

Committee of Adjustment**Minutes**

Meeting #: CofA 01/2021
Date: Tuesday, January 12, 2021
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
John Klassen
Bernie Law

Members Absent Sandra Marsh
Brenda Stan

Staff Present Nancy Bozzato
Holly Willford
Sarah Leach
Curtis Thompson
Derek Young

1. Attendance

Applicant, Agents, pre-registered members of the public and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

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

Ms. Holly Willford, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made. Ms. Willford suggested the Committee may wish to hear application A2/2021P after application B1/2021P as both applications relate to the same property and as the consent procedurally should be heard first. The Committee agreed.

5. Applications for Minor Variance

5.1 A1/2021P - 1150 Live Avenue (Part 3)

Purpose of Application

Application for relief of Section 13.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 9.75 meters whereas the by-law requires 19 meters to allow for future development.

Representation

The Agents Matt Kernahan from Upper Canada Consultants and Patrick Maloney from Sullivan Mahoney LLP were electronically present.

Correspondence Received

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

Public Comments

1. Shellee and Harry Niznik
2. Steve Talosi Jr.

Applicant's Comments

Mr. Maloney stated the application being heard relates to an approved severance heard at the October 6, 2020 Committee of Adjustment hearing. Mr. Maloney advised no appeals were filed, therefore the decisions are binding, subject to meeting conditions. Mr. Maloney indicated one of the conditions for creating Part 2 on the sketch was that the zoning compliance issue be addressed. Mr. Maloney advised the original plan was to correct the zoning issues as part of a re-zoning application for the whole property; however, he stated his client heard the concerns of the residents with regards to what Part 3 will look like in the

future. Mr. Maloney advised this application does not relate to the development of the lands but more with respect to the creation of Part 2. He stated they heard from the residents and did not want to rush a re-zoning application and therefore brought forth a minor variance application. He stated he agrees with the opinion from the Town Planning staff and stated the request meets the tests in the Planning Act and the Official Plan of the Town. In addition, Mr. Kernahan indicated the minor variance meets the four tests in the Planning Act and briefly reviewed each test.

Public Comments

Mr. Kevin Hooiveld indicated he is a new resident to Timbercreek Crescent and wanted to join the meeting to get more context on what was being planned. He indicated he did not have comments for objection or support at this time. Mr. Hooiveld indicated he simply wanted to know what is happening in that space as the new driveway will back into his backyard. In response, Chair Cook advised the application strictly deals with a request to reduced lot frontage. The Chair indicated if the owner wants to redevelop the property to a higher density than what is allowed in the R1 zoning, he would need to apply for a re-zoning amendment, which would be heard in front of Council, being a different public process. Mr. Hooiveld indicated he was satisfied with the response.

Mr. Steve Talosi Jr. indicated he would like to ask a question with regard to Mr. Maloney's statement that this application relates to Part 2, yet the application he received references Part 3 and therefore is confused. In response, Chair Cook indicated previously on these lands there were two conveyances Part 1 and Part 2, and what is required as a condition for the consent of Part 2 would be to bring the frontage of the remnant parcel, Part 3, into zoning compliance. Mr. Talosi then asked if this means the lot frontage of all of Part 3 could be reduced to 9.75m. In response, Chair Cook indicated the reason the Committee is hearing the application is because of the consent granted for Part 2. In further response, Mr. Maloney, Agent for the applicant indicated the Chair is correct and that the Part 2 severance has a condition that requires this zoning deficiency to be corrected. Mr. Maloney stated this does not mean all of the lots to be developed in Part 3 will have a minimum lot frontage of 9.75m. Mr. Talosi indicated he may have misinterpreted the application as he thought it would be for any lot put into Part 3, however the application is just to allow the frontage of the laneway to remain 9.75m. Mr. Maloney indicated that was correct any consideration for lot frontage on lots created within Part 3

would be addressed at a re-zoning amendment and a different public meeting process. Furthermore, the Chair advised under the current zoning only 1 house can exist in Part 3 and that particular house will have a frontage of 9.75m, being the frontage of Lot 3. Mr. Talosi thanked the Chair for further clarification.

Mr. Peter Scott stated the Chair indicated the notice was sent to owners within 60m, however he stated his understanding was the last notice was sent to owners within 100m of the property and asked for comment. In response, the Chair indicated the Planning Act specifies the circulation distance. In Further response, Ms. Willford indicated the Chair is correct that notices of hearing are circulated as stipulated in the Planning Act and that this notice of hearing and the last notice of hearing was circulated 60m or 200ft. She stated circulation is based on a radius of the property boundary of the subject property, being Part 3. Ms. Willford stated the subject boundary in this application would have only been for Part 3 and not have included Parts 1 and 2 and that could be the difference. Ms. Nancy Bozzato, Secretary– Treasurer concurred with Ms. Willford's explanation and stated the Planning Act regulates how we send notices and she indicated a consent and minor variance application are both circulated at 60m or 200ft and that a zoning amendment application would be circulated double.

Mr. Scott asked how many lots within a 100m of this property zoned as R1 have a 9.75m lot frontage. He stated to his knowledge there are none and indicated he believes the request is not minor in nature and would not fit in with the current character of the neighbourhood. In response, The Chair asked Mr. Curtis Thompson, Town Planner, to respond. Mr. Thompson indicated he did not know of any off the top of his head however, knows of some lots with very narrow frontages but may not have the exact same zoning. Mr. Scott stated there is none.

Mr. Scott stated at the last meeting he and the residents were strongly opposed to this development application for the deviation from the Town approved by-laws. He stated he and other residents stated there would be restricted access at Part 3 however was told by the Committee it would not be discussed. Mr. Scott stated the applicant's lawyer, Mr. Patrick Maloney indicated at the last meeting it would be disingenuous to provide that information, however Mr. Scott stated he believes it is disingenuous by the developer by not providing a detailed plan that addresses the residents' concerns. Chair Cook advised Mr. Scott that the Committee has no authority over what may or may not happen with development on this

property and the Committee can only discuss the ramifications related to the existing zoning by-law relief.

Mr. Scott stated about a month ago on Bacon Lane a fire broke-out and burned a brand new home to the ground and indicated he is concerned about the small lot frontage and restricting emergency services being able to access the lands. In response, the Chair indicated the proposal is for a driveway for one house. Furthermore, Ms. Bozzato stated the fire and emergency services were circulated on the application and did not provide any comment. In addition, Mr. Maloney stated the Building Code has a requirement as it relates to fire lanes and 9.75m exceeds that requirement. He stated the requirement is 6m.

Mr. Scott asked the Chair if the Chair can refer the application back to Town Council or the developer for more information or must you make a decision. In response, the Chair advised the Committee is a Committee of Town Council and stated the members have been appointed by Council to review requests for variances and consents. The Chair indicated the Committee will be rendering a decision. The Chair stated the minutes of the meetings are circulated to Council for information. Ms. Bozzato indicated the only way the Committee would defer the decision is if they did not have enough information to render a decision. Ms. Bozzato stated the Town of Pelham Council does not have jurisdiction over minor variances or consent because that authority has been delegated to the Committee of Adjustment. Mr. Maloney indicated both the Chair and Ms. Bozzato are correct.

Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 5:04 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Members Comments

A Member asked Mr. Thompson if the application is granted, can the applicant build a house with a long driveway and then come back to the Committee of Adjustment for a consent to create two more lots without going through re-zoning? In response, Mr. Thompson indicated the Town cannot prevent an applicant from making an application, he stated they could make an application however does not know what Town staff's position on the application would be. He stated it would likely have zoning

issues that could be rectified through minor variance or a zoning by-law amendment. Mr. Thompson stated that to change the use of the land, from single detached house to something other, semi or townhouse, would require a re-zoning application.

A Member indicated the application is truly a driveway so that the developer in the future can go into the back of the property.

A Member indicated he agrees with the Chair and that the decision is based on only what the applicant has asked for being a minor variance and what will happen on Part 3 is not relevant to this application.

Moved By John Klassen

Seconded By Bernie Law

Application for relief, of Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 9.75 meters whereas the by-law requires 19 meters is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the surrounding area and as the lands are wide enough to accommodate either, a single detached dwelling positioned near Line Avenue or a private laneway that could serve future internal development opportunities.**
- 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 will allow for the creation of an (adjacent) additional residential building lot.**
- 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 the approval of the minor variance is subject to Consent File B8/2020P obtaining final approval.**

Carried

5.2 A3/2021P - 1012 Cream Street (Part 1)

Purpose of Application

Application for relief of Section 7.2 (a) “Minimum Lot Frontage” – to permit a minimum lot frontage of 125.8m whereas the by-law requires 180m, Section 7.2 (b) “Minimum Lot Area” – to permit a minimum lot area of 3.5 hectares whereas the by-law requires 10 hectares and of Section 7.2 (e) “Minimum Side Yard” – to permit a minimum side yard of 18m whereas the by-law requires 46m to rectify zoning deficiencies as a result of a consent application (B10/2020P).

Representation

The Applicant’s Agent, Mr. William Heikoop, from Upper Canada Consultants was electronically present.

Correspondence Received

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

Applicant's Comments

Mr. Heikoop, Agent, indicated he had no further comments and stated the staff report was very comprehensive.

Public Comments

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 5:17 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberated.

Members Comments

The Members made no comments.

Moved By Bernie Law

Seconded By John Klassen

Application for relief, of Section 7.2 (a) “Minimum Lot Frontage” – to permit a minimum lot frontage of 125.8m whereas the by-law requires 180m, Section 7.2 (b) “Minimum Lot Area” – to permit a minimum lot area of 3.5 hectares whereas the by-law requires 10 hectares and of Section 7.2 (e) “Minimum Side Yard” – to permit a minimum side yard of 18m whereas the by-law requires 46m is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature overall because there are no negatively induced impacts to the subject lands or its surroundings.**
- 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 recognize an existing undersized (agriculturally designated & zoned) parcel of land which is understandably being severed from its urban half as this is clearly desirable from a land holdings perspective.**
- 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.**

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 the approval of the minor variance is subject to Consent File B10/2020P obtaining final approval.**

5.3 A4/2021P - 1120 Haist Street (Part 1)

Purpose of Application

Applications A4/2021P and A5/2021P were heard concurrently.

Application A4/2021P and A5/2021P request relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 685m² whereas the by-law requires 700 m², Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 18m whereas the by-law requires 19m and of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30% construct a single detached dwelling.

Representation

The Applicant and his Agent, Mr. Greg Taras, from Urban & Environmental Management Inc. was electronically present.

Correspondence Received

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

Applicant's Comments

Mr. Taras, Agent indicated he and the applicant are in support of all recommendations except for the point on the archeological condition. He stated at pre-consultation the applicant was told no archeological assessment would not be required for Parts 1, 2 and 3, but would be required for Part 4. Mr. Taras stated the applicant has conducted a Stage 1-2 Archeological Assessment and indicated nothing was found. Mr. Taras stated the draft report has been submitted to the Town and the report will be submitted to the Ministry to receive a clearance letter. Mr. Taras requested, if a clearance letter from the ministry is provided, than the applicant not require a licensed archeologist during excavation.

In response, the Chair requested Mr. Thompson to speak to the request. Mr. Thompson confirmed the Town has received the Stage 1-2 Archeological Assessment which is about to be submitted to the Ministry. He indicated at the time of writing the report the Town did not have this information. Mr. Thompson indicated he has spoken to the Director of Development and Community Plan and she indicated that condition could be amended as Mr. Taras has identified or could be waived based on the results of the archeological assessment.

Through discussion, the Committee determined the requested condition regarding the requirement of a licensed archeologist during excavation be amended to requiring a clearance letter from the ministry with regards to the already completed Stage 1-2 Archeological Assessment.

Public Comments

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 5:39 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberated.

Members Comments

The Members made no further comments.

Moved By John Klassen

Seconded By Bernie Law

Application A4/2021P for relief, of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 685m² whereas the by-law requires 700 m², Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 18m whereas the by-law requires 19m and of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30% construct a single detached dwelling, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the surrounding area and as smaller lot sizes are increasingly becoming common and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, given**

modern civil design, house design and infrastructure standards and as no adverse impacts are anticipated.

- 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 will legally recognize the recently created residential building lot, will help facilitate a larger building footprint / gross floor area for the new dwelling and offer more design flexibility.**
- 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 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.**

Prior to the issuance of the Building Permit:

- 2. To the satisfaction of the Director of Community Development and Planning that:**
 - 1. Provide front dwelling Elevation Plans that positively contribute to the public street through the use of a covered front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc.**

2. **Provide written confirmation to the Director of Community Planning and Development certifying that the Ministry of Heritage, Sport, Tourism and Culture is satisfied pertaining to requirements for an archaeological assessment for the property.**

Carried

Moved By John Klassen

Seconded By Bernie Law

Application A5/2021P for relief, of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 685m² whereas the by-law requires 700 m², Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 18m whereas the by-law requires 19m and of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30% construct a single detached dwelling, is hereby: GRANTED.

The above decision is based on the following reasons:

1. **The variance is minor in nature given the surrounding area and as smaller lot sizes are increasingly becoming common and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, given modern civil design, house design and infrastructure standards and as no adverse impacts are anticipated.**
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 will legally recognize the recently created residential building lot, will help facilitate a larger building footprint / gross floor area for the new dwelling and offer more design flexibility.**
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 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.**

Prior to the issuance of the Building Permit:

2. **To the satisfaction of the Director of Community Development and Planning that:**
 1. **Provide front dwelling Elevation Plans that positively contribute to the public street through the use of a covered front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc.**
 2. **Provide written confirmation to the Director of Community Planning and Development certifying that the Ministry of Heritage, Sport, Tourism and Culture is satisfied pertaining to requirements for an archaeological assessment for the property.**

Carried

5.4 A5/2021P - 1120 Haist Street (Part 2)

Application A5/2021P was heard concurrently with Application A4/2021P. See application A4/2021P for minutes and decision.

5.5 A6/2021P - 1120 Haist Street (Part 3)

Purpose of Application

Application request relief of Section 13.2 (b) “Minimum Corner Lot Frontage” to permit a corner lot frontage of 19.5 m, whereas 20 m is required, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30%, Section 13.2 (e) “Minimum Interior Yard Setback” – to permit a minimum interior yard setback of 1.2m whereas the by-law requires 1.8m, Section 13.2 (e) “Minimum Exterior Side Yard Setback” – to permit a minimum exterior side yard setback of 3m whereas the by-law requires 5m and, Section 6.35 (c) “Yard Encroachments – Unenclosed Porches” – to permit an unenclosed porch and steps to project into a required front yard to a maximum distance of 2.2m whereas the by-law allows a maximum distance of 1.5m to construct a single detached dwelling.

Representation

The Applicant and his Agent, Mr. Greg Taras, from Urban & Environmental Management Inc. were electronically present.

Correspondence Received

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

Applicant's Comments

Mr. Taras, Agent indicated similarly to applications A4 and A5/2021P he agreed with everything except the point on the archeological condition.

The Committee determined, similarly to applications A4 and A5/2021P the requested condition regarding the requirement of a licensed archeologist during excavation be amended to requiring a clearance letter from the ministry with regards to the already completed Stage 1-2 Archeological Assessment.

Public Comments

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 5:54 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberated.

Members Comments

The Chair stated the applicants original request for Section 13 (c) was for a reduction from 5m to 1.2m, however Planning staff recommend approval of 3m and asked the Agent if he is okay with this. In response, Mr. Taras indicated he and the applicant are okay with this.

Moved By John Klassen

Seconded By Donald Cook

Application for relief, of Section 13.2 (b) “Minimum Corner Lot Frontage” to permit a corner lot frontage of 19.5 m, whereas 20 m is required, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30%, Section 13.2 (e) “Minimum Interior Yard Setback” – to permit a minimum interior yard setback of 1.2m whereas the by-law requires 1.8m, Section 13.2 (e) “Minimum Exterior Side Yard Setback” – to permit a minimum exterior side yard setback of 3m whereas the by-law requires 5m and, Section 6.35 (c) “Yard Encroachments – Unenclosed Porches” – to permit an unenclosed porch and steps to project into a required front yard to a maximum distance of 2.2m whereas the by-law allows a maximum distance of 1.5m, is hereby: GRANTED.

The above decision is based on the following reasons:

1. The variance is minor in nature given the surrounding area and as smaller lot sizes are increasingly becoming common and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, given modern civil design, house design and infrastructure standards, as it will offer more design flexibility and no adverse impacts are anticipated.

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 will legally recognize the recently created residential building lot, as will help facilitate a larger building footprint / gross floor area for the new dwelling, and it will offer more design flexibility.**
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 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.**

Prior to the issuance of the Building Permit:

2. **To the satisfaction of the Director of Community Development and Planning that:**
 1. **Provide front dwelling Elevation Plans that positively contribute to the public street through the use of a covered front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc.**
 2. **Provide written confirmation to the Director of Community Planning and Development certifying that the Ministry of Heritage, Sport, Tourism and Culture is satisfied pertaining to requirements for an archaeological assessment for the property.**

6. Applications for Consent

6.1 B1/2021P - 695 Quaker Road

Purpose of Application

Application for consent to partial discharge of mortgage and consent to convey 540.4 square metres of land (Part 2) for residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 695 Quaker Road

Representation

The Agents Matt Kernahan from Upper Canada Consultants and Patrick Maloney from Sullivan Mahoney LLP were electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region
5. NPCA
6. Bell Canada

Applicant's Comments

The Agents made no further comments.

Public Comments

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 6:12 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford closed the public comment portion of the application.

Members Comments

A Member indicated he was happy to see the subject land reach this point as the lands in question are becoming an appropriate parcel of land for development.

A Member indicated he has a problem with the condition of the Stage 1 – 2 Archeological Assessment and that no demolition or change of grading shall happen prior to the clearance letter as he drove past the property and stated Part 2 has been totally regraded. He stated he does not like this and asked why is the Committee imposing the condition now when the land has been distributed, including the removal of the carport. The member asked Mr. Thompson if a demolition permit has been taken out. In response, Mr. Thompson indicated he is not aware if a demolition permit has been taken out. The Agent, Mr. Kernahan stated he can confirm the applicant has made an application for a demolition permit and has also applied and received the entrance permit.

The Member indicated he is concerned the grading has changed prior to the issuance of the release letter from the Ministry. In response, Mr. Kernahan stated in the absence of a Planning Act application, there is no requirement for an archeological assessment. He further stated his client was not aware of the conditions of the Committee prior to applying and receiving the demolition permit.

A Member asked if the Building Department has any parameters or obligations when issuing demolition permits. In response, Mr. Kernahan indicated he was not personally involved in that process and he cannot speak on behalf of the Building Department, however stated the requirement of an archeological assessment is not triggered by a building permit but it is triggered by a development application. He stated he would be surprised if the Building Department required an archeological assessment. In further response, Mr. Maloney indicated the Chief Building Official will issue a permit after checking all applicable law and if the property was within a heritage district, and no requirements were imposed on the site, the Chief Building Official would have to issue the permit.

A Member stated he was not sure why the condition is being suggested, as the lands are not 'virgin'. Through further discussion it was determined by the Committee, as the condition is not being questioned by the applicant or agents, the condition would remain as suggested.

Moved By Bernie Law

Seconded By John Klassen

**Application is made for consent to partial discharge of mortgage and consent to convey 540.4 square metres of land (Part 2) for residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 695 Quaker Road, is hereby:
GRANTED**

The above decision is based on the following reasons:

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. Ensure Part 2 is serviced with, at a minimum, an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. The applicant shall bear all costs associated with these works.**
- 2. Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots confirming no existing or proposed service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to**

other lands. Locate cards are required after the installation of new services.

3. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The driveway entrance shall be located on the east side of Part 2. The applicant shall bear all costs associated with these works.
4. Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.

To the Satisfaction of the Director of Community Planning and Development

1. Provide one (1) required parking stall in accordance with Section 6.16 (a) of the Zoning By-law by obtaining and completing a building permit for the construction of a carport or garage on Part 1. Alternatively, the applicant shall obtain zoning relief to amend this parking provision.
2. Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
3. Provide north & west dwelling *Elevation Plan(s)* that positively contribute to the public street through the use of a front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., to the satisfaction of the Director of Community Planning & Development. Said *Elevation*

***Plans* shall be substantially unaltered from those at the time of building permit.**

4. **Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

To the Satisfaction of the Secretary-Treasurer

1. **That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
2. **That the final certification fee of \$399, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

Carried

6.2 A2/2021P - 695 Quaker Road

Purpose of Application

Application for relief of Section 6.16 (a) "Parking Requirements" – to permit 1 required parking stall outdoors whereas the by-law requires 1 parking stall in a private garage or carport.

Representation

The Agents Matt Kernahan from Upper Canada Consultants and Patrick Maloney from Sullivan Mahoney LLP were electronically present.

Correspondence Received

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

Applicant's Comments

Mr. Kernahan indicated the application is for relief for building a garage or carport. Mr. Mahoney indicated he drove the area and many houses do have garages but no one seems to use the garage, therefore outdoor parking would be consistent.

Public Comments

Ms. Holly Willford, Assistant Secretary Treasurer indicated there were no pre-registered members of the public and checked the clerks@pelham.ca email address at 6:35 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Members Comments

The Members made no comments.

Moved By John Klassen

Seconded By Bernie Law

Application for relief, of Section 6.16 (a) “Parking Requirements” – to permit 1 required parking stall outdoors whereas the by-law requires 1 parking stall in a private garage or carport is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature as there is no substantiated negative impact that would result to either the homeowner, or neighbourhood, from not having a parking structure and parking will be available in the new driveway(s).**
- 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 offers the homeowner flexibility to decide if they wish to construct such a structure.**
- 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 the approval of the minor variance is subject to Consent File B1/2021P obtaining final approval.**

Carried

7. Minutes for Approval

None.

8. Adjournment

Moved By Bernie Law

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 February 1, 2021 at 4:00 pm.

Carried

Don Cook, Chair

Secretary-Treasurer, Nancy J. Bozzato