



**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

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

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Scale_Factor: 0.99960000

Latitude_Of_Origin: 0.00000000

Linear Unit: Meter

Geographic Coordinate System:GCS_North_American_1983

Datum:D_North_American_1983

Prime Meridian: Greenwich

Angular Unit: Degree

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:

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Scale_Factor: 0.99960000
Latitude_Of_Origin: 0.00000000
Linear Unit: Meter
Geographic Coordinate System:GCS_North_American_1983
Datum:D_North_American_1983
Prime Meridian: Greenwich
Angular Unit: Degree

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. **NCA Y 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: **DEFERRED**

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