



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Consent**

DETAILS OF THE SUBMISSION

MEETING DATE: January 22, 2019

FILE NO: PLB-2018-162

PROPERTY ROLL NO: 2810-151-007-01200

APPLICANT: Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets & Svetlana Oliynyk

PROPERTY LOCATION: Lots 5 & 6, South East of Argyle Street South, Part 1, 18R-2836 & Part 1, 18R-1723

PROPOSAL: The applicants propose to sever a lot for residential purposes. The severed lands will measure approximately 22.81 metres (74.8 feet) by 25.97 metres (85.2 feet), containing an area of approximately 0.059 hectare (0.15 acre)

RECOMMENDATION:

That application PLB-2018-162, in the names of Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets and Svetlana Oliynyk, is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan, conforms to the Haldimand County Official Plan and meets the intent and purpose of the Town of Haldimand Zoning By-law 1-H-86. Therefore, planning staff recommends that this application be approved, subject to the attached conditions.

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The subject lands are located within the Urban Area of Caledonia. Within the Provincial Policy Statement, settlement areas shall be the focus for growth and development and also where infill development is supported. Proposal is consistent.

PLACES TO GROW: Proposal conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated 'Residential', are subject to the Intensification Corridor policies, and are located within the built-up area of the Urban Area of Caledonia. The 'Residential' designation permits all forms of residential development. The subject lands are located within the built-up area and represents contiguous, infill development. Within the 'Residential' designation, there are criteria that speak to the creation of new lots in stable neighbourhoods. Intensification policies speak of directing residential infilling in existing serviced areas to maximize existing services and to maintain the character of existing neighbourhoods. Staff are of the opinion that the subject proposal

conforms to all applicable policies. Based on the policies applicable to this site and the existing infrastructure available, this site is intended for development. The proposal conforms.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: 'Urban Residential Type 3 (R3)' Zone. The zone permits a one, two, three, four family dwelling house and also a boarding and lodging house.. A single family dwelling, which is being proposed, is to be developed in accordance with the 'Urban Residential Type 1-B (R1-B)' Zone provisions. The proposed severed lands meets the minimum requirements for lot area and lot frontage within the R1-B Zone. The retained lands, which contains a fourplex, will require a minor variance application to address the reduced lot frontage, at a minimum, and any other potential deficiencies. A condition has been added that a minor variance for the retained lands be completed. Proposal conforms, subject to the minor variance applications.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are located on the north side of Renfrew Street East, east of Argyle Street South. The property currently contains a two-storey, four (4) unit apartment building, with associated parking. The proposed severed lands contains a shed and a couple of trees.

SURROUNDING LANDS:

NORTH – Residential

EAST – Residential

WEST – Residential

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: No objections or requirements

HALDIMAND COUNTY DEVELOPMENT & DESIGN TECHNOLOGIST: Full lot grading plan required (5 foot easement on west side of property must be shown on this plan). Entrance permit required. Mutual drainage agreement may be required.

HYDRO ONE: No comments or objections received.

METRO LOOP: There is Metro Loop fibre optics located on the subject lands; however, no concerns with severance.

WATER & WASTE WATER: A drawing was submitted to the County Water and Wastewater Operations staff identifying existing water service running through the west boundary of the proposed severed lands. It is understood this service supplies water to 76 Argyle St. S. Crossing another property with servicing is not acceptable, therefore, it is recommended that the property owners establish an easement to permit a private service to cross another property **or** 76 Argyle St. S. relocate the water service to ensure future disconnection of the water service is not conducted by the owner of the proposed retained parcel.

In addition, the proposed retained parcel must connect to municipal water and sanitary sewer. Mains are available within the Renfrew St. E., road right of way. A road occupation permit must be completed as submitted to the County's roads operation division prior to any work conducted within the right of way and an application for water and sanitary sewer must be completed and submitted to the County's compliance group for approval

- **Planning Comment** – It has been concluded that there is an existing easement in place for the water line to 76 Argyle St. S. The need for permits has been included as conditions of approval.

MISSISSAUGAS OF THE NEW CREDIT: Comment not received

SIX NATIONS: Comment not received

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received

PUBLIC: A number of letters from neighbouring property owners are attached to this report.

- **Planning Comment** – the letters attached speak primarily to the history of the site, to concerns about development within the neighbourhood, a reduced frontage for the fourplex, and traffic. The subject lands are located within an area that is intended for development and intensification under the current policies (i.e. the Provincial Policy Statement (2014), the Provincial Growth Plan, and the Haldimand County Official Plan). Although there is an extensive history for this site, staff are obligated to review each application under the policies in place at the time of review. Although a reduction in the frontage for the retained lands are proposed, these reductions are permitted to be submitted and considered by staff. From a traffic perspective, the intent is to construct a single family dwelling and the additional traffic that would be generated would be limited.

OTHER: 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.

PLANNING STAFF COMMENTS:

The intent of the subject application is to sever the subject lands to create a lot that is approximately 22.81 metres (74.8 feet) by 25.97 metres (85.2 feet), containing an area of approximately 0.059 hectare (0.15 acre) and retain a lot, containing an existing apartment/four plex, with a size of approximately 0.132 hectares (0.33 acres). The lands proposed to be severed currently contains a shed as shown within the owners sketch.

Staff is aware that there is a unique history for this site as the subject property has been through previous *Planning Act* applications. Staff's understanding of the history is as follows:

- in 1987, a previous owner submitted a boundary adjustment application to the site, which was also appealed to the Ontario Municipal Board (OMB). This application was permitted by the OMB.
- In 1991, a severance application was submitted for a lot smaller than the subject proposal. This proposal was supported by planning staff, refused by the Committee of Adjustment and the owner did not appeal. The Committee did not support as they were of the opinion that the proposal was not compatible with the surrounding area, there were objections and concerns from neighbours, and the intended use is open space.
- In 2001, a severance application was submitted by the current owners for a lot similar to the subject proposal. At that time, planning staff recommend approval as the proposal maintains the general intent and purpose of the Official Plan for the former Town of Haldimand regarding the severance of an urban residential lot in an infilling situation. However, the Committee at the time refused the application. The owners appealed the application; however, due to the owner's not meeting the OMB's request for a response regarding a related condition (i.e. a Zoning By-law Amendment) the appeal was dismissed. The OMB did not render a decision on the validity of the planning application.

Since these decisions were made on the various application noted above, most of the applicable policy documents (the exception being the Town of Haldimand Zoning By-law 1-H-86) have been superseded by updated documents. Of particular relevance, the Province has implemented the Growth Plan and the County has updated its Official Plan to achieve conformity with same. These two policy documents place renewed and explicit emphasis on infill and intensification and require the County to identify areas for and support applications of this nature. More specifically, the subject lands are within a designated intensification corridor in the County's Official Plan which is an area that is expected to accommodate higher degree of compact development in the form of infill and intensification. This application is in line with the policy intent set out in the Official Plan.

The subject lands are located within the 'Residential' designation, which permits all forms of residential uses and is further located within a stable residential neighbourhood, as the subject lands are located within the residentially designated portion of the built-up area and intensification area and intensification corridor of Caledonia. The Official Plan establishes policies for new lot creation within stable neighbourhoods, which speaks to maintaining similar lot frontages to adjacent uses and maintaining minimum lot sizes that are in character with adjacent uses. Planning staff are satisfied these policies are generally maintained as the lands being severed will maintain a similar lot size and frontage (if not bigger in some instances) with adjacent properties and although the fourplex will have a reduced frontage, the frontage will generally follow the width of the existing driveway. This, in staff's opinion, will not offend or limit the existing functionality of the site. Staff also notes that there is no indication that the propose severed lands are intended for open space due to the land use designation and zoning on the site. The Official Plan also speaks to dwellings within stable residential neighbourhoods provide

a consistent relationship with existing adjacent housing forms and arrangements of these existing houses on their lots. Given the surrounding residential uses, it is planning staff's opinion that developing a single family dwelling on the subject lands will fit / blend in with the character and density of the neighbourhood.

In addition to the policies applicable within the 'Residential' designation, the subject lands is also subject to intensification policies. These policies further encourage infill development and redevelopment. Residential intensification and infilling allows for the efficient use of land and the efficient provision of urban services thereby helping to minimize the cost of providing services. Overall, this type of development is fully supported by the Official Plan land use policies.

Upon planning staff's site visit, the lands appeared to be retained in a grassed state with some trees and does not represent the typical 'active' amenity space that is seen within higher density uses. Although this land is proposed to go from primarily vacant to developed, staff is of the opinion that there is sufficient existing, public space available to the residents within fairly close proximity (i.e the parks along the Grand River, the Caledonia splash pad to the north, and the community centre and ball diamonds to the south) to offset any perceived loss of amenity active space. There is also space around the existing four plex that provides some (limited) outdoor amenity space for the residents. In relation to the 'General Criteria for Consent', planning staff are further satisfied that all of the tests are met as the existing and proposed use are permitted; thus maintaining the intent and purpose of the Official Plan and Zoning By-law; the lands are appropriately sized for existing and proposed uses; access is safe and direct via a municipally maintained and owned road (Renfrew Street East); and the lots will have access to municipal servicing.

Staff would also note that there is an existing easement in place for a water line to 76 Argyle St. S. The location of said easement will need to be considered when the lands are developed in the future (i.e. to ensure there is a sufficient setback and there is not development on the easement).

Finally, staff also reiterates that as a condition of consent, the applicants will be required to apply for a minor variance to address, at a minimum, a deficient lot frontage for the retained lot that will result from the consent; obtain an entrance permit for the new lot; connect both the severed and retained lands to services and obtain road occupation permits and an application for water and sanitary services to do so; complete a grading plan for the severed lands; and enter into a mutual drainage agreement, if required. With regards to the lot size and frontage of the severed lands, the proposed lot meets all of the minimum zoning requirements for lot area and frontage for a single family dwelling under the 'Urban Residential Type 1-B (R1-B) zone provisions and in some cases is larger than some of the existing lots within the area. It is further staff's opinion that the retained lands with the four plex will be appropriately sized for the existing functionality of the site to continue and generally has no objections to a reduced frontage due to the unique design, and layout of the property and building.

Overall, planning staff are of the opinion that the subject proposal is consistent with the Provincial Policy Statement (2014) and the Provincial Growth Plan (2017) as this proposal represents infill development within an urban area that has all the necessarily policy, zoning,

and services available to support development. The subject proposal maintains the intent and purpose of the Haldimand County Official Plan and Town of Haldimand Zoning By-law 1-H-86 and represents appropriate, infill development. Therefore, planning staff recommend that this application be approved subject to the attached conditions.

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

NOTICE SIGN POSTED AT DATE OF SITE VISIT: A public notice sign was posted during site inspection on January 10, 2019 in accordance with the *Planning Act*.

Prepared by:



Meagan Ferris, BES MCIP RPP
Planner

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 of \$250.00 and a fee of \$294.00 for deed stamping.
2. 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 (*5 foot easement on west side of property must be shown on this plan*). 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. 6407, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
3. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of an entrance permit. 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 Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
4. Receipt of final approval of the required minor variances (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. Receipt of a letter from the Planning and Development Division indicating that their requirements, regarding a mutual drainage re-apportionment agreement between both severed and retained parcels, have been satisfied, if required. 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. 6415, for further clarification.
6. Receipt of a letter from the Roads Operations Division indicating that they have no objections to the future issuance of a road occupation permit. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Permits may be obtained from the County's Kohler Roads Operations Centre. Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
7. Municipal services (watermain, sanitary sewer main) within the road allowance must be connected to service both the retained lot and the newly created lot, and Servicing Allocation (water and waste water) has been allocated for the severed property. Contact the Planning & Development Division at 905-318-5932 for further clarification. As this process can take a number of months to complete, early action on this condition is essential.
8. 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.

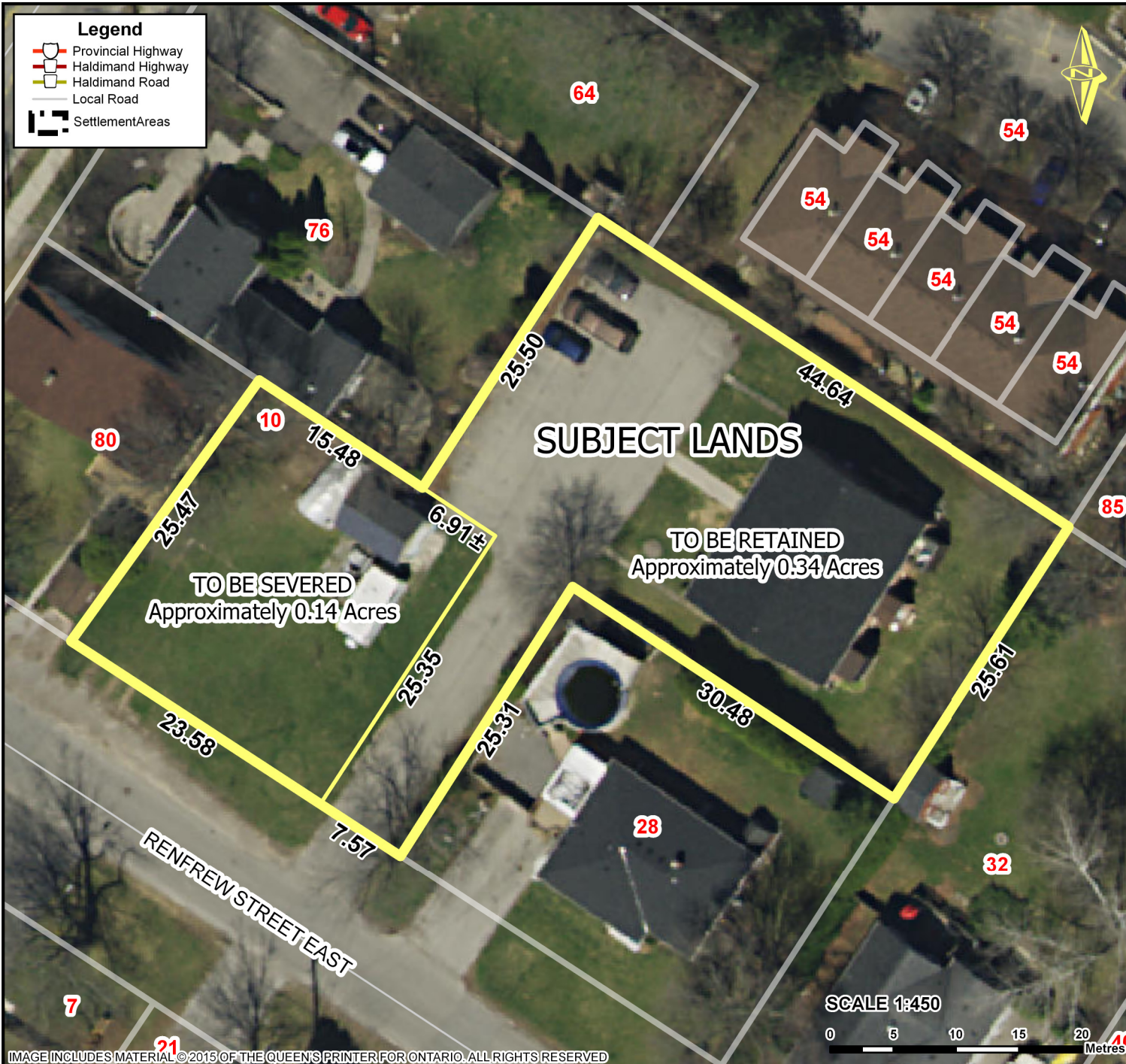
9. Receipt of a copy of the registered reference plan of the severed parcel, approximately 22.81 metres (74.8 feet) by 25.97 metres (85.2 feet), containing an area of approximately 0.059 hectare (0.15 acre). Also, **prior to deed stamping**, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to lfledderus@haldimandcounty.on.ca and astewart@haldimandcounty.on.ca. 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

10. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before January 22, 2020, after which time this consent will lapse.

File No. PLB-2018-162
JAKHIMETS, Natalia, Andrei & Vladimir & OLIYNYK, Svetlana
Assessment Roll No. 2810-151-007-01200

Location Map FILE # PLB-2018-162 APPLICANT: Jakhimets & Oliynyk



Location:

**10 RENFREW ST E
URBAN AREA OF CALEDONIA
WARD 3**

Legal Description:

**CAL PT LOTS 5 AND 6 ARGYLE
ST S E/S RP 18R1723 PART 1
RP 18R2836 PART 1**

Property Assessment Number:

2810 151 007 01200 0000

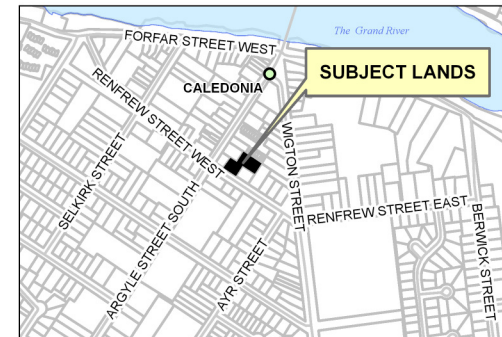
Size:

0.48 Acres

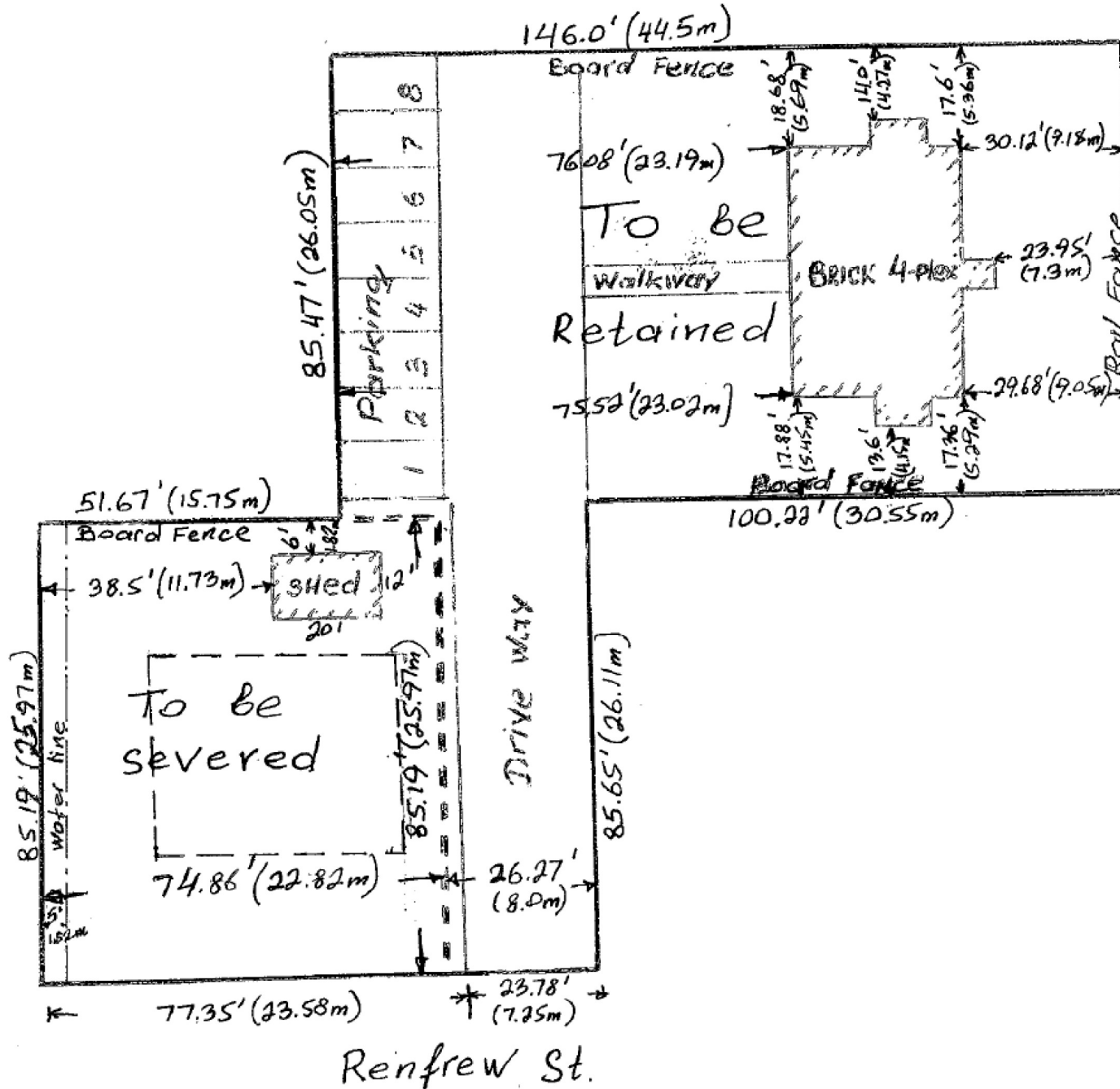
Zoning:

R3 (Urban Residential Type 3)

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-2018-162 APPLICANT: Jakhimets & Oliynyk



Rec'd
JAN 15 2019

To: The Committee of Adjustment
and Secretary - Treasurer

Jan 13, 2019

Re: File No PLB-2018-162 Natalia + Anthea Takhimets
Vladimir Takhimets
Svetlana Olynyk

My husband and I own lot 7-013 right next to the parcel of land in this application. We request that you deny this severance for the same reasons it has been denied before in 1991 (Merya Gillespie) and 2001-2002 (same people - Takhimets).

This property was created by an OMB 1987 decision. Originally developers had plans to hook a large R4 property which fronts onto Argyle St. together with a piece of my neighbour's (lot 7-014) back yard ^(R3) and the Renfrew piece (R3) to build a large housing complex with a Renfrew St. access. (See map). A zoning change would have also been necessary. This was denied by the OMB.

However the OMB chairperson did allow the two properties to be joined together even though he hesitated because of the odd configuration. This gave them the square footage and frontage needed to build a four-plex. He also said it could not be split into two two-plexes. He said they could put it on either piece but the other would remain as green space necessary for the front + back yard allowances.

I respectfully ask once again that the committee abide by our 1986 for an Urban Residential Type 3 Zone. By doing this there is not enough lot frontage (only 15.13 ft) for a house. Also please notify us of your decision.

Vicki (Honey) McCarthy
H.D. McCarthy

Letters to be handed in Jan 16 (Wed)
I will deliver them.

Honey (Viola) M^cCarthy,

Facts for My Neighbours

- ① First OMB decision 1987
 - allowed the two properties to be joined but could not be attached to the Argyle St property
 - 1 four plex could be built as one building they could not split it into 2 buildings
 - front parcel was needed to fulfil the frontage requirement 86 ft
 - back lot gave them enough square footage for the four plex 10,500 sq. ft.
- ② 1991 Mery + Gillespie - denied
- ③ May 2001 - Jakubets - denied
- ④ Feb 4, 2002 - " "

If a home were built on the street-side lot it would leave only a 23 ft lane way for a four plex

Zoning By Law 1 H 86 has not changed since the previous applications
For a Four Family Dwelling
minimum lot area is 975 sq metres (10,500 sq. ft)

minimum lot Frontage - 26 metres (86 ft)

This leaves only 15.13 ft frontage for a house

To Haldimand County Committee of Adjustment
From Andrei , Natalia & Vladimir Jakhimets

- The purpose of this letter is to bring your attention to the property on 10 Renfrew St. in Caledonia on which we propose to sever a vacant parcel of land where we intend to build a single detached house for
- ① ourselves to avoid in the future regular long trips from Hamilton to maintain our property. This should not affect the neighboring community, as we have no intention to use this land for commercial or multifamily residential purposes.
 - ② Presently, the empty lot is used only as a parking space by some of the neighbors; it is also looked at as a litter area.

We feel that by building a home for ourselves on the property we will be able to tend to the needs of our tenants and maintain the property more efficiently.

Thank You.

Sincerely, *[Signature]* Andrei Jakhimets
[Signature] Natalia Jakhimets
[Signature] Vladimir Jakhimets

May 8 2001

- ① There have been, at least 3 houses for sale on this street including the Riley house directly in front of the four pex. This would have got them very close. Jan 14/19
- ② As I pointed out to Dan Lawrence no one ever parks on this property but street parking is used on occasion.
- ③ No one litters from our neighbourhood on that property. anything on it belongs to the Jakhimets.

[Signature] (Honey) M^{rs} Carthy

To whom it may concern,

My name is Eric Henschel, and I am writing in regard to FILE NO. **PLB-2018-162**. I live at Argyle St S, which is shown as lot 76, directly beside the property in question. Our lot also contains an easement running directly through said property to Renfrew St. Having lived here only 6 years, I was not aware of the previous attempts to sever this lot, and upon learning the history, I am surprised that another attempt is being made. When this was originally developed, the frontage on Renfrew was needed to allow a building the size of the fourplex to be built in behind all of the other houses. If this previous decision was made upon development, and several other applications for severance, it should be upheld.

Sincerely,

Eric Henschel

To: The Committee of Adjustment
and Secretary - Treasurer

Re: File No. PLB-2018-162 Natalia Jakhimets, Andrei
Jakhimets, Vladimir Jakhimets & Svetlana Oliynyk

Our family lives across the street from Lots
5 & 6, South East of Argyle Street South, Part 1, 18R-
2836 & Part 1, 18R-1723, 10 Renfrew Street, we live
at Renfrew Street East. We are requesting that
you deny the request to sever the lot for
residential purposes.

It is our understanding that the frontage on
Renfrew Street is within the zoning by law 1-H86
for urban residential type 3 Zone (R3) for the four
plex existing on the property. If this lot were to
be severed it would contravene the municipal
by law requirement for frontage, which in turn
could set a precedent for other back yard multi-
plexes here in Caledonia.

We feel that the past decision that no
further development of this property should be
upheld.

Thank you for your time,
Nevada Lalensee
per Jesse & Nevada Lalensee
Renfrew St E
Caledonia, ON
N3W 1E8

January 14, 2019

To The Department of Planning & Development

And

The Committee of Adjustment for Haldimand County

Re File No. PLB-2018-162 - Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets and Svetlana Oliynyk

To Whom It May Concern:

We live at 10 Renfrew St. E and received a letter indicating that the above named persons were applying to sever Lots 5 & 6, South East of Argyle St South, Part 1 - 18R-2836 & Part 1, 18R-1723, known as 10 Renfrew St.

Said letter, indicated that we have the opportunity to express an opinion for or against the application.

We are vehemently opposed to this application for the following reasons. Firstly, the historical precedence of denial in 1991, 2001, 2002 are clear that OMB already ruled against this matter. Since, the bylaw has not been changed the decision by this committee is clear. Please do not allow a residence to be placed on the already overloaded grid that exists in our area. Also, an increase of traffic on the street that does not have side walks would be dangerous to all. Students, seniors and families in our area have safety at a high priority.

We have been in contact with the Town Planner/Haldimand and he indicated that council cannot in good measure approve any more water/sewage services to the grid and still deliver the service that is require by existing households in our neighbourhood. Denial of this application should be swift and without consideration. In fact, the decision against this application is the only ruling that applies to this hearing.

Thank you so much for allowing us to voice our opinion against this application and we would like to be notified of the decision of the Haldimand County Committee on this matter.

Sincerely,
David and Kellie MacMillan

Residents and Property Owners of Renfrew St, E
Caledonia, ON
N3W 1E8

John G. [unclear]
Del Me [unclear]

Haldimand committee town planning
Regarding application from the Jakhimets for rezoning

We live at Renfrew St. E in the town and Caledonia and we are strongly opposed to the rezoning of this particular property. There are several properties on Renfrew St E between Argyle and Wigton (1 block area) with the potential to do the same if this rezoning change and severance goes through one of which is beside my property.

I do not believe that a complex of this size should be able to have only 26 FEET frontage onto a roadway when bi-law states it needs 86 FEET or 26 M. Rezoning shouldn't be allowed because the severance shouldn't be considered.

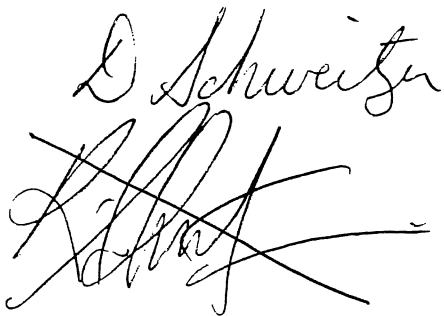
Sincerely

Donna & ~~Ren~~ Schweitzer

Renfrew St. E.

Caledonia, Ontario

N3W 1 E8

A handwritten signature in black ink, appearing to read 'D. Schweitzer', with a large, stylized flourish underneath.

Re- New Application PLB-2018-162

My concerns remain the same as above for this new application.

Nothing has changed and it was denied before.

D Schweitzer 2019-Jan-13

May 2nd / 2007

To: The Committee of Adjustment

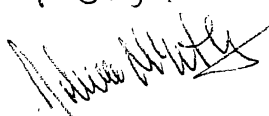
Re: File # B13/01-NA Andrei Natalia Iakimets

I am the daughter of Mike and Viola McCarthy, I am writing this letter to express my opposition to the severance of lot 7-012. According to our zoning By-law 1-H86 for an Urban Residential Type 3 Zone (R3), this lot must be maintained as the footprint required for the existing four-plex. As the future owner of lot 7-013, I do not wish for this By-law (1-H86) to be revised!

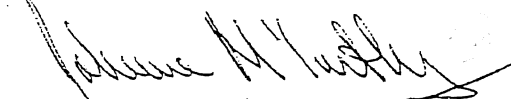
Jan. 14 / 2019

Re: File # PLB-2018-162

My concerns and position remain the same according to this By-law and as the future property owner of lot 7-013.


JOHANNE MCCARTHY

Sincerely,


JOHANNE MCCARTHY
- ARGYLE ST. S.
CAMERONIA, ON
N3W 1E5



**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: January 22, 2019
FILE NO: PLA-2018-192
PROPERTY ROLL NO: 2810-153-004-01400
APPLICANT: Ronald K. Winegard

PROPERTY LOCATION: Part Lot 1, Range 1 West Caledonia Townsend Road, Geographic Township of Oneida, Haddington Street, Caledonia

PROPOSAL: The applicant has applied for and received provisional approval to sever the subject lands wherein a semi-detached dwelling will be constructed. In this application, relief is requested from the provisions of the 'Urban Residential Type 2 (R2)' Zone of Zoning By-law 1-H 86 as shown below, to facilitate (i) the construction of two semi-detached dwellings and (ii) the future severance of the dwelling units:

Development Standards	Required	Proposed	Deficiency
Lot 1 - Interior Side Yard	3 metres (9.8 feet)	1.2 metres (3.9 feet)	1.8 metres (5.9 feet)
Lot, 2,3, and 4 – Interior Side Yard	3 metres (9.8 feet)	2.52 metres (8.3 feet)	0.48 metre (1.57 feet)

Staff notes that after the notices were sent that it was identified that Lot 1 is proposing, at one point of the dwelling, that the interior side yard is a 1.2 metres (3.9 feet) setback. Staff is of the opinion that this is a minor change and is supportive of this reduced setback.

RECOMMENDATION

That proposal PLA-2018-192, in the name of Ronald K. Winegard, is consistent with the Provincial Policy Statement (2014), complies with the Province's Growth Plan (2017), conforms to the Haldimand County Official Plan, and meets the general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86; therefore, planning staff recommends approval, subject to the following conditions:

1. The development shall be substantially in accordance with the attached sketch;

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: The subject lands are designated 'Residential' and are located within the built-up area of the Caledonia. Infill development is encouraged in existing urban areas where it can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities. The subject lands are currently vacant and are proposed to accommodate two semi-detached dwellings (one per lot). The proposal is consistent with the PPS.

PLACES TO GROW: The Growth Plan directs residential development to urban settlement areas that have existing or planned infrastructure and public service facilities to accommodate infill development. The subject lands are located in the built-up area of Caledonia and the subject proposal will aid Haldimand County in meeting intensification targets. The proposal conforms to the Growth Plan.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: The subject lands are designated 'Residential'. Within this designation, all forms of residential uses are permitted. The subject proposal is to facilitate the construction of two semi-detached dwellings (i.e. one per lot, totally four units). The subject uses are permitted and generally represent of form of infill and intensification as the intent is to redevelop a vacant parcel of land that is surrounded by existing, residential development. Overall, infill development is encouraged. The subject lands further has direct frontage on an existing, municipally owned and maintained road and has access to municipal servicing. . Proposal conforms.

TOWN OF HALDIMAND ZONING BY-LAW 1-H 86: 'Urban Residential Type 2 (R2)' Zone. Within this zone a single detached dwelling and a semi-detached dwelling are permitted. The subject lands meet all of the zone provisions other than the required interior side yard setback (left), due to the design of the dwelling. Proposal conforms, subject to approval.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are located on the south side of Haddington Street, and are currently vacant.

SURROUNDING LAND USES:

NORTH – Haldimand County Community Centre

EAST – Residential

WEST – Residential

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION: No objections or requirements.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: Full lot grading plan required and entrance permit required for the severed parcel.

- **Planning Comment** - *These conditions are attached to the Consent approval (PLB-2018-165) and are not be required for this minor variance application.*

HYDRO ONE: No objections. Service is available under Hydro One's conditions of service.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received

PUBLIC: Comments not received

OTHER: 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.

PLANNING RATIONALE

The intent of the subject application is to facilitate the construction of two (2) semi-detached dwelling on the subject lands. The semi-detached dwelling is proposed to contain a garage per unit, but with the garage located along the interior, common wall. Staff notes the applicant intends to sever the subject lands again through subsequent consent applications (to create a total of four lots) once the subject minor application has been finalized and the foundations have installed and surveyed such that each dwelling unit can be held in separate ownership. As such, the subject relief and approval recommendation included by staff will facilitate the construction/pouring of the foundations and future severance of the units.

In terms of site history, the subject lands were previously severed (as a block of land) from the adjacent lands through severance application PLB-2017-140. The adjacent lands are now occupied by two condominium buildings (Harrison Flats). Following the aforementioned severance, the subject lands were then rezoned, via application PLZ-HA-2017-217, from an 'Urban Residential Type Four (R4)' Zone to 'Urban Residential Type Two (R2)' Zone. At that time, no site specific relief was identified. The block of land severed via PLB-2017-140 was then further severed (i.e. resulting in two lots, severed and retained) via severance application PLB-2018-065. After the designs of the building were solidified, it was determined that relief from the by-law was required, which has lead to the subject minor variance application. Staff also notes that the previous Zoning By-law Amendment placed the property under a holding (H) provision, which requires that a lot grading plan be completed to the County's satisfaction and that servicing allocation be granted prior to any development taking place. Therefore the grading plans will need to be completed, prior to any foundations are poured. Planning staff have reviewed the subject proposal in relation to section 45 (1) of the *Planning Act* and are of the opinion that the proposal meets the four tests applicable for the following reasons:

- The reduction in the interior side yard setback is, in staff's opinion, appropriate as the relief is only required due to the design of the building (i.e. garage located along the

common, interior wall vs. the exterior wall, which the by-law does not contemplate). If the garages were located along the exterior wall, then an interior side yard setback of 1.2 metres (3.9 feet) setback would be permitted. This relief is, in staff's opinion, a housekeeping matter to ensure dwelling design flexibility;

- Staff is further of the opinion that the reduced interior side yard setbacks will still maintain a sufficient setback for access to amenity space, drainage etc.;
- The proposal will maintain and not offend the character of the neighbourhood as it will facilitate development that is similar in nature, scale etc. to development adjacent to the subject lands; and
- Finally, the subject proposal also maintains the intent and purpose of the Haldimand County Official Plan and the Town of Haldimand Zoning By-law 1-H-86 as the use is permitted within the Official Plan and the Town of Haldimand Zoning By-law, there is full municipal services available within the area, and the proposal will facilitate infill development within the urban area of Caledonia.

Planning staff is of the opinion that the proposal is in conformity with the Provincial Policy Statement (2014), conforms to the Provincial Growth Plan (2017), maintains the intent and purposes of the Haldimand County Official Plan and Town of Haldimand Zoning By-law; and is minor in nature and appropriate; therefore, planning staff recommends that this application be approved, subject to conditions.

NOTICE SIGN POSTED: A public notice sign **was** posted during site inspection on January 10, 2019 in accordance with the *Planning Act*.

Prepared by:



Meagan Ferris, BES MCIP RPP
Planner

Location Map FILE # PLA-2018-192 APPLICANT: Winegard



Legend

- Provincial Highway
- Haldimand Highway
- Haldimand Road
- Local Road
- Settlement Areas



Location:
**61 HADDINGTON STREET
 URBAN AREA OF DUNNVILLE
 WARD 3**

Legal Description:
**ONEIDA RANGE W TOWNSEND RD
 PT LOT 1 RP 18R 7563 PART 2**

Property Assessment Number:
2810 023 001 04300 0000

Size:
0.51 Acres

Zoning:
R2 (Urban Residential Type 2 Holding)

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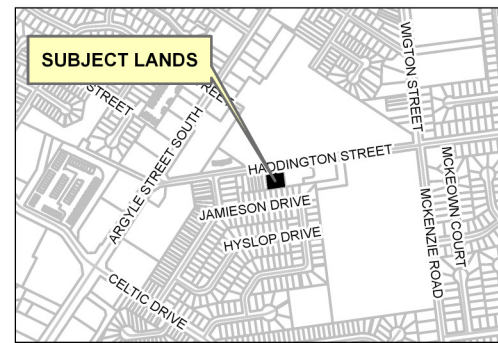
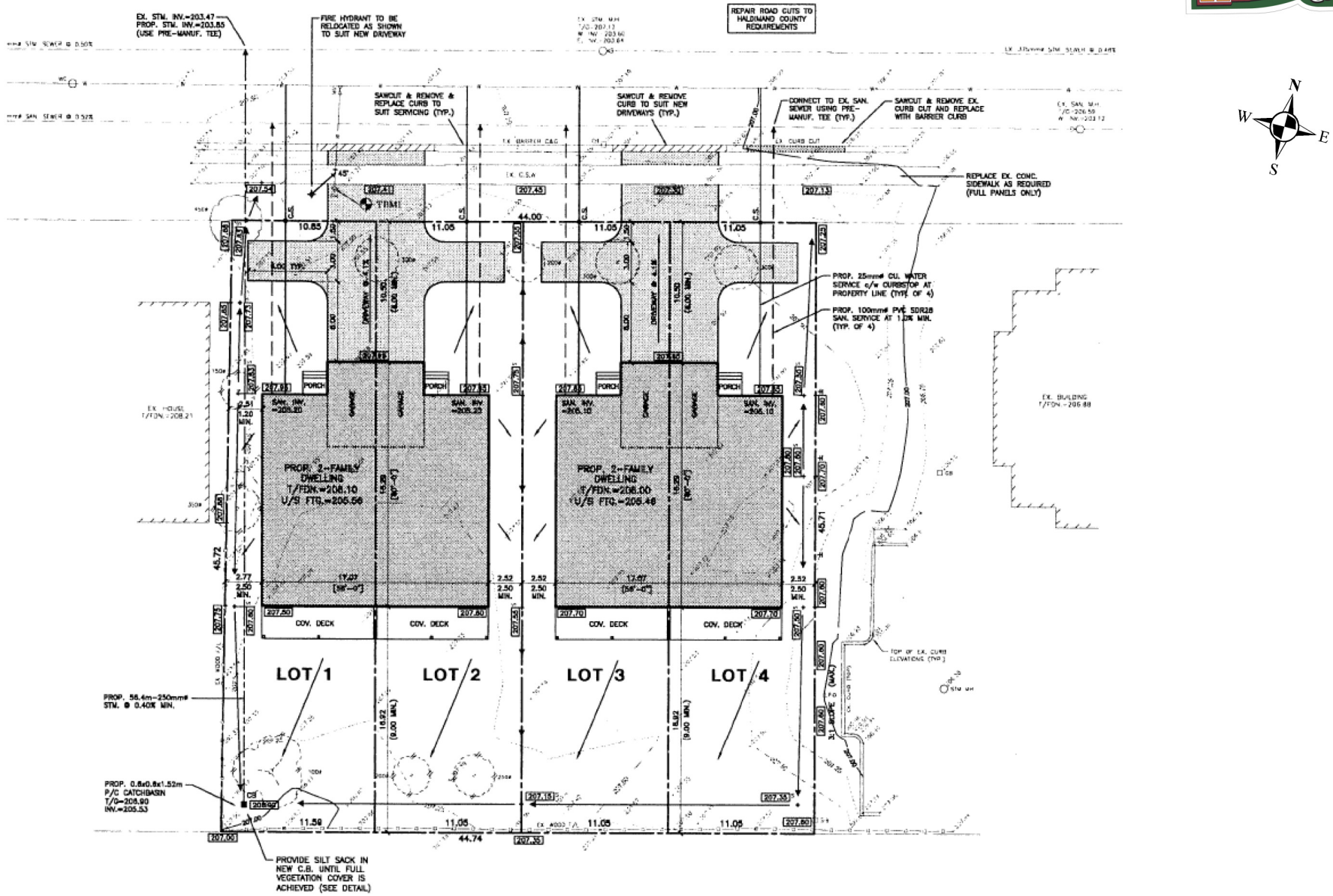


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Owner's Sketch FILE # PLA-2018-192 APPLICANT: Winegard



HADDINGTON STREET





**HALDIMAND COUNTY
COMMITTEE OF ADJUSTMENT
Minor Variance**

DETAILS OF THE SUBMISSION

MEETING DATE: January 22, 2019

FILE NO: PLA-2018-194

PROPERTY ROLL NO: 2810-021-001-16400

APPLICANT: Joseph Brennan & June Audette

PROPERTY LOCATION: Part Lot 13, Concession 5, Geographic Township of Dunn, 835 Sandy Bay Road

PROPOSAL: The applicant proposes to construct a second storey and deck onto an existing seasonal dwelling. Permission is requested to expand a legal non-conforming use, under Section 45(2) of the *Planning Act*. The subject property is located within the 'Hazard Land (HL)' Zone of Zoning By-law 1-DU 80. This is requested prior to issuance of a building permit for the proposed construction.

RECOMMENDATION

That application PLA-2018-194, in the name of Joseph Brennan & June Audette, is consistent with the Provincial Policy Statement (2014), conforms to the Provincial Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and Town of Dunnville Zoning By-law 1-DU-80. It is also considered minor in nature and compatible and appropriate with surrounding development; therefore, planning staff recommends approval of this application subject to the following conditions:

1. The development shall be in accordance with the attached sketch;
2. A pumping contract is to be obtained from a certified septic pumping contractor and submitted to the Building Controls and By-law Enforcement Division prior to the issuance of any building permit. Contact the Building Controls and By-law Enforcement Division at 905-318-5932, if further clarification required;
3. That the applicants must address the encroachment of the cistern into the County's right-of-way to the satisfaction of the County prior to the issuance of a building permit; and
4. That the total height, measured to the peak of the roof, shall not exceed 11 metres (36.1 feet)

ANALYSIS SUMMARY

PROVINCIAL POLICY STATEMENT: It is identified that the subject lands are impacted by natural hazard due to proximity to Lake Erie and due to a Provincially Significant Wetland (PSW) on an adjacent property. This proposal has been reviewed by the Grand River Conservation Authority (GRCA) and no objections have been identified and a permit has been issued. Based on the review of the conservation authority, staff are satisfied that the proposal is consistent with the Provincial Policy Statement (PPS) 2014. Proposal is consistent.

PLACES TO GROW: Proposal conforms.

HALDIMAND COUNTY OFFICIAL PLAN DESIGNATION: ‘Resort Residential Node’ and ‘Lakeshore Hazard Land’. The subject lands are located within the Lakeshore Node of Grant Point. The ‘Resort Residential Node’ generally identify existing, seasonal dwelling clusters, and it is generally intended that these areas are primarily occupied by seasonal dwelling uses. The subject proposal maintains the intent of the ‘Resort Residential Node’ designation as the dwelling is seasonal in use and the subject lands have access through a municipally owned and maintained road (i.e. Sandy Bay Road). The ‘Lakeshore Hazard Land’ generally identifies three types of hazards – dynamic beach, flood and erosion hazards. The GRCA has identified that the site is subject to flood and erosion hazards. The Official Plan allows for development and site alteration if it has been demonstrated that the following can be addressed: flooding and erosion hazards; existing hazards are not aggravated or new hazards are created; no negative impact to natural features; there is safe access for pedestrians and vehicles in times of flooding etc. and that the development is carried out in accordance with the underlying designation, which in this case is ‘Resort Residential Node’. Ultimately, development and site alteration is required to be reviewed and approved to the satisfaction of the applicable Conservation Authority. The GRCA has provided comments relating to this application and have expressed no objections or concerns and a permit for development has been issued. As the GRCA is satisfied, and the proposal is consistent, in staff’s opinion, with the underlying ‘Resort Residential Node’ designation, this proposal maintain the intent and purpose of the Official Plan policies. Proposal conforms.

TOWN OF DUNNVILLE ZONING BY-LAW 1-DU 80: ‘Hazard Land (HL)’ Zone. The subject lands are zoned entirely ‘HL’ Zone and the ‘HL Zone does not permit a dwelling; however the existing use is considered legal non-conforming as the cottage was in existence prior to the zoning by-law coming into force and effect (i.e. since 1930, based on information from the Municipal Property Assessment Corporation). Section 45(2)(a)(i) of the *Planning Act* establishes, in part, that the Committee of Adjustment has the authority to permit the enlargement or extension of a building or structure where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law. Since the proposal is to enlarge the existing legal non-conforming use (i.e. seasonal dwelling), the proposal, in staff’s opinion, conforms, subject to approval.

EXISTING INTENSIVE LIVESTOCK OPERATIONS: Not applicable.

SITE FEATURES: The subject lands are located on the south side of Sandy Bay Road, along the Lake Erie shoreline. The property currently contains a single storey dwelling.

SURROUNDING LAND USES:

NORTH – Creek (Hazard Lands)

EAST – Residential

WEST – Lake Erie

SOUTH – Residential

AGENCY & PUBLIC COMMENTS

HALDIMAND COUNTY BUILDING CONTROLS & BY-LAW ENFORCEMENT DIVISION:

Requires holding tank pumping contract.

HALDIMAND COUNTY PLANNING & DEVELOPMENT TECHNOLOGIST: No requirements of objections

GRAND RIVER CONSERVATION AUTHORITY: No objections to the minor variance application. A permit (278/18) has been approved for the construction of a 20 square metre residential addition, a second storey addition and the installation of a septic system.

HYDRO ONE: No objections or comments

MUNICIPAL PROPERTY ASSESSMENT CORPORATION: Comment not received

PUBLIC: Comments not received

OTHER: 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.

PLANNING RATIONALE

The intent of the subject application is to renovate the existing, one storey cottage and entrance deck. The subject dwelling has been in existence since 1930, as determined by the Municipal Property Assessment Corporation; thus is considered a legal non-conforming use as the Zoning on the property is 'Hazard Land (HL)' zone. The 'HL' does not permit a dwelling as of right.

Under the *Planning Act*, the subject proposal represents an expansion to a legal non-conforming use under Section 45(2)(a)(i). This section specifically allows the Committee of Adjustment to consider the enlargement or extension of a building or structure where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law. In the context of this proposal, the expansion is appropriate, in staff's opinion, as the enlargement/expansion is to add an additional storey to a dwelling (i.e. not increase the ground floor area), the addition will alter how the internal use of the dwelling is structured (i.e. move bedrooms from main level to upstairs) and the proposed deck expansion will generally be inline with an existing deck on the property, thus maintaining a similar setback. Staff also recognizes that parking on-site of this property is deficient (as two parking stalls are not permitted within the

required front yard); however, due to the size/configuration of the lot and the location of the holding tank this cannot be rectified. However, staff is of the opinion that an addition will not exacerbate this issue as the use still remains as a cottage (i.e. is not being increased to a two family dwelling house etc.). Further, as relief is being granted under Section 45 (2) (a)(i), relief for specific items (i.e. parking, individual setbacks etc.) is not required. Overall, staff is of the opinion that this application does not exacerbate any existing incompatibilities by way of odour, noise, dust, vibration, smoke, gas, fumes, interference with radio or television reception, unsightliness, inadequate parking, traffic hazards, or other incompatible features. To further ensure that the addition is appropriate in height for the area (which is a mixture of single storey, one and a half storey and some two storey dwellings), staff have included a condition stating the total height cannot exceed 11 metres (36.1 feet). This is the standard height applicable to all low density, residential zones including the seasonal residential zones.

It is further important to note that the proposal seeks to expand the existing dwelling in a way that does not bring living space closer to the natural hazard on the subject lands and the Grand River Conservation Authority has expressed no objections (and a permit has been issued).

Planning staff also notes that there are two specific encroachment issues: (i) the owners sketch identifies a portion of the existing deck encroaching onto the neighbours property, which was confirmed via a site visit; and (ii) it was further identified within the submitted owner's sketch that the existing cistern is encroaching into Haldimand County's right-of-way. With regards to the potential encroachment onto the neighbours property, this is considered to be a civil matter and to date the neighbour has not expressed concerns or objections. However, the encroachment into the County's right-of-way is required to be rectified/legalized. In consultation with the County's Property Co-ordinator, there are three options: (i) the owners enter into an encroachment agreement with Haldimand County; (ii) the portion of road allowance being encumbered by the cistern be purchased from the County; or (iii) the cistern is relocated. A condition of approval has been added to address this concern and allows flexibility for all three options, as identified above, to be explored. This item will need to be addressed prior to a permit being issued. This condition will require additional discussions with the owner and County staff.

Finally, Building staff have noted that a septic evaluation will not be required, as there will not be additional washroom facilities; rather the moving of existing bedrooms and washroom to an upper storey. It is also noted that Building staff require that the applicant provide evidence of a pumping contract for the holding tank, as per the Ontario Building Code.

Planning staff are of the opinion that the subject proposal is consistent with the Provincial Policy Statement (2014), is in conformity with the Provincial Growth Plan, and maintains the intent and purpose of the Haldimand County Official Plan and the Town of Dunnville Zoning By-law 1-DU 80. This proposal represents an appropriate expansion to a legal non-conforming use that is minor in nature, appropriate, and does not represent an incompatibility with adjacent uses. Planning staff recommends approval, subject to conditions.

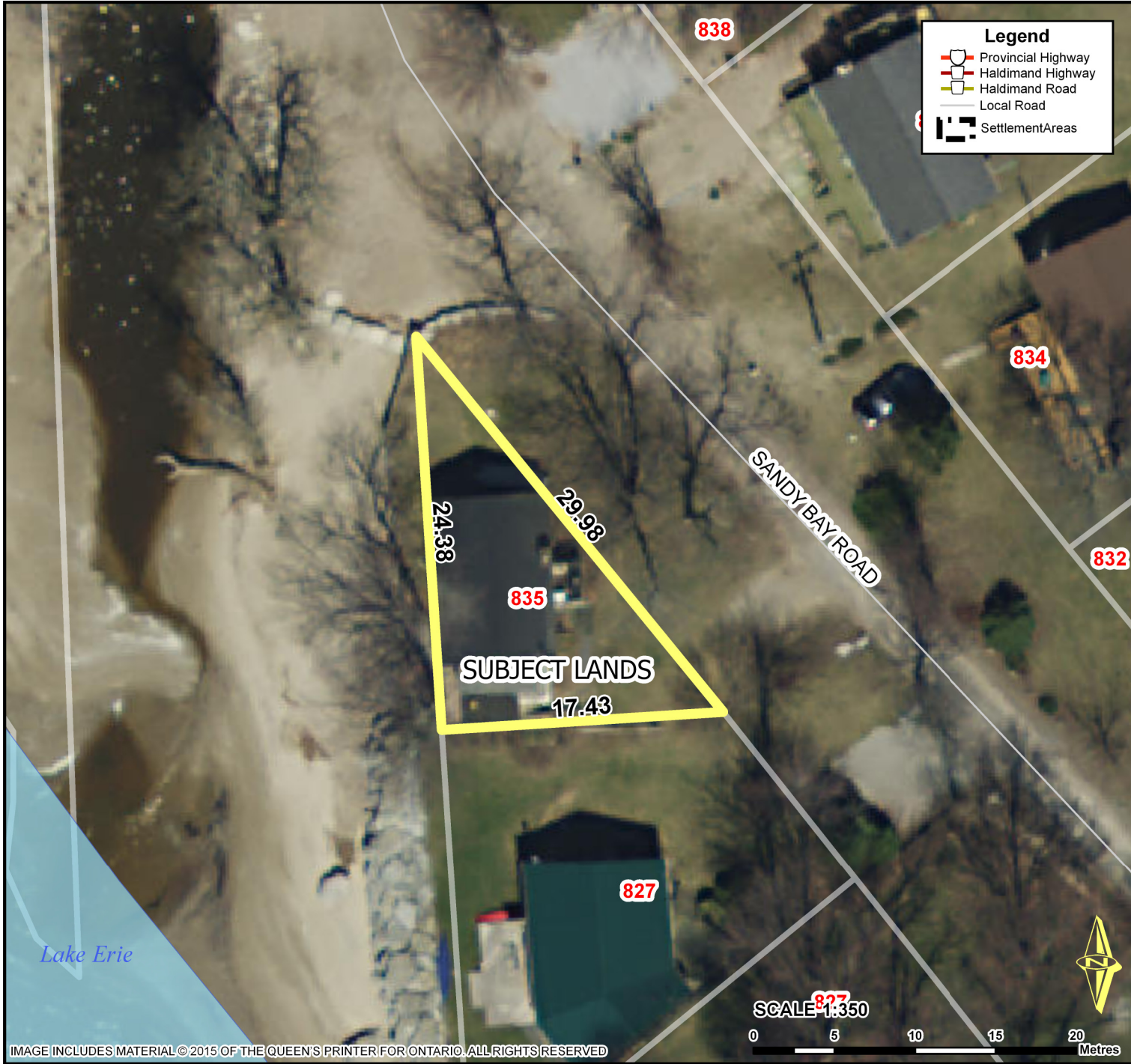
NOTICE SIGN POSTED: A public notice sign was posted during site inspection on January 8, 2019 in accordance with the *Planning Act*.

Prepared by:



Meagan Ferris, BES MCIP RPP
Planner

Location Map FILE # PLA-2018-194 APPLICANT: Brennan



Location:
835 SANDY BAY RD
GEOGRAPHIC TOWNSHIP OF DUNN
WARD 5

Legal Description:
DUN CON 5 SDR PT LOT 13

Property Assessment Number:
2810 021 001 16400 0000

Size:
0.05 Acres

Zoning:
HL (Hazard Land)

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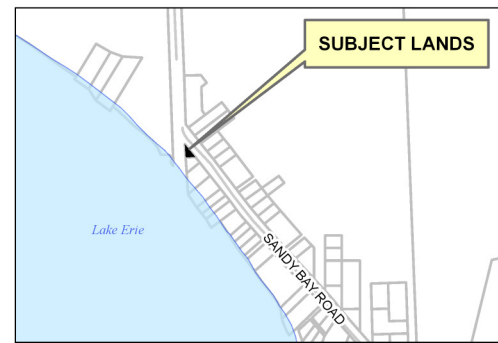


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Owner's Sketch FILE # PLA-2018-194 APPLICANT: Brennan




 THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ISSUED BY THE SURVEYOR
 In accordance with
 Regulation 1026, Section 29(3).

SITE BENCHMARK (TBM)
 SPIKE IN HYDRO POLE
 ELEV : 176.27

