



**HALDIMAND COUNTY  
COMMITTEE OF ADJUSTMENT  
MINUTES  
TUESDAY, NOVEMBER 12, 2019**

A meeting of the Committee of Adjustment was held on Tuesday, November 12, 2019 at 9:00 a.m. in the Council Chambers of the Haldimand County Administration Building.

<b>MEMBERS PRESENT:</b>	Chair Members	Paul Brown Don Ricker John Gould Brian Snyder Brian Wagter Carolyn Bowman Leroy Bartlett
<b>STAFF PRESENT:</b>	Supervisor Development Services Planners Acting Secretary-Treasurer	Peter Minkiewicz Alicia West, Ashley Taylor David Scott

The Committee of Adjustment dealt with the following applications:

**CONSENTS:**

PLB-2018-162	Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets & Svetlana Oliynyk	APPROVED
PLB-2019-166 & 167	Bryan & Anita Crowe	APPROVED
PLB-2019-169	James W. Siddall	DEFERRED

**MINOR VARIANCES:**

PLA-2018-132	Quality Green Inc.	APPROVED
PLA-2019-160	David Tansley	APPROVED
PLA-2019-168	Matt Csanig & Sandi Ecker	APPROVED
PLA-2019-171	HML Holdings Ltd.	APPROVED
PLA-2019-172	Ken Hewitt	APPROVED

**DECLARATIONS OF PECUNIARY INTEREST:** None declared

**CONSENTS:**

**A) PLB-2018-162**

**Natalia Jakhimets, Andrei Jakhimets, Vladimir Jakhimets & Svetlana Oliynyk**

Present: Svetlana Oliynyk, applicant  
Viola McCarthy, neighbouring property owner

The proposal is to sever a lot for residential purposes.

Ms. Oliynyk stated that Metroloop requires more digging to determine if they are okay with the application. She requests approval at this meeting, and that they would work with Metroloop to address any concerns.

Ms. McCarthy is against the proposal that it goes against a previous OMB decision. She was concerned that the reduced frontage contravenes the zoning by-law. She went over the previous history of the property. She is also concerned that the frontage of the four-plex property would only be the width of the driveway.

A discussion ensued. Mr. Ricker asked what has changed since the last application. Planner states that provincial policy encourages intensification of use, such as this application. Current garage on the property will be torn down.

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 & Svetlana Oliynyk**, to sever a lot for residential purposes. **Part Lots 5 & 6, South of Argyle Street South, Urban Area of Caledonia, 10 Renfrew Street**

**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 of \$250.00 and a fee of \$286.00 for deed stamping.
  2. Receipt of final approval of the required minor variance (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.
  3. 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. 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. 6409, if further clarification required. Please allow approximately six (6) to eight (8) weeks for completion of this process.
  4. 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.

5. That the applicants work with Metro Loop with respect to the excavation and installation of a future driveway and that confirmation from Metro Loop, that their concerns have been addressed, be provided, prior to the signing of the certificate by the Secretary-Treasurer. Contact Metro Loop at (905) 667-8945 for further information.
6. 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.
7. 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](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate NAD\_1983\_UTM\_Zone\_17N

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

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 12, 2020, after which time this consent will lapse.

**REASONS:**

1. The proposal 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 general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86;
2. Committee considered both written and oral submissions regarding the application, the effect of which helped the Committee to make an informed decision.

**B) PLB-2019-166 & 167     Bryan & Anita Crowe**

Present: Anita Crowe, applicant

The proposal is to sever two parcels of land as boundary adjustments.

The applicant had no comments or questions.

The Committee made the following decision:

**PLB-2019-166**

**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 **Bryan & Anita Crowe**, to sever a parcel of land as a boundary adjustment. **Part Lots 1 & 2, West of Ayr Street, Urban Area of Caledonia, 41 Renfrew Street East**

**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 of \$294.00 for deed stamping.
  2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
  3. That the severed parcels become part and parcel of the abutting lands presently owned by Eli R. M. J. Anderson and Dawn Marie Anderson and further identified as Roll # 2810-151-007-06700.
  4. 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. 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.
  5. 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.
  6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 18.29 metres by 18.29 metres. 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 [lfledder@haldimandcounty.on.ca](mailto:lfledder@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected            Coordinate    NAD\_1983\_UTM\_Zone\_17N  
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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 12, 2020, after which time this consent will lapse.

**REASONS:** The proposal 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 general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86

**PLB-2019-167**

**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 **Bryan & Anita Crowe**, to sever a parcel of land as a boundary adjustment. **Part Lots 1 & 2, West of Ayr Street, Urban Area of Caledonia, 41 Renfrew Street East**

**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 of \$294.00 for deed stamping.
  2. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
  3. That the severed parcels become part and parcel of the abutting lands presently owned by Mark Assman & Jessica Rolean Bartels and further identified as Roll # 2810-151-007-06800.
  4. 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. 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.
  5. 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.

6. Receipt of a copy of the registered reference plan of the severed parcel, approximately 18.29 metres by 18.29 metres. 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](mailto:lfledderus@haldimandcounty.on.ca) and [astewart@haldimandcounty.on.ca](mailto:astewart@haldimandcounty.on.ca). 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

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before November 12, 2020, after which time this consent will lapse.

**REASONS:** The proposal 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 general intent and purpose of the Town of Haldimand Zoning By-law 1-H 86

**C) PLB-2019-169                      James W. Siddall**

Present: Jim Siddall, applicant

The proposal is to sever a 9.4 hectare parcel of land and add it to an existing lot.

It was noted that the public notice sign was not posted on the property for the required period of time.

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 **James W. Siddall**, to sever a 9.4 hectare parcel of land and add it to an existing lot. **Part Lots 13 & 14, Concession 1, Geographic Township of Moulton, 1098 and 1100 Northshore Drive**

**DECISION:                      DEFERRED**

**REASONS:** To allow the applicants an opportunity to post the public notice sign on the property per the requirements of the *Planning Act*.

**MINOR VARIANCES:**

**A) PLA-2018-132 Quality Green Inc.**

Present: Spencer Skidmore (AJ Clark and Associates), agent  
Robert Dzidic, Quality Green Inc.  
Jim Anderson, Quality Green Inc.

The proposal is to enlarge the existing agricultural building under Section 45(2) (a) (i) of the Planning Act.

Mr. Skidmore stated that operation has existed on the property since 2017. Three phases has been proposed and the first phase is currently operating. This application is to allow a legal non-conforming use to continue. This use is in the agriculture area, surrounded by agricultural use. The location of this use is appropriate. The applicant has worked with staff to mitigate any adverse effect to the surrounding area, and have put in place various measures to help situations, particularly in the area of air quality. Development will also be subject to site plan control.

Prior to the meeting, Norman Dilse (through his power of attorney) submitted a letter to the Committee, expressing his opposition to the proposal.

A discussion ensued among the Committee relating to setbacks of the project as set out in the zoning by-law. It was also stated that the road (currently a dirt road) is to be upgraded to a paved road. Staff will inform the Committee as to when that will occur. A further discussion on the site plan process also occurred.

Mr. Dzidic stated that Quality Green has two licenses from Health Canada; one for growing, and one for processing cannabis. Mr. Anderson explained the process for measuring odour levels from the facility based on questions from the Committee. Committee members wanted assurance that the site plan process will address any issues that may come up.

The Committee made the following decision:

**PURSUANT** to Section 45(2)(a)(i) of *The Planning Act*, R.S.O. 1990 (as amended), this Committee hereby makes the following decision on the application of **Quality Green Inc.**, to enlarge the existing agricultural building under Section 45(2)(a)(i) of the Planning Act. **Part Lot 8, Conc. 1 Southeast of Stoney Creek Road, Geographic Township of Seneca, 1201 Indiana Road East**

**DECISION: APPROVED**

- CONDITIONS:**
1. That the development shall generally be in accordance with the attached plan;
  2. That approval of a site plan application, including execution and registration of a site plan agreement; and





**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 **Matt Csanig & Sandi Ecker**, for relief from the provisions of the Agricultural Zone of Zoning By-law 1-DU 80 as follows:

Development Standards	Required	Proposed	Deficiency
Front Yard Setback	13 metres	6.7 metres	6.3 metres

An addition to the existing dwelling is proposed. **Part Lot 1, Concession 3, Geographic Township of Canborough, 8128 Highway 3**

**DECISION: APPROVED**

**CONDITIONS:** 2. The development shall be in accordance with the attached sketch.

**REASONS:** The relief requested 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 general intent and purpose of the town of Haldimand Zoning By-law 1-H 86. It is also considered minor in nature an appropriate development of the lands

**D) PLA-2019-171 HML Holdings Ltd.**

Present: No one present

The proposal is to permit future residential development with private on-site sewage systems and municipal water; where full municipal services are required.

Committee members wished verification that these properties are not on full servicing. Staff confirmed that, according to records that they are not.

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 **HML Holdings Ltd.**, for relief from the provisions of the Section 6.26.1 (i) of Zoning By-law 1-H 86 to permit future residential development with private on-site sewage systems and municipal water; where full municipal services are required. **Lots 24 to 26 South of Echo Street, Lots 25 & 28 and part Lot 26 North of Norton Street, Part of Martin Street, Norton Street, Mohawk Street and Kerr Street, 29 Monture Street and 64 Johnson Street**

**DECISION: APPROVED**

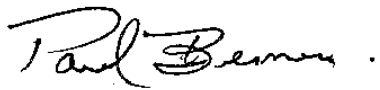
**CONDITIONS:** 1. That the applicant submit a site servicing plan and enter into an agreement regarding municipal services extension and servicing allocation. Municipal services (watermain, sanitary sewer main) within the road allowance must be extended to service the newly created lot, and Servicing Allocation (water and waste water) has been allocated for the severed property. The agreement will include a clause requiring connection to full municipal services in future, should such become available; and



**OTHER BUSINESS:**

The minutes of the October 15<sup>th</sup>, 2019 meeting were adopted as circulated.

The meeting adjourned at 10:30 am.



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Chairman



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Secretary-Treasurer