

Committee of Adjustment**Minutes**

Meeting #: Special CofA 01/2021
Date: Tuesday, March 16, 2021
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
Brenda Stan

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

1. Attendance

Applicant, Agents 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 4:15 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.

5. Applications for Minor Variance

5.1 A13/2021P - 162 Port Robinson Road (Block 1, Plan 59M-481)

Purpose of Application

Application for relief of By-Law 4138(2019) RM1-291 General Provision Section 6.35 (c) "Yard Encroachments – Unenclosed Porches, Balcony, Steps or Patio" – to permit an unenclosed porch, balcony, step or patio of 1.5m for Units 31-36 and 54-60 from the front lot line or exterior side lot line whereas the by-law requires 2m; By-Law 4138(2019) RM1-291 General Provision Section 6.35 (c) "Yard Encroachments – Unenclosed Porches, Balcony, Steps or Patio" – to permit an unenclosed porch, balcony, step or patio of 2.2m for Units 1-19 from the rear lot line whereas the by-law requires 4.5m; and By-Law 4138(2019) RM1-291 Section 16.4 (h) "Maximum Exterior Side Yard" – to permit a maximum exterior side yard of 7.5m for Units 44 & 45 and 7m for Unit 69 whereas the by-law requires 5m.

Representation

The Agent, William Heikoop, from Upper Canada Consultants was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Niagara Region
4. NPCA

Applicant's Comments

The Agent, Mr. William Heikoop, provided a brief presentation to further explain the application. A copy of the presentation is on file with the Clerk. Mr. Heikoop advised that the proposed development is located within the Saffron Meadows Phase 3 Draft Plan of Subdivision which was approved along with a zoning by-law amendment in 2019. Mr. Heikoop indicated that this townhouse development, formally known as Lavender Fields, has

recently received Site Plan Approval from Town Council. Mr. Heikoop expressed his satisfaction that the concerns of the Public Works department regarding the impact of drainage is no longer an issue. He indicated that the proposed changes will not affect the rear yard apron grade.

Public Comments

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:38 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

Two Members commented that the staff report and agent presentation adequately addressed all anticipated comments and concerns.

The Chair asked for the actual distance between the property line and curb on Port Robinson Road with regard to units 59 and 60. In response, the Agent, Mr. Heikoop provided the estimate of 7.5 metres. The Chair expressed concern that if a driver were to inadvertently jump the curb, they would come close to the front porch. Furthermore, he agreed that it is nice to have a consistent lot line, however, he identified this particular location as appearing tighter than units to the east.

The Chair indicated that although he is not against granting the 1.5 metres, he would prefer the distance be greater. He expressed concern with the reduction of the rear yard setback from 4.5 metres to 2.2 metres for the rear lot line of units 1 to 19. The Chair sought confirmation that the southerly edge of the porch would be 1.2 metres from the property line if the variance was granted. In response, Mr. Heikoop identified that the closest deck to the property line is 2.2 metres, which is only applicable to units 15 to 19; the balance of units 1 to 14 is approximately 3.3 metres. Mr. Heikoop stated that the application was brought forth this way to avoid multiple revisions for each single block. Mr. Heikoop shared his screen and identified the distance on the site plan.

The Chair conveyed concern regarding the dimensions from ground level to the top of the deck. He suggested that anything over 1 metre in height would allow individuals using the trail to view into the patio door of the town houses. Mr. Heikoop indicated the height of the patio decks vary. He

stated that in his opinion, if the patio door or window was at grade or exactly 1 metre in height, the interior would still be visible to those utilizing the trail. The Chair further expressed his safety concern, indicating a lack of privacy to the homeowner. He stated that a greater distance between the rear deck and property line would allow for the potential of landscape screening to obstruct visualization.

The Chair asked how the water course was going to be maintained in the future. He also asked about access to the trail, noting the absence of a gated fence. Mr. Heikoop confirmed that direct gate access is not proposed. He stated that there will be a pedestrian connection at the dead end of Street D, connecting the existing Saffron Meadows Condominium to the new Lavender Fields Condominium. In addition, there will also be a pedestrian connection alongside Block E connecting to the trail.

The Chair indicated he was not in favor of reducing the rear yard setback even though it appeared to only be applicable to units 15 to 19.

A Member expressed concern that reducing the front lot line to 1.5 metres would result in snow being ploughed onto the front porch of the homes during winter operations. Mr. Heikoop responded that there is approximately 6 metres of space before the porch for snow storage which in his opinion is sufficient.

Moved By Bernie Law

Seconded By Sandra Marsh

THAT the public portion of the meeting be closed.

Carried

Moved By Bernie Law

Seconded By Sandra Marsh

Application for relief of Section RM1-291 General Provisions Section 6.35 (c) "Yard Encroachments – Unenclosed Porches, Balconies, Steps & Patios" to permit encroachments of not less than 1.5 m from a front lot line or exterior side lot line, whereas 2 m is required, for units 31-36 and 54-60, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature.**

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 because they will further help to active the streetscape.**
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. **None**

**Application for relief of Section RM1-291 General Provisions Section 6.35 (c) “Yard Encroachments – Unenclosed Porches, Balconies, Steps & Patios” to permit encroachments of not less than 2.2 m from a rear lot line, whereas 4.5 m is required, for units 1-19, is hereby:
GRANTED**

The above decisions are based on the following reasons:

1. **The variance is minor in nature.**
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 because they will further help to active the streetscape.**
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. **None**

Application for relief of Section RM1-291 Section 16.4 (h) “Maximum Exterior Side Yard” to permit a maximum exterior side yard of 7.5 m for units 44-45 and 7 m for unit 69, is hereby: GRANTED

The above decisions are based on the following reasons:

1. **The variance is minor in nature.**
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 because they will further help to active the streetscape.**
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. **None**

Carried

5.2 A14/2021P - 9 John Street

Purpose of Application

Application for relief of Section 13.2 (c) "Maximum Lot Coverage" to permit a maximum lot coverage 40% whereas the by-law allows 30% and whereas the property received a minor variance approval to allow 32.04%

Representation

The Agent, Ethan Laman, from Upper Canada Consultants was electronically present.

Correspondence Received

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

Applicant's Comments

The Agent, Mr. Ethan Laman, advised that this application was brought forth to the Committee of Adjustment in September 2020 where a maximum lot coverage of 32.04% was granted. Mr. Laman indicated that due to a conversion error, this percentage was deemed insufficient to accommodate the proposed dwelling. In addition, Mr. Laman stated that additional lot coverage is being sought to accommodate a future accessory building.

Public Comments

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:56 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 what size the accessory structure would equate too, given the request for additional lot coverage. The Agent, Mr. Laman, indicated 24.75 square metres or 266.6 square feet. The Member inquired if an accessory structure of that size would require a building permit. Mr. Curtis Thompson, Town Planner, responded that any structure exceeding 10 square metres, being 108 square feet, would require a building permit under the *Ontario Building Code*. The Member recommended a condition

be added requiring a building permit prior to the construction of an accessory structure.

A Member expressed concern regarding drainage, noting that little vacant land will remain to absorb water after the dwelling is built. The Member indicated that drainage from the property to the west flows down to John Street. In addition, water is discharged from the rear eavestrough of 9 John Street into the backyard. The Member sought clarification as to when a drainage plan is required.

The Chair recalled that upon granting the original conveyance, a condition was imposed requiring the submission of a drainage plan. The Chair asked how water was being drained from the first lot, as water appears to be flowing from the west, toward 9 John Street. Additionally, the Chair asked if the drainage was in accordance with the plan submitted at building permit issuance. Mr. Thompson could not confirm if 7 John Street had received final grading approval. To address a Member's earlier comment, Mr. Thompson confirmed that a proposed grading plan will be required for building permit issuance of 9 John Street. He also confirmed that lot coverage does impact drainage; however, indicated that it is not a perfect measurement.

A Member stated that 40% lot coverage is excessive due to drainage concerns. The Chair expressed difficulty in increasing the maximum lot coverage to 40% for this application. The Chair asked the Agent if he would be willing, on behalf of his client, to consider 36.2% lot coverage. A Member supported the recommendation of the Chair.

Craig Rohe, Senior Planner from Upper Canada Consultants, suggested that the discussion had applied to an application previously heard by this Committee. Mr. Rohe reiterated that this application seeks to correct a conversion error. Mr. Rohe stated the desire to build in flexibly to accommodate additional lot coverage for the purpose of an accessory structure such as a shed.

Mr. Rohe asked for clarification with regard to Committee changing the criteria of the application. Ms. Holly Willford, Assistant Secretary-Treasurer, replied that the Committee may approve what is requested. Alternatively, the Committee may choose to grant a variance closer to that required in the Zoning By-law.

A Member expressed concern that no ditches exist on Stella Street. The Chair suggested that this application may not be minor, as water run-off

will effect existing residents and future purchasers. Mr. Derek Young, Manager of Engineering, confirmed there is an existing catch basin on the corner of John Street and Stella Street. Mr. Young indicated that a swale used to exist along Stella Street, however, it has naturally diminished over time. To address the concerns of the Committee, Mr. Young suggested a condition be added requesting the grading be re-directed to the catch basin noted above at the owner's expense.

The Chair proposed a condition to the satisfaction of the Director of Public Works that a revised lot grading and drainage plan directing drainage to the catch basin be submitted. In addition, he proposed a condition that improvements to the swales and/or ditches on Stella Street and John Street be made at the owners expense. Further, a Member proposed condition that all necessary building permits be obtained for any future accessory structure exceeding 10 square metres. All members agreed to the proposed conditions.

Moved By Sandra Marsh
Seconded By Bernie Law

THAT the public portion of the meeting be closed.

Carried

Moved By Sandra Marsh
Seconded By Bernie Law

Application for relief of Section 13.2 (c) "Maximum Lot Coverage" to permit a maximum lot coverage 40% whereas the by-law allows 30% and whereas the property received a minor variance approval to allow 32.04%, is hereby: GRANTED

The above noted decision is based on the following reasons:

- 1. The variance is minor in nature as it will continue to maintain a reasonably sized and desirable rear yard amenity area while providing more design flexibility.**
- 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 allow more design flexibility.**
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 be obtained for any future accessory structure exceeding 108 square feet.**
2. **To the satisfaction of the Director of Public Works, prior to issuance of any building permits:**
 1. **Provide a revised lot grading and drainage plan directing drainage to the existing catch basin and to provide for improvements to the swales and/or ditches on Stella Street and John Street, and the applicant shall bear all costs associated with such.**

Carried

5.3 A15/2021P - 702 Sumbler Road

Purpose of Application

Application for relief of Section 7.7 (a) "Maximum (Accessory) Lot Coverage" – to permit a maximum (accessory) lot coverage of 2.5% whereas the by-law or allows 1%; and Section 7.7 (d) "Maximum Building Height" – to permit a maximum building height of 6.1m whereas the by-law allows 3.7m.

Representation

The Agent, Ethan Laman, from Upper Canada Consultants was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Niagara Region
4. NPCA

Applicant's Comments

The Agent, Mr. Ethan Laman, advised that his client is proposing to build a storage unit to house large items. Mr. Laman noted that his client has conducted an archeological assessment.

Public Comments

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 5:29 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 if there was an existing entrance to the property from Balfour Street. The Agent, Mr. Laman, confirmed there was no existing entrance and that any culvert and driveway work would require an entrance permit.

A Member asked if multiple entrances were permitted on a corner lot. Mr. Derek Young, Manager of Engineering, confirmed that corner lots are permitted to have limited additional accesses.

A member indicated that the proposal would be an asset to the Town.

The Chair expressed concern that the proposed storage facility may be used for a future enterprise. The Chair indicated that proposed accessory buildings in an Agricultural Zone are meant to support viable farm operations. He indicated that this proposed size of the building is large in

relation to the property size. In response, Mr. Laman assured that his client plans to use the building for storage purposes.

Moved By Bernie Law

Seconded By Sandra Marsh

THAT the public portion of the meeting be closed.

Carried

Moved By Bernie Law

Seconded By Sandra Marsh

Application for relief of Section 7.7 (a) “Maximum (Accessory) Lot Coverage” – to permit a maximum (accessory) lot coverage of 2.5% whereas the by-law or allows 1%, is hereby: GRANTED

The above noted decision is based on the following reasons:

- 1. The variance is minor in nature given the rural character of the 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 appropriate development and/or use of the land because 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.

Prior to Building Permit:

1. **To the Satisfaction of the Director of Community Planning and Development**
 1. Amend the building Elevation Plans to remove all overhead door(s) on the east / west walls and relocate them onto the north wall, congruent with the current proposed driveway alignment, as well as provide a symmetrically proportionate amount of glazing to the building's mass on the east façade
 2. Obtain clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries for the Stage 1 – 2 Archaeological Assessment, prepared by Detritus Consulting Limited (dated December 23, 2020), and that a copy of the Ministry's acknowledgement letter be provided to the Region. If the Ministry requires further archaeological work to be completed prior to acknowledging this Report, these Report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of the Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject lands prior to the issuance of clearance letter from the Ministry through Niagara Region.
 3. Provide a revised Site Plan illustrating the study area shown on Figure 4 of the Stage 1 – 2 Archaeological Assessment, prepared by Detritus Consulting.
2. **To the Satisfaction of the Director of Public Works**
 1. Obtain approval for a Driveway Entrance and Culvert Permit for the construction or modification of all new or existing driveway entrances. Installation of driveway entrances shall be in accordance with Town standards and the applicant shall bear all costs associated with such.
3. **To the Satisfaction of the Niagara Region**
 1. Submit a Landscape Plan prepared by a qualified professional illustrating the restoration of the 30 m vegetated protection

zone adjacent to the development footprint, including all proposed construction, grading and site alteration

- 2. Ensure no plumbing or living spaces be provided within the accessory building at the time of building permit, and that a new sewage system be installed to service the property, meeting all requirements of the Ontario Building Code.**

Carried

5.4 A16/2021P - Block 38, Plan 59M-476

Purpose of Application

Application is made for relief, to construct townhomes, from: Section 30 (Exemptions) No. 269 - Section 16.4 (e) "Minimum Side Yard" – to permit a minimum side yard of 2.3m whereas the by-law requires 3m; and Section 30 (Exemptions) No. 269 - Section 16.4 (f) "Minimum Rear Yard" – to permit a minimum rear yard of 2.3m (Units 8-7 and 21) whereas the by-law requires 6.0m; Section 6.16 (d) (i) "Ingress and Egress – Minimum 2-way Drive Aisle Width" – to permit a minimum private driveway (condominium road) for ingress and egress of 7.0m whereas the by-law requires 7.5m; and Section 6.35 (c) "Yard Encroachments – Unenclosed Porches, Balconies, Steps or Patios" – to permit a deck encroachment of 3.0m whereas the by-law allows 1.5m.

Representation

The Agent, Mr. Craig Rohe, from Upper Canada Consultants was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. NPCA
4. Upper Canada Consultants

Applicant's Comments

The Agent, Mr. Craig Rohe, provided a brief presentation to further explain the application. A copy of the said presentation is on file with the Clerk.

Public Comments

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 5:53 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 sought clarification as to whether the minimum side yard of 2.3 metres applied to all units or only unit 17. In addition, the Member requested clarification if the rear yard encroachment applied to all units. The Agent, Mr. Rohe, confirmed that unit 17 is the only unit requiring relief. Mr. Rohe also confirmed that the encroachment applies to all units.

A Member voiced no objection to the application.

The Chair sought clarification with regard to the location of the rear yard on the sketch. Mr. Rohe clarified that the front yard is the frontage on Walker Road and perpendicular to that is the southerly lot line which is the rear yard. Mr. Rohe stated that the way the development is set up with the adjacent property to the south, it creates a side by side configuration. Mr. Rohe advised that the variance would result in an overall consistent lotting fabric within the development.

The Chair voiced concern with regard to reducing the road allowance. He continued to note that he is satisfied that the laneways, Street A and Street B, will never be dedicated as public highways under the *Highway Traffic Act*.

Moved By Sandra Marsh

Seconded By Bernie Law

THAT the public portion of the meeting be closed.

Carried

Moved By Sandra Marsh
Seconded By Bernie Law

Application for relief of Section 30. (Exceptions) No. 269 – Section 16.4 (e) “Minimum Side Yard” to permit a side yard of 2.3 m, whereas 3 m is required, is hereby: GRANTED

The above noted decision is based on the following reasons:

- 1. The variance is minor in nature and there are no safety concerns.**
- 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 because they will allow for an adequate increase in the underserved Pelham housing supply.**
- 5. No objections were received from commenting agencies or abutting property owners.**
- 6. This application is granted without prejudice to any other application in the Town of Pelham.**
- 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. None.**

Application for relief of Section (Exceptions) No. 269 – Section 16.4 (f) “Minimum Rear Yard” to permit a rear yard of 2.3 m for units 7 – 8 & 21, whereas 6 m is required, is hereby: GRANTED

The above noted decision is based on the following reasons:

- 1. The variance is minor in nature as there are no negative impacts that would arise.**
- 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 because they will allow for an adequate increase in the underserved Pelham housing supply.
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. None

Application for relief of Section 6.16 (d) (i) “Ingress & Egress – Minimum 2-way Drive Aisle Width” to permit a 2-way drive aisle width of 7 m, whereas 7.5 m is required, is hereby: GRANTED

The above noted decision is based on the following reasons:

1. The variance is minor in nature as there are no safety concerns.
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 because it will help create a geometrically and well-connected land use & transportation system.
5. No objections were received from commenting agencies or abutting property owners.
6. This application is granted without prejudice to any other application in the Town of Pelham.
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. None**

**Application for relief of Section 6.35 (c) “Yard Encroachments – Unenclosed Porches, Balconies, Steps & Patios” to permit deck encroachments of 3 m, whereas 1.5 m is allowed, is hereby:
GRANTED**

The above noted decision is based on the following reasons:

- 1. The variance is minor in nature as there are no privacy concerns.**
- 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 because it will improve rear yard amenity spaces without unduly causing insensitive privacy concerns or adverse impacts to surrounding lands**
- 5. No objections were received from commenting agencies or abutting property owners.**
- 6. This application is granted without prejudice to any other application in the Town of Pelham.**
- 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. None**

Carried

6. Applications for Consent

6.1 B15/2021P - 1304 Rice Road

Purpose of Application

Application is made for consent to convey an easement in perpetuity over Parts 3 and 4, to the benefit of Part 1 for permanent sanitary and storm water services and consent to convey a temporary easement over Parts 2 and 3, to the benefit of Part 1 for temporary turning access. Parts 2, 3, 4 and 5 are to be retained for future residential development.

Representation

The Agent, Mr. Craig Rohe, from Upper Canada Consultants was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. NPCA
4. Upper Canada Consultants

Applicant's Comments

The Agent, Mr. Craig Rohe, provided a brief presentation to further explain the application. A copy of the said presentation is on file with the Clerk.

Public Comments

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 6:06 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 expressed support of the application. No additional comments were made.

Moved By Bernie Law

Seconded By Sandra Marsh

THAT the public portion of the meeting be closed.

Carried

Moved By Bernie Law

Seconded By Sandra Marsh

Application is made for consent to convey an easement in perpetuity over Parts 3 and 4, to the benefit of Part 1 for permanent sanitary and storm water services and consent to convey a temporary easement over Parts 2 and 3, to the benefit of Part 1 for temporary turning access; is hereby GRANTED

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. Confirm that no existing utilities cross the proposed new lot line. Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.**

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.**

This 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.**

Carried

7. Minutes for Approval

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 April 7, 2021 at 4:00 pm.

Carried

Don Cook, Chair

Secretary-Treasurer, Nancy J. Bozzato