



**THE CORPORATION OF
HALDIMAND COUNTY**

Committee of Adjustment Minutes

Date: Tuesday, September 24, 2024
Time: 9:30 A.M.
Location: Haldimand County Administration Building - Council Chambers

Members Present P. Brown, Chair
C. Bowman, Member
P. Fleck, Member
P. Makey, Member
D. Ricker, Member
B. Snyder, Member
B. Wagter, Member

Staff Present J. Cleaver, Secretary Treasurer, Committee of Adjustment
C. Tang, Planner
A. Crosbie, Senior Planner
K. Wheatley, Acting Supervisor

B. Land Acknowledgement

Member Makey read the Land Acknowledgement.

C. Roll Call

All members of the Committee were present.

D. Disclosures of Pecuniary Interest

No Pecuniary Interest.

E. Approval of Previous Committee of Adjustment Meeting Minutes

Meeting Minutes for August 20th, 2024 were approved.

1. Committee of Adjustment Minutes - August 20th, 2024

Resolution 1

Moved By: P. Makey, Member

Seconded By: D. Ricker, Member

That the minutes of the August 20th, 2024 Committee of Adjustment meeting be approved as circulated.

APPROVED

F. Hearings Re: Consents

1. **PLB-2024-165 Bob Arnold**

Bob Arnold (Applicant) was present.

No comments or concerns regarding the application.

Resolution 1

Moved By: B. Wagter, Member

Seconded By: B. Snyder, Member

APPROVED

G. Hearings Re: Minor Variances

1. **PLA-2024-158 Bergeron Tayler**

Tayler Bergeron (applicant) was present.

No comments or concerns regarding the application.

Resolution 1

Moved By: D. Ricker, Member

Seconded By: C. Bowman, Member

THAT application PLA-2024-158 be approved. The application meets the four tests of a minor variance.

APPROVED

2. PLA-2024-159 Edgewater Gardens

Hugh Hanley (Project Manager and Agent), Tara Gaskin (Architect for MHBC - Planning Firm), Shelley Cowan, David J Rowe, Patrick and Linda McHugh (Neighbors) were present.

Hugh Hanley has initial comments of application, that this project has been part of three (3) separate applications, and that this minor variance application is to address deficiencies that were missed in previous Zoning Amendment Application.

Shelley Cowan asks why two addresses in the report had been combined.

Clarification from planning staff is provided, explaining that once the applications go through, these properties will merge.

Shelley Cowan is satisfied with the planning staff explanation.

Questions of where the setbacks are located, and what the deficiencies are is asked from neighbors.

Ashley Crosbie clarifies where the setbacks are through the provided maps.

Shelley Cowan brings up concerns of the application compromising her backyard through the side yard setback variance being proposed.

Ashley Crosbie confirms that the proposed side yard is approximately 2 meters, creating a deficiency of approximately 1 meter adjacent to Shelley Cowans rear yard.

Minor issues on the site plan drawing were acknowledged and explained by Tara Gaskin.

David J . Rowe has concerns about potential damage on his property from the construction process, explaining his parents received damage from the previous upgrades of Edgewater Gardens. Specific concerns include

environmental impacts such as disruption to ground water, and increased chance of flooding in and around the home, as well as concerns of the aesthetic and sense of place of the neighborhood.

Patrick McHugh has concerns he had previously discussed with Hugh Hanley of potential damage to his house due to how close the property line is, Patrick McHugh acknowledged that long term care is necessary, but for his own protection he has taken photos prior to development in case there is damage from the construction.

Kathleen Smith has same concerns of negative impact on her property or potential damage, as well as has concerns of privacy issues.

Hugh Hanley responds regarding the privacy concern noting that there will be a fence along the western boundary, and that once the properties are merged, through the site plan application which will address drainage concerns, and privacy design.

Member Makey asks if they were to refuse or defer the application, if the project would come to an end due to funding deadlines.

Hugh Hanley confirms that approvals are required by November for funding, so without the minor variance the application could not go forward.

Ashley Crosbie comments that Council has seen this application twice, and that through this meeting we are not discussing whether or not a long term care facility is appropriate, we are to address if the minor variances are appropriate. Issues such as privacy and grading will be addressed through the site plan approval.

Resolution 1

Moved By: P. Fleck, Member

Seconded By: B. Snyder, Member

THAT application PLA-2024-159 be approved. The application meets the four tests of a minor variance.

APPROVED

3. PLA-2024-164 Joshua & Cecilia Osagie

Joshua Osagie (Applicant) was present

Committee Members asks applicant how many cars are being parked at the property currently.

Joshua replies only two, and confirms one is in the garage.

Member Fleck has concerns for the a potential future problem of parking as the house is designed as a single family home and the parking could result in street parking issues.

Member Ricker asks if the proposed deck has any height restrictions that need to be addressed.

Chris Tang confirms building has filled out a zoning deficiency form and they had no concerns for the height of the deck.

Member Ricker asks how we are handling the neighbors letter concern on damages to their property.

Krystina Wheatley responds to Member Ricker explaining that a development agreement will be required to ensure that all drainage issues have been addressed prior to releasing securities.

Committee members have concerns about the landscape, and intensification without added forms of active transportation

Ashley Crosbie informs the Committee Members that the County is very supportive of secondary suites because it is considered gentle intensification, County reserves 5% of water for infill development to allow for secondary suites.

Member Fleck has concerns of the rear deck already being pre-existing.

Chris Tang confirms that the minor variance is to address the deck.

Member Ricker requests confirmation that everything showing on the property is existing.

Ashley Crosbie confirms that everything is pre-existing, the deck is existing

and will require to be approved and then get permits, and the stair set will be removed and placed in the back.

Resolution 1

Moved By: B. Wagter, Member

Seconded By: D. Ricker, Member

DEFEATED ON A TIED VOTE

Moved By: B. Wagter, Member

Seconded By: D. Ricker, Member

Chair Brown voted approval to break the tie, application approved.

THAT application PLA-2024-164 meets the four tests of a minor variance. Therefore, Planning staff recommend approval of the application subject to the following condition:

1) That the side entrance that was constructed without a permit be removed and a site inspection be conducted by the Haldimand County Building & Municipal Enforcement Services division to ensure that it has been removed. Contact the division at to set up the inspection.

building@haldimandcounty.on.ca

2) That the applicant obtain receipt of a letter from the Haldimand County 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.

APPROVED

4. **PLA-2024-167 Walnut Grove Farms**

Yvonne (Agent for the farm)

No comments from public

Member Makey asks for clarity from Planners on why the applicant needs to needs to receive MTO approval.

Ashley Crosbie explains that any application that is on Highway 6 or Highway 3 will require an MTO permit.

Resolution 1

Moved By: B. Snyder, Member

Seconded By: P. Fleck, Member

THAT application PLA-2024-167 meets the four tests of a minor variance. Therefore, Planning staff recommend approval of the application subject to the following condition:

1. That the applicant receive approvals from Ministry of Transportation (MTO), and proof be sent to both the building division at building@haldimandcounty.on.ca and the Secretary Treasurer at jcleaver@haldimandcounty.on.ca before building permits are issued.

APPROVED

J. Adjournment

THAT this meeting is now adjourned at 11:05 p.m.

Chair

Secretary-Treasurer