastewater servicing. The Official Plans predominant use of lands within Residential designation focuses mainly on, and permits all forms of residential development, reflecting the Provincial Policy Statements goals of increased housing options within the Settlement Areas. Section G of the Official Plan Sets out the goals for Design Principals within Haldimand County, ensuring that the developments contribute to the well being of residents and enhances the positive aspects of the community character. Due to the fact the Subject Property is already pre-existing within a subdivision, and creating the additional unit will create minimal change to the appearance of the property (only notable change is the walkway and additional entrance on the back of the dwelling), the proposal does not take away from the character of the community.

The proposal will add housing stock which is supported by the policies of the Provincial Policy Statement and the County’s Official Plan, and staff is in support of the appropriate development of the Subject Property.

4. Is the application minor?

Planning staff comment:

The application will create additional housing within the residential zone without negative impacts to the surrounding properties or servicing. The variances are applicable for the rear yard setback and the driveway. The driveway variance of

0.0 meters x 0.7 meters does not cause any discrepancies with the neighbouring properties and it still leaves an adequate amount of space for a standard sized vehicle. The rear yard deficiency of 0.7m is also minor where it will not cause any negative impacts on the subject property or surrounding neighbours.

Staff are in the opinion that the application with the required variance is minor.

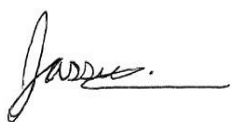
The subject application meets the four tests of a minor variance.

Notice Sign and Applicant Discussion

A public notice sign was not posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13*.

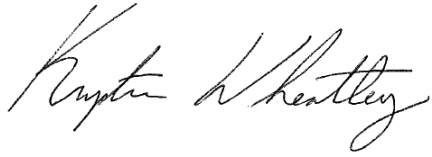
Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report has been provided to the applicant.

Prepared by:



Jassie Cleaver
Planning Technician
905-318-5932 ext. 6210

Reviewed by:

A handwritten signature in black ink, reading "Krystina Wheatley". The signature is fluid and cursive, with the first name "Krystina" and last name "Wheatley" clearly distinguishable.

Krystina Wheatley, CET

Supervisor, Planning & Development

905-318-5932 ext. 6208

Location Map FILE #PLA-2024-066 APPLICANT: Khan



Location:

**24 SUMAC DRIVE
URBAN AREA OF CALEDONIA
WARD 3**

Legal Description:

PLAN 18M52 LOT 45

Property Assessment Number:

2810 152 005 08943 0000

Size:

0.028 Hectares

Zoning:

R1-B (Urban Residential Type 1-B)

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Location Map FILE #PLA-2024-066 APPLICANT: Khan



Location:

**24 SUMAC DRIVE
URBAN AREA OF CALEDONIA
WARD 3**

Legal Description:

PLAN 18M52 LOT 45

Property Assessment Number:

2810 152 005 08943 0000

Size:

0.028 Hectares

Zoning:

R1-B (Urban Residential Type 1-B)

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July 16, 2024

MEMORANDUM

File No.: PLA-2024-094

TO: Committee of Adjustment

FROM: Chris Tang, Planner

SUBJECT: Resubmission of a Previously Deferred Application

LOCATION: 15 Talbot West, Cayuga; Legally Described as Plan Cayuga East of the Grand River Lot 3 Part Lot 2 South, Talbot Street Registered Plan 18R6728 Part 3

Committee of Adjustment Chair and Members,

The Committee of Adjustment first heard minor variance application PLA-2024-094 on June 21, 2024. Planning staff recommended approval of this application. The Committee deferred this application due to the failure to post the public notice sign within the legislated timeline required by the *Planning Act*. An updated public notice sign was posted on the subject property on July 2, 2024. As the sign has now been posted appropriately, staff recommend that the application be approved.

Attached to this memo is the staff report from June 21, 2024.

Regards,

Chris Tang
Planner, Planning & Development
905-318-5932 ext. 6203



Haldimand County Committee of Adjustment Minor Variance

Meeting Date: June 11th, 2024

File Number: PLA-2024-094

Property Roll Number: 2810-156-001-08250-0000

Applicant: 15 Talbot Inc

Agent: Hank Huitema

Property Location: Plan Cayuga East of the Grand River Lot 3 Part Lot 2 South, Talbot Street Registered Plan 18R6728 Part 3, Municipally known as 15 Talbot West, Cayuga

Recommendation

That application PLA-2024-094 be approved as it is considered to be consistent with the Provincial Policy Statement, 2020 (PPS), complies with the Growth Plan, 2020, conforms to the Haldimand County Official Plan and meets the general intent and purpose of the Haldimand County Zoning By-law No. HC 1-2020, as amended. The application is considered minor in nature and is seen to be appropriate development of the lands. The application meets the four tests of a minor variance.

Details of the Submission

Proposal: Relief is requested from the amenity space provisions of the Downtown Commercial (CD) Zone of Zoning By-law HC 1-2020, The requested variances are as follows:

Development Standard(s)	Required	Proposed	Deficiency
Amenity Space	20m2/dwelling unit 220m2 required	56.1m2 Balconies= 27.5m2 Outdoor= 28.6m2	163.9m2

The variance requested is to grant relief for the amenity space requirements within the Downtown Commercial (CD) Zone, to allow for indoor storage space for residents.

Site Features and Land Use: The Subject Lands are located in the Geographic Township of Cayuga, on the east side of municipal road “Talbot Street West” within Haldimand County. The subject lands over the last year have gotten relief of the front yard setbacks to allow for the construction of a three storey apartment building, which has been completed as of 2023. Surrounding land uses consist of mainly Commercial Downtown (CD) to the north, east and west of the Subject Lands. To the east, south and west of the Subject Lands are institutional uses and an assortment of residential classes including Urban Residential Type 1-A, Urban Residential Type 2 Zone, and Urban Residential Type 4 Zone (R1-A, R2, and R4).

Agency & Public Comments

Haldimand County Building & Municipal Enforcement Services: No comments received.

Haldimand County Planning & Development Services – Development Technologist: No comments received.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Ministry of Transportation: No comments received.

Hydro One: No comments received.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

A minor variance is required to meet four tests under Section 45(1) of the *Planning Act*:

1. Does the application conform to the general intent of the Official Plan?

Planning staff comment: The Subject Lands are designated Community Commercial, and are located within the Intensification Area and the Built Boundary in the Haldimand County Official Plan. Residential uses primarily in the form of apartment buildings are permitted within the Community Commercial designation. Intensification Areas were set out to encourage and direct intensification in the

designated areas which include downtown Cayuga to contribute to section 4.B.5 of the Official Plan's goal to target approximately 32 percent of new dwelling units to annually be provided through intensification after 2015.

The proposed reduction of amenity space will allow the residents to have more space created for indoor storage of larger items. The apartment building is three storeys, so having adequate storage space and amenity space within the building would remove opportunities for number of apartment units to be available.

The surrounding areas of the Subject Property include multiple uses that will contribute and allow for public engagement within the community such as the public library to the west, the multiple restaurants down Talbot Street, and the park to the south east of the Subject Lands.

It is the opinion of Planning staff that the subject application conforms to the general intent of the Official Plan.

2. Does the application conform to the general intent of the Zoning By-law?

Planning staff comment: The Subject Lands are zoned "Commercial Downtown (CD)" in the Haldimand County Zoning By-law No. HC 1-2020, as amended. Within the zoning provisions for Commercial Downtown (CD), apartment buildings up to three storeys are permitted. The application is proposing a three storey apartment building, hence the proposal is permitted within the zoning provisions for Commercial Downtown.

The applicant is seeking relief for the indoor amenity space, as there is not adequate space to meet the required amenity space while also being able to provide indoor storage space for the tenants. The apartment building is proposing 56.1 meters squared (603.85 square feet) amenity space through balconies and outdoor amenity space, which leaves the apartment building 163.9 meters squared (1,764.2 sq ft) deficient for amenity space.

The originally proposed indoor amenity space is to be replaced with storage space at residents request, as the apartment building is not large enough to provide both, and based on the location of the apartment building, storage space would be more efficient than amenity space.

It is the opinion of Planning staff that the subject application maintains the intent of the Zoning By-Law.

3. Is the application desirable for the appropriate development of the lands in question?

Planning staff comment: The requested variance is to allow for the amenity space to be 56.1 meters squared (603.85 square feet) where 220 meters squared (2368.06 square feet) is the minimum requirement, the reason the applicant is seeking relief for the amenity space is that the indoor amenity space that was proposed has been requested by interested future residents to be changed to storage space.

The apartment building is three storeys and holds 11 units, the building is not large enough to have adequate storage space while maintaining the required amenity space. Each apartment will have a balcony/ outdoor, and there is outdoor amenity space located in the south-west corner of the back of the property, and multiple surrounding areas that can contribute to community engagement and activity.

By allowing the indoor storage space, this can create more opportunity for active transportation by giving residents somewhere to store bicycles, as well as it allows for more space for the residents as they each would have designated storage space in a separate space from their apartment units.

It is in staff's opinion that this is appropriate for the land use designated, as the building itself is three storeys, it is not possible to have both amenity space and storage space indoors at an adequate size without compromising space for the units within the building.

The residents interested in purchasing the units have spoken to the land owner on preferring storage space over amenity space, this variance does not cause any foreseeable potential conflicts of the land use or surrounding land uses, and is necessary to provide proper indoor storage for the future tenants.

It is staff's opinion that the requested variances in the subject application are desirable for the appropriate development of the Subject Lands.

4. Is the application minor?

Planning staff comment: For the reasons listed above, it is the opinion of Planning staff that the subject application is minor and ensures the long-term protection and safety of the structure and its occupants.

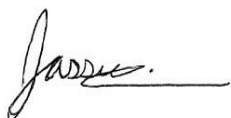
The subject application meets the four tests of a minor variance.

Notice Sign and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on June 4th, 2024.

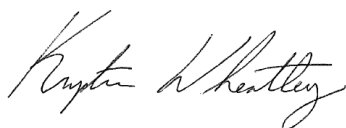
A copy of the staff report has been provided to the applicant.

Prepared by:



Jassie Cleaver
Planning Technician
905-318-5932 ext. 6210

Reviewed by:



Krystina Wheatley, CET
Supervisor, Planning & Development
905-318-5932 ext. 6208

Location Map FILE #PLA-2024-094 APPLICANT: 15 Talbot Inc



Location:

**15 TALBOT STREET WEST
URBAN AREA OF CAYUGA
WARD 2**

Legal Description:

**PLAN CAYUGA EAST OF THE GRAND RIVER
LOT 3 PT LOT 2 S TALBOT ST RP 18R6728
PART 3**

Property Assessment Number:

2810 156 001 08250 0000

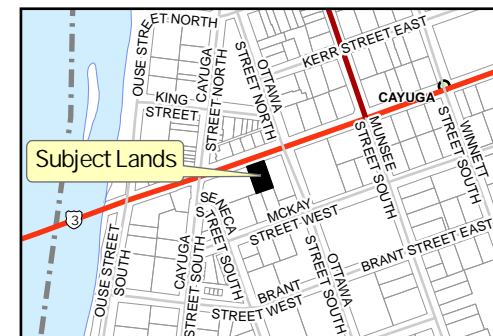
Size:

0.10 Hectares

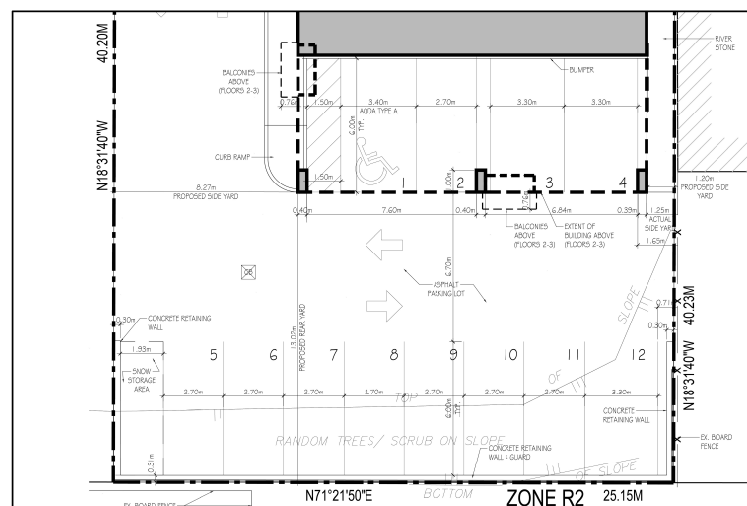
Zoning:

CD (Downtown Commercial)

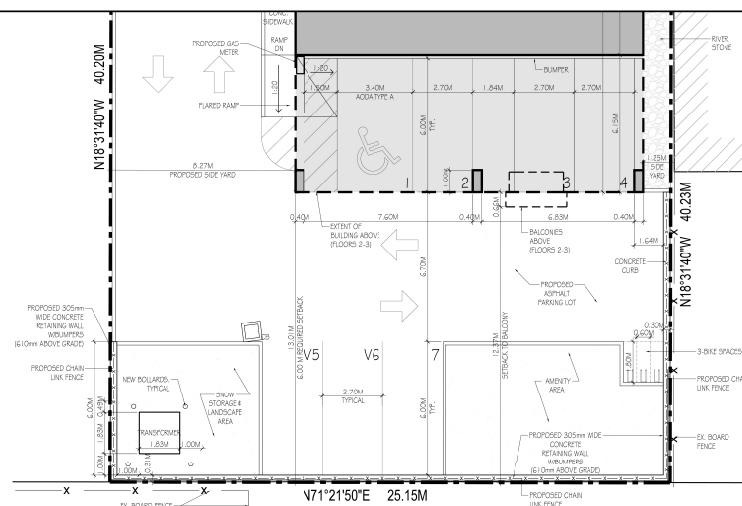
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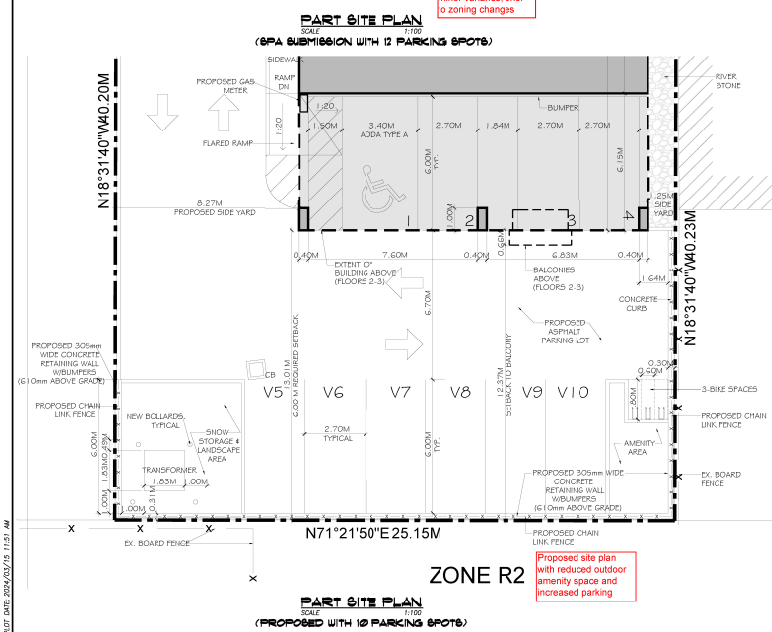
Owner's Sketch FILE #PLA-2024-094 APPLICANT: 15 Talbot Inc



Original approved plan, following original minor variance, prior to zoning changes



Current (approved and constructed) site plan with reduced parking and large amenity



Proposed site plan with reduced outdoor amenity space and increased parking

Total Amenity Space
 Balconies - 8 * 3.44 = 27.5 m²
 Outdoor - 28.6 m²
 Storage Lockers (50.4 m² not included)
 Total - 56.1 m²

24-03-15		
ISSUED FOR REVIEW		
No.	DATE	REVISION
REVISIONS		
		
300 YORK BLVD. HAMILTON, ONTARIO L8P 3B8 505-332-9119		
15 TALBOT STREET		
15 TALBOT ST. ONTARIO		
SITE PLAN		
DATE	DRAWN BY	DRAWING NO.
MARCH 2024	T.W.	S1
PROJECT NO.	DESIGNED BY	
18083	H.A.P.H.	