



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, January 22, 2019**

A meeting of the Committee of Adjustment was held on Tuesday, January 22, 2019 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

**MEMBERS PRESENT:** Chair Paul Brown  
Members Bill Armstrong  
Carolyn Bowman  
John Gould  
Linda Gavey  
Velvette LeVatte

**STAFF PRESENT** Supervisor Development Services Peter Minkiewicz  
Planner Meagan Ferris  
Acting Secretary-Treasurer David Scott

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

PLB-2018-162 Natalia Jakhimets, Andrei Jakhimets, DEFERED  
Vladimir Jakhimets & Svetland  
Oliylyk

**MINOR VARIANCES:**

PLA-2018-192 Ronald K. Winegard APPROVED  
PLA-2018-194 Joseph Brennan & June Audette APPROVED

**DECLARATIONS OF PECUINARY INTEREST:**

None declared

**CONSENTS:**

**A) PLB-2018-162    Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets & Svetland Oliynyk**

Present:        Svetland Oliynk, owner  
                  Viola (Honey) McCarthy, neighbouring property owner  
                  Kellie & Dave MacMillan, neighbouring property owners

The applicants are proposing to sever a parcel of land for residential purposes.

Staff were originally recommending approval of the application. However, in light of concerns expressed by Metro Loop regarding how their servicing would be impacted by the proposal (expressed after the report was written), staff decided to recommend deferral, to allow the applicants time to address the concerns raised . Ms. Oliynyk had no concerns regarding 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 **Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets & Svetland Oliynyk**, to sever a parcel of land for residential purposes. **Lots 5 & 6, South East of Argyle Street South, Urban Area of Caledonia,10 Renfrew Street East**

**DECISION:        DEFERRED**

**REASON:         At staff's request**

**MINOR VARIANCES:**

**A) PLA-2018-192    Ronald K. Winegard**

Present:    Ron Winegard, applicant

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 R2 zone of Zoning By-law 1-H 86 from the required interior side yard requirement on both the proposed severed and retained parcels.

Mr. Winegard had no questions or comments.

Bill Armstrong asked whether it was County policy to address multiple variance requests in a single application.

Meagan Ferris responded that, indeed, through the charging of a complex application fee, the County does entertain applications that deal with multiple variance requests on a single property.

Meagan Ferris also stated that the adjusted request for a variance from the required interior side yard setback on Lot 1 was to allow flexibility as the property is developed.

The Committee made the following decision:

**PURSUANT** to Subsection 45(1) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Ronald K. Winegard** for relief from the 'Urban Residential Type 2 (R2)' Zone of Zoning By-law 1-H 86 as shown below:

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Deficiency</b>
Lot 1 - Interior Side Yard (right)	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 (left)	3 metres (9.8 feet)	2.52 metres (8.3 feet)	0.48 metre (1.57 feet)

**Part Lot 1, Range 1 West of Caledonia Townsend Road, Geographic Township of Oneida, Haddington Street, Caledonia**

**DECISION: APPROVED**

**CONDITIONS:** 1. The development shall be substantially in accordance with the attached sketch.

**REASONS:** The relief requested is consistent with the Provincial Policy Statement (2014), conforms to the Province’s Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and Town of Haldimand Zoning By-law 1-H 86. It is also considered minor in nature and compatible and appropriate with surrounding development

**B) PLA-2018-194 Joseph Brennan & June Audette**

Present: Joseph Brennan & June Audette, applicants

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. The subject property is located within the Hazard Land Zone of Zoning By-law 1-DU 80..

Mr. Brennan explained to the committee that the cistern was put in by George Barnes to replace their well, which was failing. The cistern was placed where it is to allow for the suitable setback from any building, and that he was unaware that they were encroaching on the road allowance. Given the options that were articulated by County staff (moving the cistern, buying a portion of the road allowance, or entering into an encroachment agreement with the County), Mr. Brennan stated that their preference would be to enter into an encroachment agreement with the County. He asked if this was possible.

Meagan Ferris stated that Condition 3 was meant to be flexible for the applicants, and that if an encroachment agreement was the option that the applicants’ wished to follow, that would be a matter between the applicants and the County’s Property Coordinator.

Ms. Audette expressed concerned that working out a purchase agreement may take longer than a year to complete, so they were wanting to work on an encroachment agreement as an interim step.

Meagan Ferris said that an encroachment agreement would be a faster process.

Peter Minkiewicz said that talking to the County's Property Coordinator is a good step. He also advised the applicants that both the encroachment agreement and purchasing agreement have cost involved in them, and that they must be aware of them.

The Committee made the following decision:

**PURSUANT** to Subsection 45(2) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Joseph Brennan & June Audette** for relief from the provisions of the 'Hazard Land (HL)' Zone of Zoning By-law 1-DU 80.**Part Lot 13, Concession. 5 South of Dover Road, Geographic Township of Dunn, 835 Sandy Bay Road**

**DECISION:           APPROVED**

- 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).

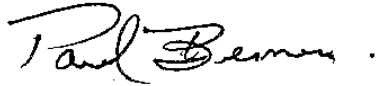
**REASONS:**       The requested relief is consistent with the Provincial Policy Statement (2014), conforms to the Province's Growth Plan (2017) and meets the general intent of the Haldimand County Official Plan and City of Nanticoke Zoning By-law NE-1 2000. It is also considered minor in nature and compatible and appropriate with surrounding development

**OTHER BUSINESS:**

The minutes of the December 18, 2018 meeting were adopted as circulated.

Peter Minkiewicz stated that, as the new committee will not be approved by Council until February 11, 2019, the current committee will sit for the upcoming February 12, 2019 meeting.

The meeting adjourned at 9:37 a.m.



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Chairman



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Secretary-Treasurer