

Meeting #: Special CofA 1/2020
Date: Tuesday, January 28, 2020
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
Sandra Marsh
Bernie Law

Members Absent John Klassen
Bill Sheldon

Staff Present Nancy Bozzato
Holly Willford
Curtis Thompson

Others Present Applicants and Authorized Agents

1. Attendance

Applicants, Agents and Interested Citizens

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

Noting that a quorum was present, Chair Cook 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

There were no pecuniary interests disclosed by any of the members present.

4. Requests for Withdrawal or Adjournment

None.

5. Applications for Minor Variance

5.1 A22/2019P - 250 Canboro Road

Purpose of Application

Application for relief, pursuant to Section 7.7 (a) “Maximum Lot Coverage (Accessory)” to permit a maximum lot coverage of an accessory building of 2.7% whereas the by-law permits 1%; and Section 7.7 (d) “Maximum Accessory Building Height” to permit a maximum accessory building height of 5m whereas the by-law permits 3.7m.

Representation

The Applicant and authorized Agent was present.

Correspondence Received

1. Town of Pelham Planning Department (January 28, 2020)
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Public comments received for September 10th, 2019 hearing:
5. Michael Woods
6. Quartek Group Inc.

Received after Written Submission Deadline

7. Michael Woods (letter of withdrawal received Jan. 27, 2020)

Applicant's Comments

The Agent indicated the applicant made various changes to the original proposal after having several discussions with the neighbour who previously objected to the proposed building. He further stated the neighbour is now happy with the proposal and has formally withdrawn his objection.

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 Bill Sheldon

Application for relief, pursuant to Section 7.7 (a) “Maximum Lot Coverage (Accessory)” to permit a maximum lot coverage of an accessory building of 2.7% whereas the by-law permits 1%; and Section 7.7 (d) “Maximum Accessory Building Height” to permit a maximum accessory building height of 5m 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 given the parcel size.**
- 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 both the facility and property.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. 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 and the reconfigured gravel driveway does not extend any closer to the raised tile bed than what it is currently.**
 - a. A building permit must be applied for with respect to the “existing 5.0m x 9.1m storage shed”, located in the back south corner.**
 - b. A building permit will be required for “proposed detached garage addition”.**

2. **The applicant must submit a comprehensive Overall Lot Grading & Drainage Plan to the satisfaction of the Director of Public Works.**

Carried

5.2 A3/2020P - Part 5 on 59R-1605 and Part of Block 4 on 59M

Purpose of Application

Application for relief, pursuant to Section 7.7 (a) "Maximum Lot Coverage (Accessory)" to permit a maximum lot coverage of an accessory building of 2.7% whereas the by-law permits 1%; and Section 7.7 (d) "Maximum Accessory Building Height" to permit a maximum accessory building height of 5m whereas the by-law permits 3.7m.

Representation

The authorized Agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Better Neighbourhoods Presentation

Applicant's Comments

The Agent indicated there will be additional landscaping.

Public Comments

There were no comments received from the public.

Members Comments

A Member asked if the proposed development would be condominium, how snow will be removed, and if there would be on street parking. The Agent indicated the proposed development would be condominium with snow removal being internally removed. She further advised there would be no street parking as the street will be a fire route; however there will be sufficient parking elsewhere.

Moved By Bernie Law

Seconded By Sandra Marsh

Application for relief, of By-Law No. 3543 (2014) “Section 2 (c)(i) Maximum Street Setback” to permit a maximum street setback of 3.6m for units 11, 15, 21 and 23 of Block D whereas the by-law requires 3m and By-Law No. 3543 (2014) “Section 2 (c)(v) Minimum Parking Lot Setback” to permit a minimum parking lot setback of 1.3m whereas the by-law requires 3m and By-Law No. 3543 (2014) “Section 2 (c)(vi) Minimum Distance Separation between Townhouses” to permit a minimum distance separation between Townhouses of 2.3m whereas the by-law requires 3m, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the set back will maintain a relatively consistent building alignment as originally intended, because it will be landscaped and help leave space for the internal community mailbox and waste collection area and as adequate spatial setback is maintained for a pedestrian walkway, privacy and access for maintenance purposes.**
- 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 provide subtle architectural charm to the block.**
- 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:

None.

Carried

6. Applications for Consent

None.

7. Minutes for Approval

None.

8. Adjournment

Moved By Sandra Marsh

Seconded By Bernie Law

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment
Hearing be adjourned until the next regular meeting scheduled for February
4th, 2020 at 4:00 pm.**

Carried

Don Cook, Chair

Secretary-Treasurer, Nancy J. Bozzato