

**Meeting #:** 11/2019  
**Date:** Tuesday, November 5, 2019  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Donald Cook  
Bernie Law  
Bill Sheldon

**Members Absent** John Klassen  
Sandra Marsh

**Staff Present** Nancy Bozzato  
Holly Willford

**1. Attendance**

Applicants and Interest 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 A21/2019P - 594 River Road**

#### **Purpose of Application**

Application for relief, pursuant to Section 7.4 (d) “Minimum Front Yard” to permit a front yard of 3.2m whereas the by-law requires 13m, Section 7.7 (a) “Maximum Lot Coverage (Accessory)” to permit a maximum lot coverage of an accessory building of 6.3% whereas the by-law permits 1%, Section 7.7 (a) “Maximum Lot Coverage (Overall)” to permit a maximum overall lot coverage of 13% whereas the by-law permits 10%; and Section 7.7 (d) “Maximum Accessory Building Height” to permit a maximum accessory building height of 7m whereas the by-law permits 3.7m.

#### **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 indicated he had no comments.

#### **Public Comments**

There were no comments received from the public.

#### **Members Comments**

The Committee Members stated the conditions for approval should include conditions that the building permit shall not include living accommodations or plumbing within the accessory building and that a lot grading and drainage plan shall be submitted and that the property shall not negatively rely upon or impact any neighboring properties.

The Applicant requested the rescheduling fee to be waived as the Applicant felt he received the Niagara Peninsula Conservation Authority (NPCA) comments last minute.

Committee Members asked when the NPCA's comments had been received and if the comments were late. Mr. Curtis Thompson, Town Planner, indicated the original comments made by the NPCA were made on July 31st which are considered 'on-time'. Ms. Nancy Bozzato, Secretary-Treasurer to the Committee of Adjustment stated all minor variance applicants have the option to have a pre-consultation on their application in which the NPCA would have provided earlier comments and feedback.

The Committee Members refused to grant the wave of fees.

**Moved By** Bill Sheldon

**Seconded By** Bernie Law

**Application is made for relief of Section 7.4 (d) "Minimum Front Yard" to permit a front yard of 3.2m whereas the by-law requires 13m, Section 7.7 (a) "Maximum Lot Coverage (Accessory)" to permit a maximum lot coverage of an accessory building of 6.3% whereas the by-law permits 1%, Section 7.7 (a) "Maximum Lot Coverage (Overall)" to permit a maximum overall lot coverage of 13% whereas the by-law permits 10%; and Section 7.7 (d) "Maximum Accessory Building Height" to permit a maximum accessory building height of 7m 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 and sufficient information exists to ensure the garage will be safely located away from the *stable top-of-slope* and to minimize any adverse impacts to the regulated hazard lands**
- 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 the garage will provide additional storage space**
- 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 an NPCA Work Permit be issued prior to the issuance of a building permit.**
2. **That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official and shall not include living accommodations or plumbing within the accessory building.**
3. **That an overall Lot Grading Plan & Drainage Plan at building permit stage in accordance with Official Plan policy B3.7.3.1 and the Slope Stability Assessment construction recommendations (prepared by, Soil-Mat Engineers & Consultants Ltd. dated Sep 6, 2019), to the satisfaction of the Director of Public Works and Director of Community Planning & Development, and that the property shall not negatively rely upon or impact any neighbouring properties.**

**Carried**

**Moved By** Bill Sheldon  
**Seconded By** Bernie Law

**THAT the Committee does not waive and maintains the rescheduling fee of \$220.00.**

**Carried**

## **5.2 A25/2019P - 749 Foss 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 2.5% whereas the by-law permits 1%, and Section 7.7 (d) “Maximum Accessory Building Height” to permit a maximum accessory building height of 5.15m whereas the by-law permits 3.7m.

### **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

### **Applicant's Comments**

The Applicant asked questions regarding the condition of ‘slab on-grade’ style flooring. Through discussion with the Committee Member’s the Applicant was comfortable with the condition.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

The Committee Members indicated the conditions of approval shall be those requested within the Planning Report.

**Moved By** Bernie Law

**Seconded By** Bill Sheldon

**Application is made for relief of Section 7.7 (a) “Maximum Lot Coverage (Accessory)” to permit a maximum lot coverage of an accessory building of 2.5% whereas the by-law permits 1%, and Section 7.7 (d) “Maximum Accessory Building Height” to permit a maximum accessory building height of 5.15m 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 and as adequate land area remains available to handle stormwater runoff, the septic system and preserve a rear yard amenity area.**
- 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 will allow for enhanced use of the property.**
- 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:**

**To the satisfaction of the Chief Building Official**

- 1. That all necessary building permits are required prior to construction commencing and shall not be approved for any living accommodations or plumbing within the accessory building.**
- 2. That all necessary demolition permits are required for the existing shed (to be removed) if the said shed is over 10 m<sup>2</sup>**
- 3. That the accessory building foundation be slab on-grade style construction, (with no basement or traditional footings that require deep excavation).**

**Carried**

### **5.3 A24/2019P - 70 Bergenstein Crescent**

The Applicant and / or Authorized Agent was not present at the meeting.

Ms. Nancy Bozzato, Secretary Treasurer of the Committee of Adjustment, indicated the Committee may proceed without the Applicant if the Committee wishes. The Committee determined to proceed without the presence of the Applicant.

#### **Purpose of Application**

Application for relief, pursuant to Section 6.35 (c) "Yard Encroachments – Unenclosed Porches" to permit a porch height of 2.86m whereas a porch height of 1.3m above ground is allowed to encroach 1.5m.

#### **Representation**

The Applicant and / or Authorized Agent was not present.

#### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department

#### **Applicant's Comments**

The Applicant or Authorized Agent was not present.

#### **Public Comments**

There were no comments received from the public.

#### **Members Comments**

There were no comments made by the Committee.

**Moved By** Bill Sheldon

**Seconded By** Bernie Law

**THAT the Committee proceed with Application A24/2019P – 70 Bergenstein Crescent without the Applicant present.**

**Carried**

**Moved By** Bill Sheldon  
**Seconded By** Bernie Law

**Application is made for relief of Section 6.35 (c) “Yard Encroachments – Unenclosed Porches” to permit a porch height of 2.86m whereas a porch height of 1.3m above ground is allowed to encroach 1.5m, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature and no negative impacts are anticipated by the adjacent neighbours or the users of the nearby trail.**
- 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 will provide a larger porch footprint, enhancing the properties usability for recreation and livability.**
- 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**

**Carried**

**6. Applications for Consent**

None.



**7. Minutes for Approval**

**Moved By** Bill Sheldon

**Seconded By** Donald Cook

**That the minutes of the July 9, 2019, Committee of Adjustment Hearing be approved.**

**Carried**

**Moved By** Donald Cook

**Seconded By** Bill Sheldon

**That the minutes of the September 10, 2019, Committee of Adjustment Hearing be approved.**

**Carried**

**Moved By** Bernie Law

**Seconded By** Donald Cook

**That the minutes of the October 1, 2019, Committee of Adjustment Hearing be approved.**

**Carried**

**8. Adjournment**

**Moved By** Bernie Law

**Seconded By** Bill Sheldon

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for December 3rd, 2019 at 4:00 pm.**

**Carried**

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Don Cook, Chair

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Secretary-Treasurer, Nancy J. Bozzato