



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY MAY 14, 2024**

A meeting of the Committee of Adjustment was held on Tuesday May 14, 2024 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

**MEMBERS PRESENT:** Chair: Paul Brown  
Members: Don Ricker  
Paul Fleck  
Paul Makey  
Brian Snyder  
Brian Wagter  
Carolyn Bowman

**STAFF PRESENT:** Supervisor, Planning & Development: Krystina Wheatley  
Planner: John Douglas  
Secretary Treasurer: Chenxi Tang  
Planning Technician: Jassie Cleaver

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

<b>PLB-2024-001</b>	<b>Swift George Gordon</b>	<b>APPROVED</b>
<b>PLB-2024-049</b>	<b>Shirton Dale Charles</b>	<b>APPROVED</b>

**MINOR VARIANCES:**

<b>PLA-2024-050</b>	<b>Macneil Alexander John</b>	<b>DEFERRED</b>
<b>PLA-2024-066</b>	<b>Bashir Khan</b>	<b>DEFERRED</b>

**DECLARATIONS OF PECUINARY INTEREST: None declared.**

**CONSENTS:**

**A. PLB-2024-001**

**Swift George Gordon**

Present: Kim Hessels

The agent have a concern regarding the size of the lot.

The Chairperson and the Planner clarified that the measurement taken from the online GIS layer is only an approximate and it will not affect the application. The actual measurement will reflect the correct number.

Member Bowman had a question regarding the condition of septic evaluation.

The agent clarified that the new septic is installed.

The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed land will have a frontage of approximately 65 metres (213.26 feet) and an area of approximately 0.4 hectares (0.99 acres). The retained parcel will have a frontage of approximately 690 metres (2263.78 feet) and an area of 57.3 hectares (141.59 acres).

The Committee made the following decision:

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Swift George Gordon**, to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed land will have a frontage of approximately 65 metres (213.26 feet) and an area of approximately 0.4 hectares (0.99 acres). The retained parcel will have a frontage of approximately 690 metres (2263.78 feet) and an area of 57.3 hectares (141.59 acres). **Walpole Concession 16 Part Lot 3 known municipally as 207 Concession 15 Walpole.**

**DECISION: APPROVED**

- CONDITIONS:**
1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
  2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
  3. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 65.0 metres (213.3 feet), and an area of 0.4 hectare (0.99 acre). Also, **prior to the signing of the certificate**, an electronic

version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to [ctang@haldimandcounty.on.ca](mailto:ctang@haldimandcounty.on.ca) and [gis@haldimandcounty.on.ca](mailto: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 May 14, 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-2024-049 Shirton Dale Charles**

Present: Kim Hessels

The agent expressed their concern regarding condition 4 and hoping to change the condition from requiring a zoning by-law amendment to minor variance application. Member Ricker echoed the concern and asked for the reason of why a zoning by-law amendment is required instead of a minor variance.

The Planner provided an explanation of the reason of the zoning by-law amendment application.

Member Makey asks for the minimum size which can be considered for a minor variance. The Planner provided a brief explanation as to what can be considered minor.

The applicant proposes to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed land will have a frontage of approximately 98 metres (321.52 feet) and an area of approximately 0.6 hectares (1.48 acres). The retained parcel will have an frontage of approximately 310.5 metres (1018.70 feet) and an area of 16.9 hectares (41.76 acres).

The Committee made the following decision:

**PURSUANT** to Subsection 53(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Shirton Dale Charles**, to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed land will have a frontage of approximately 98 metres (321.52 feet) and an area of approximately 0.6 hectares (1.48 acres). The retained parcel will have an frontage of approximately 310.5 metres (1018.70 feet) and an area of 16.9 hectares (41.76 acres). **Canborough Concession 2 Part Lot 8 Registered Plan, 18R7492 PART 1, known municipally as 420 Moote 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 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.
  4. Receipt of final approval of the required zoning by-law amendment to address the size of the accessory structure and to rezone the retained lands to remove residential use as a permitted use (Zoning Amendments can take three months or four months, therefore, your application must be submitted as soon as possible). For further information, please contact Planning Staff at 905-318-5932.

5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 98.00 metres (321.52 feet), and an area of 0.6 hectare (1.48 acre). Also, **prior to the signing of the certificate**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to [ctang@haldimandcounty.on.ca](mailto:ctang@haldimandcounty.on.ca) and [gis@haldimandcounty.on.ca](mailto: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 May 14, 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-2024-050** **MacNeil Alexander John**

Present: Kim Hessels, Alex MacNeil

A letter of objection was read into the minutes regarding concerns of visual characteristics and noise.

The agent have concerns regarding the archaeological assessment and a brief explanation of their finding on their archaeological assessment checklist  
The Planner provided a brief explanation of the reason and why the archaeological is a requirement  
A discussion of archaeological assessment requirement took place.  
Member Ricker asks if the request of archaeological assessment is mandatory.  
The Planner answered that the guideline comes from the provincial directions and it is not optional.  
The Applicant echoed the concerns of archaeological assessment.  
The Planner provided an overview of the stages of the archaeological assessment and cannot be waived.  
The discussion of archaeological assessment requirement between committee members, the applicant, the agent and the Planner continued.  
Member Makey asks for the reason of the secondary suite.  
The applicant provides the reason of the application  
Member Makey asks a question regarding the second driveway and the porch.  
The applicant provides answer for the Committee Member.  
The Planner mentioned that the designs should be brought to Building department and ask them for their interpretation

Relief is requested from the secondary suite area provisions of the Agriculture (A) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of a secondary suite.

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 **Macneil Alexander John**, to request relief from the secondary suite area provisions of the Agriculture (A) Zone of Haldimand County Zoning By-law HC 1-2020. The relief is requested to permit the construction of a secondary suite. **Canfield North Cayuga Concession 1 Street Part Lot 9 known municipally as 1075 Concession 1 South**

**DECISION:**        **DEFERRED**

**CONDITIONS:**    None

**REASONS:**        That an archaeological assessment be completed.

B) **PLA-2024-050** **Bashir Khan**

Present: Sema Khan

The discussion was halted and deferred to the next available hearing at the cost of the applicant due to no sign being posted.

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.

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 **Bashir Khan**, to request relief 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**

**DECISION:** **DEFERRED**

**CONDITIONS:** None

**REASONS:** No public notice sign posted.

**OTHER BUSINESS:**

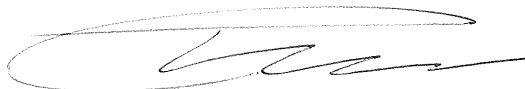
The minutes of the April 16, 2024 meeting were adopted as amended.

The meeting adjourned at 10:02 AM



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Chairman



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Acting Secretary-Treasurer