

**Committee of Adjustment**  
**Minutes**

**Meeting #:** CofA 07/2021  
**Date:** Tuesday, July 6, 2021  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present      John Klassen  
                                 Sandra Marsh  
                                 Brenda Stan

Members Absent      Donald Cook  
                                 Bernie Law

Staff Present          Holly Willford  
                                 Sarah Leach  
                                 Shannon Larocque  
                                 Kenny Ng  
                                 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 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 A19/2021P - 1000 Effingham Street**

##### **Purpose of Application**

Application for relief of Section 7.7 (a) "Maximum (Accessory) Lot Coverage" – to permit a maximum (accessory) lot coverage of 1.5% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10% and Section 7.7 (d) "Maximum Building Height" – to permit a maximum building height of 5m whereas the by-law allows 3.7m.

##### **Representation**

The Agent, Mr. Ethan Laman from Upper Canada Consultants and Applicants, Gerald and Jennifer DeHaan were electronically present.

##### **Correspondence**

1. Town of Pelham Planning
2. Town of Pelham Building
3. Town of Pelham Public Works
4. Niagara Region
5. Randy Beres

##### **Applicants Comments**

The Agent, Mr. Laman, provided a short presentation to further explain the application. A copy is available through the Clerk.

##### **Public Comments**

Ms. Sarah Leach, Assistant Secretary Treasurer confirmed there were no pre-registered members of the public and indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:20 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 of the meeting and deliberate.

## **Members Comments**

The Members indicated they had no comments or objections.

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**Application for relief of Section 7.7 (a) “Maximum (Accessory) Lot Coverage” – to permit a maximum (accessory) lot coverage of 1.5% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%; is hereby: GRANTED;**

**Application for relief of Section 7.7 (d) “Maximum Building Height” – to permit a maximum building height of 5m whereas the by-law allows 3.7m; is hereby: GRANTED;**

**The above decisions are based on the following reasons:**

- 1. The variance is minor in nature as the impact on the subject property and adjacent properties is minimal.**
- 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 the accessory building reuses a formal building footprint on the property as well as employs a typical rural built form, which demonstrates and maintains the rural character of the property.**
- 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 all necessary building permits are required for the constructed accessory building, to the satisfaction of the Chief Building Official.**
  - 1. Ensure no plumbing or living spaces be provided within the accessory building at the time of building permit.**

**Prior to Building Permit:**

- 1. To the Satisfaction of the Director of Community Planning and Development**
  - 1. Ensure that the accessory building meets the minimum setback distance derived from the Minimum Distance Separation (MDS) Formula if the building is to be used for housing livestock.**

**Carried**

## **6. Applications for Consent**

### **6.1 B20/2021P - 3 Hurricane Road (Part 1)**

#### **Purpose of Application**

Application for consent to partial discharge of mortgage and consent to convey 1,606 square metres of land (Part 1), for future construction of a single detached dwelling. 2,428 square metres of land (Part 2) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road.

#### **Representation**

The Applicant, Al Heywood, was electronically represent.

#### **Correspondence**

1. Town of Pelham Planning
2. Town of Pelham Building
3. Town of Planning Public Works
4. Hydro One

5. Nancy Bellantino and Peter Moffat

Pre-Registered Members of the Public

~~1. Nancy Bellantino~~

**Applicants Comments**

The Applicant, Mr. Heywood voiced support of the recommendation report and rationale. He explained that this property was recently rezoned to a site-specific Residential 1 ("R1") Zone. Mr. Heywood expressed concern regarding the wording of condition three to the satisfaction of the Secretary-Treasurer, which requests that consent file B16/2021P, B17/2021P and B18/2021P receive final certification, concurrently. Ms. Holly Willford, Secretary-Treasurer explained that the intent of the condition is that file B16/2021P, B17/2021P and B18/2021P receive final certification prior to file B20/2021P receiving final certification. The Applicant agreed to accept the condition with this understanding.

Mr. Heywood requested that the condition of a Tree Savings Plan be removed. He indicated that the Tree/Landscape Review for 3 Hurricane Road supports this request. A Member responded that the Tree/Landscape Review speaks only from a landscape point of view. The Member further commented that developing a plan to save trees was a reasonable request. Mr. Heywood responded that this was once a landscaped property and does not contain endangered species. Mr. Heywood also noted that the size of the lot is 2.3 times larger than the minimum requirement within the R1 Zone. He stated that the severance line had been strategically placed to allow for the preservation of two large trees.

Mr. Heywood stated, in his opinion, that the condition requiring a Tree Savings Plan is inconsistent, as it was not previously requested for consent file B16/2021P, B17/2021P or B18/2021P. A Member emphasized that each application is considered independently.

To address the public comment concerning drainage, Mr. Heywood reiterated that a Lot Grading and Drainage Plan was required pursuant to the proposed conditions of consent. Mr. Heywood discussed the passage of water and grading that effects the neighboring property. A Member stated that the Town's Public Works staff must be satisfied with the submitted Lot Grading and Drainage Plan. The Member was satisfied that the public complaint would be addressed through this condition.

## **Public Comments**

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that the pre-registered member of the public, Ms. Nancy Bellantino, withdrew her request to speak. Ms. Leach noted she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:46 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 of the meeting and deliberate.

A Member stated that the second written submission from Ms. Nancy Bellantino and Mr. Peter Moffat in lieu of their attendance was received and addressed by the Applicant.

## **Members Comments**

The Members indicated they had no comments.

**Moved By** Brenda Stan

**Seconded By** Sandra Marsh

**Application made for consent to partial discharge of mortgage and consent to convey 1,606 square metres of land (Part 1), for future construction of a single detached dwelling. 2,428 square metres of land (Part 2) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road; is hereby:  
GRANTED;**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

- 1. That the applicant obtains 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.**
- 2. Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be**

responsible for costs associated with their relocation and / or removal.

3. 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 & Development**

1. That the applicant undertake a Tree Savings Plan identifying trees to be retained to the satisfaction of the Director of Community Planning and Development.
2. 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.
3. That consent files B16/2021P, B17/2021P and B18/2021P receive final certification, from the Secretary-Treasurer, concurrently.

**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

7. **Minutes for Approval**

April 7, 2021

May 4, 2021

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**THAT the Committee of Adjustment minutes dated April 7th, 2021 and May 4th, 2021, be approved.**

Carried

8. **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 August 3rd, 2021 at 4:00 pm.**

Carried



John Klassen, Chair



Secretary-Treasurer, Holly Willford