

Jo-Ann (Bosak) Dick and Jackie Bosak

April 16, 2021

Haldimand County Council
53 Thorburn Street, South
Cayuga, Ontario N0A 1E0

Subject: Rebuttal to Submissions on Application: PLOP-HA-2020-919 and PLZ-HA-2020-192

We have reviewed the attachments to the above noted application and I have the following comments and concerns:

Attachment 1 – Official Plan and Zoning Amendment ...

Emergency Services/Fire Department – The Erie Heights Association is not and will not be responsible for road maintenance or plowing during the winter months. The Erie Heights Association will not be responsible for upgrading Hoto Line to municipal standards nor including an emergency turnaround, this has never been an issue as the majority of the cottages on Erie Heights Line are seasonal. There is no budget for the Association to maintain Hoto Line during the winter months for two cottages.

Building & Municipal Enforcement Division, pages 12 and 13, under part 9 of the *Ontario Building Code*, there are **no cottage owners** on Erie Heights Line that meet the provisions of Section 4.14 Conversion of a Vacation Home to Permanent Occupancy, as detailed in paragraph 6. **(emphasis added)**

Therefore cottagers (05, 16, 25) should not be living year round on Erie Heights Line.

Attachment 3 – Hoto Line Maintenance

I am named on the Erie Heights Association bank account and as such I can attest to the fact that the Miedemas have never contributed monies for the maintenance of Hoto Line since their purchase of the property 17 Hoto Line.

Attachment 10 – Letter of Support

Larry notes in his letter that “there are others on the east side of Hoto but we have not seen them since the fall ...” Because “the others” respectfully appreciate and understand what seasonal means.

In the Superior Court case, *2008795 Ontario Inc. V. Kilpatrick, 2006*, cottagers were using an access road on an adjacent property in order to access their cottages. When the adjacent land was sold, the new owners blocked their access and demanded a large yearly fee to access the road.

It is time to appreciate that the Miedemas have allowed access over their private right of way / road / laneway for not only the cottage owners but our company / family / friends, etc. We are able to walk and ride our bikes over their laneway however it is time to give them back their privacy during the winter months and close the private laneway as was done in the past.

Attachment 12 – Agent’s Response Letter

Under the Emergency Services section:

AJC Response: The property owner (applicant) is willing and happy to work with the neighbours that already utilize Hoto Line for access to assist with any costs associated with the maintenance of Hoto Line year-round. In addition, the applicant will coordinate with neighbours to plow Hoto Line in the winter months and ensure that the road is maintained to a serviceable standard.

...

The Erie Heights Association is not and will not be responsible for road maintenance or plowing during the winter months. There will be no coordination with the Association.

Stakeholder Comment: Through further discussion with Emergency Services staff, the County does not have a municipal program that regulates and can guarantee snow plowing on private roads. Roads Operations has confirmed that Hoto Line is a private road that is not maintained or plowed by the County. The road is too narrow and was not constructed to hold heavy vehicles such as fire trucks and ambulances.

AJC Response: We acknowledge that the County cannot provide municipal snow plowing or road maintenance over a **private right-of-way for the subject property**. As discussed above, the applicant intends to work cooperatively with neighbours to ensure that Hoto Line is maintained to a serviceable standard year-round. **(emphasis added)**

As shown on the attached photos from Google Streetview, a flatbed truck and large pickup trucks routinely use Hoto Line as access to their respective properties to conduct maintenance on existing wind turbines. This indicates that the access is wide enough to accommodate large vehicles, and is fully capable of holding heavy vehicles on an intermittent basis, as necessary.

All parties admit and acknowledge that Hoto Line is a private road and as stated at the bottom of page 4 of attachment 1 – Official Plan and Zoning Amendment ..., **“New, year-round development is not permitted on private roads because general access, regular road maintenance, road clearing, and snow plowing is not provided by the Province or County and cannot be guaranteed. The provision of emergency services, especially during the winter months and inclement weather, also cannot be guaranteed on private roads because private roads typically do not provide suitable access for emergency vehicles.” (emphasis added)**

Haldimand County recently granted a re-zoning of property at Cottage 45, from agriculture to seasonal residence only, in doing so the County has set a precedence that Erie Heights Line is seasonal only.

Haldimand County has also issued eviction notices to property owners on Villella Road however the County continues to allow two residences year round living on properties 05 and 25 deemed to be hazardous lands.

We appreciate that we were given the opportunity to submit my comments and concerns to the planning committee and Haldimand Council, as stated in the Planning comments on page 7, “This is a historical area that was created and partially developed prior to land use planning regulations coming into effect. The residents in this area would be required to prove they have legal non-conforming (“grandfathered”) status for year-round living to live in the cottages year-round.” As we previously mentioned our family cottage is being enjoyed as a summer retreat by the fifth generation, perhaps we would be the only residents on Erie Heights Line to qualify for the grandfathered status.

Council has the opportunity to deny the application and designate Erie Heights Line as seasonal access only, as was the historical intent of the original owners (John Bosak and Raymond Minor) when they made the decision to sell a portion of their lakefront farms to seasonal residents.

Respectfully,

Jo-Ann Dick

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Jackie Bosak