

Committee of Adjustment**Minutes**

Meeting #: CofA 04/2021
Date: Wednesday, April 7, 2021
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
Sandra Marsh
Brenda Stan

Members Absent John Klassen
Bernie Law

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

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 4:00 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 to the Committee of Adjustment advised the Committee that the applicant for file B11/2021P – 1419 Station Street has requested an adjournment in order to make a slight amendment and re-circulate the application.

The Agent, Mr. Stephen Kaiser confirmed the applicant is requesting an adjournment to amend the application and re-circulate. Mr. Kaiser requested the re-circulation fee be waived.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT application B11/2021P – 1419 Station Street be adjourned, sine die;

AND THAT the recirculation fee of \$253.00 be waived

Carried

5. Applications for Minor Variance

5.1 A18/2021P - 879 Foss Road

Purpose of Application

Application for relief of Section 7.3 (e) “Minimum Side Yard” – to permit a minimum rear yard of 11.5m whereas the by-law requires 15m; and Section 7.3 (g) (i) “Supplementary Setback Distance” – to permit a supplementary setback distance (to dwelling on adjacent lot) of 36m whereas the by-law requires 45m.

Representation

The Applicant and Authorized Agents, Rhea Davis and Heather Sewell from NPG Planning Solutions were electronically present. Consultant, High Fraser, was present via telephone.

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. NPG Planning Solutions Presentation

Public Comments

1. Flowers Canada Ontario
2. Sunrise Greenhouses
3. Willowbrook Nurseries Inc.
4. United Floral Distributors
5. Jan and Kitty VanZanten
6. Dave Jones
7. The Clark Family
8. Jessica Dreyer
9. The Hultink Family

Applicants Comments

The Agent, Ms. Rhea Davis, provided a brief presentation to further explain the application. A copy of the 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 4:22 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.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Members Comments

A Member sought clarification for the proposed condition of a scoped lot grading and drainage plan suggested by the Public Works Department. The Manager of Engineering, Mr. Derek Young, responded that a scoped lot grading and drainage plan is only applicable to the area being disturbed as part of construction, as opposed to the entire lot.

The Member further expressed concern with regard to drainage on the property; suggesting that an overall lot grading and drainage plan be submitted for the entire property. The Member recommended the word

“scoped” be removed from the condition. Mr. Young stated that Town Engineering Staff believe there is currently sufficient drainage on this site.

Mr. Young identified that the driveway at the easterly end of the property was not installed by Town Staff. In response, a Member suggested adding a condition to obtain approval for a Driveway Entrance and Culvert Permit for the easterly existing driveway entrance. The Members discussed the proposed condition and through consensus agreed to add the additional condition regarding the driveway entrance. The Agent requested clarification on the revised proposed conditions. Mr. Young provided further clarification and the Agent indicated she understood the requirement.

A Member sought clarity whether a condition requiring an overall lot grading and drainage plan could be imposed at site plan approval. Assistant Secretary-Treasurer, Ms. Willford indicated that although this may be a condition, the Committee cannot impose a condition of site plan approval.

Mr. Young confirmed that Engineering Staff would be satisfied with the Committee removing the word “scoped” from the condition. He noted that the submission of an existing lot grading and drainage prior to building permit would alleviate the condition.

Moved By Sandra Marsh

Seconded By Brenda Stan

Application for relief of Section 7.3 (e) “Minimum Rear Yard” – to permit a minimum rear yard of 11.5m whereas the by-law requires 15m, is hereby: GRANTED; and

Application for relief of Section 7.3 (g) (i) “Supplementary Setback Distance” – to permit a supplementary setback distance (to dwelling on adjacent lot) of 36m whereas the by-law requires 45m, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the greenhouse expansion is relatively benign 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 it will allow for improved usage of the existing agricultural parcel.
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.

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works
 1. Submit for approval, an existing Lot Grading & Drainage Plan demonstrating that storm runoff does not negatively impact, nor rely upon neighbouring properties
 2. Obtain approval for a Driveway Entrance and Culvert Permit for the easterly existing driveway entrance. Installation of driveway entrances shall be in accordance with Town standards and the applicant shall bear all costs associated with such.

Carried

6. Applications for Consent

6.1 B11/2021P - 1419 Station Street

Application was adjourned.

6.2 B12/2021P - 87 Port Robinson Road

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Files B12/2021P, B12/2021P and B14/2021P be heard concurrently.

Carried

Purpose of Application

Applications B12/2021P, B13/2021P and B14/2021P were heard concurrently.

Application B12/2021P is made for consent to partial discharge of mortgage and to convey 432.7 square metres of land (Part 1), for construction of one unit of a three-unit townhouse. Application B13/2021P is made for consent to partial discharge of mortgage and to convey 296.0 square metres of land (Part 2), for construction of one unit of a three-unit townhouse. Application B14/2021P is made for consent to partial discharge of mortgage and to convey 426.3 square metres of land (Part 3), for construction of one unit of a three-unit townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained.

Representation

The Agent, Ms. Jennifer Vida, from Hummel Properties 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. Bell
5. NPCA

Applicants Comments

The Agent, Ms. Jennifer Vida, provided a brief presentation to further explain the application. A copy of the 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 4:54 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 deliberate

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Members Comments

The Agent, Ms. Vida noted that due to a zoning issue, Phase 2 applications for consent will be brought forth separately.

A Member asked the Manager of Engineering, Mr. Young, to clarify the ownership of the existing culvert running along the north property line. Mr. Young confirmed that the existing drainage ditch it is not a municipal drain and must be maintained by property owners. Mr. Young continued to note that because this tributary is not maintained by the Town, blockage or flooding upstream is a dispute between neighboring properties.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Application B12/2021P made for consent to partial discharge of mortgage and to convey 432.7 square metres of land (Part 1), for construction of one unit of a three-unit townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained, is hereby: GRANTED;

AND THAT Application B13/2021P made for consent to partial discharge of mortgage and to convey 296.0 square metres of land (Part 2), for construction of one unit of a three-unit

townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained, is hereby: GRANTED;

AND THAT Application B14/2021P made for consent to partial discharge of mortgage and to convey 426.3 square metres of land (Part 3), for construction of one unit of a three-unit townhouse. 1,285.4 square metres (Part 4) is to be retained, is hereby: GRANTED.

The above decisions are subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. Submit a drawing confirming that no existing utilities cross the proposed lot line. Should any service(s) cross this lot line, the applicant will be responsible for costs associated with their relocation and/or removal.**

To the Satisfaction of the Secretary-Treasurer

- 1. That application for consent, file B12/2021P receive final certification of the Secretary-Treasurer concurrently with applications B13/2021P and B14/2021P.**
- 2. 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.**
- 3. 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

6.3 B13/2021P - 89 Port Robinson Road

Application B13/2021P was heard concurrently with applications B12/2021P and B14/2021P. See application B12/2021P for minutes and decision.

6.4 B14/2021P - 91 Port Robinson Road

Application B14/2021P was heard concurrently with applications B12/2021P and B13/2021P. See application B12/2021P for minutes and decision.

7. Minutes for Approval

None.

8. Appointment of Secretary-Treasurer

Moved By Donald Cook

Seconded By Sandra Marsh

THAT Holly Willford, be and is hereby appointed as Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective April 19th, 2021;

AND THAT Nancy Bozzato, be and is hereby appointed as Assistant Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective April 19th, 2021.

Carried

9. Adjournment

Moved By Sandra Marsh

Seconded By Brenda Stan

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for May 4, 2021 at 4:00 pm.

Carried

Don Cook, Chair

Secretary-Treasurer, Nancy J. Bozzato