Committee of Adjustment

Minutes

Meeting #:	**CofA 08/2021**
Date:	**Tuesday, August 3, 2021**
Time:	**4:00 pm**
Location:	**Town of Pelham Municipal Office - Council Chambers** **20 Pelham Town Square, Fonthill**
Members Present	John Klassen Sandra Marsh Bernie Law
Members Absent	Donald Cook Brenda Stan
Staff Present	Holly Willford Sarah Leach Shannon Larocque Kenny Ng Derek Young Jacquie Miller

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 Klassen 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. Sarah Leach, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

5. Applications for Minor Variance

5.1 A31/2021P - 282 Canboro Road

Purpose of Application

Application for permission pursuant to Section 45(2)(a)(ii) of the *Planning Act* to permit a change of use to the legal-non conforming use, in order to convert the existing single detached residential dwelling into a commercial business office.

Representation

The Agent, Mr. Ethan Laman from Upper Canada Consultants and Applicant, Matt Dam were electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Linda and Jim Addario

Applicants Comments

The Agent, Mr. Ethan Laman stated that this is a technical request related to the use of the property. He confirmed that from a physical site perspective, there will be no noticeable change. Mr. Laman stated that alterations will be limited to the interior of the building, with the exception of exterior window additions.

A Member stated that the proposal is a nice addition to Ridgeville, referencing the sites ample parking and visually pleasing exterior. The Member reinforced a need for office space outside of Downtown Fonthill.

A Member asked if additional parking will be required or if parking could be facilitated within the existing space. The Member further asked if increased traffic is anticipated. The Applicant, Mr. Dam confirmed that there is ample parking on-site and access to public parking would not be required. Mr. Dam stated that traffic flow will not be busy.

A Member confirmed with Planning that any expansion to the commercial use would require a Site Plan Agreement.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:15 pm and confirmed no e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion or the meeting and deliberate.

Members Comments

The Members indicated they had no further comments or objections.

Moved By Sandra Marsh
Seconded By Bernie Law

THAT Application for permission pursuant to Section 45(2)(a)(ii) of the Planning Act to permit a change of use to the legal-non conforming use, in order to convert the existing single detached residential dwelling into a commercial business office, is hereby: GRANTED;

The above decision is based on the following reasons:

1. **The application satisfies the Planning Act and Town Policy E2 – Non-Conforming Uses.**
2. **That the similar change of use to a commercial business office is more in keeping with the goals of the Official Plan and the intent of the Zoning By-law.**
3. **That the similar change in use is not expected to generate any unreasonable negative impacts for adjacent uses or the community at large than what is currently permissible.**
4. **This application is granted without prejudice to any other application in the Town of Pelham.**
5. **No objections were received from commenting agencies or abutting property owners.**

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:

To the Satisfaction of the Chief Building Official

1. **That the Applicant apply for and receive Building Permit for the proposed interior alterations and change of use.**

Carried

6. Applications for Consent

6.1 B21/2021P - 588 Chantler Road

Purpose of Application

Application for consent to partial discharge of mortgage and consent to convey 16,941 square metres of land (Part 1) as surplus farm dwelling for residential use. Part 2 is to be retained for continued agricultural use.

Representation

The Applicants, John and Joyce Sonneveld were electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Hydro One
6. NPCA

Applicants Comments

The Applicants, Mr. and Mrs. Sonneveld voiced support of the recommendation report and indicated they had no comments.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre registered members of the public to speak and she checked the

clerks@pelham.ca email address at 4:27 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion or the meeting and deliberate.

Members Comments

A Member reaffirmed that the proposed Agricultural Purposes Only lot would be prohibited from a residential build. Another Member supported the intent of the application.

Moved By Bernie Law
Seconded By Sandra Marsh

THAT Application for consent to partial discharge of mortgage and consent to convey 16,941 square metres of land (Part 1) as surplus farm dwelling for residential use. Part 2 is to be retained for continued agricultural use; is hereby: GRANTED;

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

1. **Obtain a Driveway Access and Culvert Permit, issued through the Public Works department, construct a new access to serve Part 2. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to final certification and the Applicant shall bear all costs associated with the works.**
2. **Submit a comprehensive overall Lot Grading and Drainage Plan, to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**
3. **Confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocations and/or removal.**

To the Satisfaction of the Director of Community Planning & Development

1. **Obtain final approval for a site-specific Zoning By-law Amendment to rezone Part 2 as Agricultural Purposes Only**

(APO), to ensure that new residential dwellings are prohibited on Part 2 in perpetuity, to the satisfaction of the Director of Community Planning and Development.

2. **Address any necessary zone deficiencies resulting from the lot's creation through the Zoning By-law Amendment to the satisfaction of the Director of Community Planning and Development.**

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 applicant is aware rezoning and additional zoning amendments are required.**
2. **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.**
3. **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.**
4. **No objections to this proposal were received from commenting agencies or neighboring property owners.**
5. **Committee is satisfied that the application conforms to the criteria for the severance of a Surplus Farm Dwelling**
6. **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

6.2 B22/2021P - 93 Port Robinson Road

Purpose of Application

Applications B22/2021P, B23/2021P and B24/2021P were heard concurrently.

Application B22/2021P for consent to partial discharge of mortgage and consent to convey 426.5 square metres of land (Part 1), for future construction of a three-unit townhouse. Application B23/2021P for consent to partial discharge of mortgage and consent to convey 296.2 square metres of land (Part 2), for future construction of a three-unit townhouse. Application B24/2021P for consent to partial discharge of mortgage and consent to convey 431.3 square metres of land (Part 3), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5.

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. NPCA
~~5. Terry Soucie~~

Pre-Registered Members of the Public
~~1. Terry Soucie~~

Applicants Comments

The Agent, Ms. Vida stated that consent files B22/2021P, B23/2021P and B24/2021P form the second phase of development on Port Robinson Road. She indicated that the neighboring block of three townhouses are currently under construction. Ms. Vida stated satisfaction with the proposed conditions.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that the pre-registered member of the public has withdrawn both their written correspondence and request to speak.

Ms. Leach, 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. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion or the meeting and deliberate.

Members Comments

A Member expressed concern regarding increased traffic on Port Robinson Road. Another Member indicated that traffic concerns would be addressed by the Town, if warranted.

Moved By Sandra Marsh
Seconded By Bernie Law

THAT Application B22/2021P for consent to partial discharge of mortgage and consent to convey 426.5 square metres of land (Part 1), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5, is hereby: GRANTED;

AND THAT Application B23/2021P for consent to partial discharge of mortgage and consent to convey 296.2 square metres of land (Part 2), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5, is hereby: GRANTED;

AND THAT Application B24/2021P for consent to partial discharge of mortgage and consent to convey 431.3 square metres of land (Part 3), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5, is hereby: GRANTED.

To the Satisfaction of the Director of Public Works

1. **Confirm that no existing utilities cross the proposed new property lines. Should any services cross the new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.**
2. **Obtain a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification**

of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

3. **Ensure that the new lot is to be individually serviced with a 20mm diameter water service and 125mm diameter sanitary sewer lateral in accordance with Town of Pelham Engineering Standards. Installation of all services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to final certification and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.**

To the Satisfaction of the Secretary-Treasurer

1. **That application for consent, file B22/2021P receive final certification of the Secretary-Treasurer concurrently with applications B23/2021P and B24/2021P.**
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. **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 B23/2021P - 95 Port Robinson Road

Application B23/2021P was heard concurrently with applications B22/2021P and B24/2021P. See application B22/2021P for minutes and decision.

6.4 B24/2021P - 97 Port Robinson Road

Application B24/2021P was heard concurrently with applications B22/2021P and B23/2021P. See application B22/2021P for minutes and decision.

7. Minutes for Approval

Through unanimous consent the Committee approved the minutes of June 1, 2021 and July 6, 2021.

That the Committee of Adjustment minutes of June 1, 2021 and July 6, 2021 be approved.

Carried

8. Adjournment

Moved By Bernie Law
Seconded By Sandra Marsh

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for September 8, 2021 at 4:00 pm.

Carried

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John Klassen, Chair

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Secretary-Treasurer, Holly Willford