

Meeting #: 05/2019
Date: Wednesday, May 8, 2019
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Bill Sheldon
Sandra Marsh
John Klassen

Members Absent Donald Cook
Bernie Law

Staff Present Nancy Bozzato
Holly Willford

Others Present Applicants, agents and interested parties

1. Attendance

Applicants, agents, and interested parties.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Sheldon called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Disclosure of Pecuniary Interest and General Nature Thereof

None.

4. Requests for Withdrawal or Adjournment

Holly Willford, Assistant Secretary-Treasurer of the Committee of Adjustment, advised the Committee that the applicant for items A10-A12/2019P and B3-B4/2019P (36 Stella Street) have requested to have their matter adjourned to allow the applicant to amend and submit an additional application to facilitate the Bell Canada Easement request.

Moved By Sandra Marsh
Seconded By John Klassen

BE IT RESOLVED THAT applications A10-A12/2019P and B3-B4/2019P – 36 Stella Street be adjourned, sine die

Carried

5. Applications for Minor Variance

5.1 A10/2019P - 36 Stella Street

Application was adjourned, sine die.

5.2 A11/2019P - 36 Stella Street

Application was adjourned, sine die.

5.3 A12/2019P - 36 Stella Street

Application was adjourned, sine die.

5.4 A13/2019P - 540 Canboro Road

Purpose of Application

Application for relief, pursuant to Section 7.4 (f) “Minimum Side Yard” – to permit a minimum side yard of 7.33m whereas 9m is required to facilitate the construct a three-season addition.

Representation

The Applicant was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. Niagara Peninsula Conservation Authority

Applicant's Comments

The Applicant had no comments.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments made by the Committee Members.

Moved By John Klassen

Seconded By Sandra Marsh

Application is made for relief of Section 7.4 (f) “Minimum Side Yard” – to permit a minimum side yard of 7.33m whereas 9m is required to facilitate the construct a three-season addition, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature overall because storm water runoff will still be managed on-site, adequate separation between dwelling units is maintained and it preserves the more valuable and sizable rear yard from building encroachment**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the use of the land as it enhances living space but maintains an acceptable building setback and is considerate towards preserving the balance of the property’s land.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. That all necessary building permits are required prior to construction commencing for the new addition, to the satisfaction of the Chief Building Official.**

Carried

5.5 A14/2019P - 753 Foss Road

Purpose of Application

Application for relief, pursuant to Section 7.7 (d) “Maximum Accessory Building Height” – to permit construction of an accessory building having a height of 5.25m whereas the by-law permits 3.7m.

Representation

The Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. Mike and Jocelyn Angus Correspondence
6. David Ireland Correspondence

Applicant's Comments

The Agent had no comments, other than stating the proposal will have to negative affect on the surrounding area.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments made by the Committee Members.

Moved By Sandra Marsh

Seconded By John Klassen

Application is made for relief of Section 7.7 (d) “Maximum Accessory Building Height” – to permit construction of an accessory building having a height of 5.25m whereas the by-law permits 3.7m, is hereby: GRANTED.

The above decision is based on the following reasons:

1. **The variance is minor in nature given the rural context.**
2. **The general purpose and intent of the Zoning By-Law is maintained.**

3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land as it allows for enhanced storage and use of the facility.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. No objections were received from commenting agencies or abutting property owners.
7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official, and shall not be approved for living accommodations or plumbing within the accessory building.

Carried

6. Applications for Consent

6.1 B3/2019P - 36 Stella Street

Application was adjourned, sine die.

6.2 B4/2019P - 36 Stella Street

Application was adjourned, sine die.

7. Minutes for Approval

None.

8. Adjournment

Moved By Sandra Marsh

Seconded By John Klassen

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for June 5th, 2019 at 4:00 pm.

Carried

Bill Sheldon, Chair

Secretary-Treasurer, Nancy J. Bozzato