

Committee of Adjustment**Minutes**

Meeting #: CofA 09/2021
Date: Wednesday, September 8, 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
Jacqueline Miller
Kenny Ng
Tolga Aydin

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. Holly Willford, Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

5. Applications for Minor Variance

5.1 A32/2021P - 1363 Station Street

Purpose of Application

Application for relief of:

Section 5.54(a) “Apartment Dwelling” Definition – to permit dwelling unit entrances from the exterior without an interior corridor, whereas the by-law requires that dwelling units be accessible from a corridor system connecting with a common entrance from outside the dwelling;

Section 6.16(d)(i) “Ingress and Egress” – to permit a minimum driveway width of 6.2m whereas the by-law requires 7.5m;

Section 6.16(i) “Parking Area Location on Lot” – to permit a minimum parking area distance of 3.7m to the street line and 0.9m to the south side lot line for the existing front parking area whereas the by-law requires 7.5m to the street line and 3m to the side lot line or rear lot line;

Section 17.2(g) “Minimum Rear Yard” – to permit a minimum rear yard of 5m whereas the by-law requires 12m or one-half the height of the building, whichever is greater;

Section 17.2(h) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 3.8m whereas the by-law requires 6m or one-half the height of the building, whichever is greater;

Section 17.2(j) “Minimum Landscaped Area” – to permit a minimum landscaped area of 23% whereas the by-law requires 35%.

Representation

The Agent, Mr. Gerrit Vander Meulen was electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hummel Properties Inc.

Applicants Comments

A Member asked if the site contained sufficient area for a moving truck, without affecting the traffic on Station Street. The Agent, Mr. Vander Meulen confirmed that the on-site parking lot would accommodate a moving truck.

In response to a Members inquiry regarding the requirement of an archeological assessment, Mr. Vander Meulen stated that artifacts that had been found in close proximity to the development.

Public Comments

Ms. Holly Willford, Secretary Treasurer indicated that there were no pre-registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:21 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 offered no comments or objections.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Application for relief of Section 5.54(a) “Apartment Dwelling” Definition – to permit dwelling unit entrances from the exterior without an interior corridor, whereas the by-law requires that dwelling units be accessible from a corridor system connecting with a common entrance from outside the dwelling, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as exterior individual entry for the ground-oriented apartment building is more appropriate and suitable with negligible impact.**
- 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 more efficient use of the interior space without having to compromise for a common lobby.**
- 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.
8. The Applicant understands that a Site Plan Agreement is required for the property.

AND THAT Application for relief of Section 6.16(d)(i) “Ingress and Egress” – to permit a minimum driveway width of 6.2m whereas the by-law requires 7.5m, is hereby: GRANTED;

The above decision is based on the following reasons:

1. The variance is minor in nature as no adverse impacts are anticipated as the parking area will function well and allow for the safe and practical movement of vehicles.
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 facilitate the ground-oriented development of a new apartment building with moderate height and massing, designed to fit the character of the neighborhood.
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.
8. The Applicant understands that a Site Plan Agreement is required for the property.

AND THAT Application for relief of Section 6.16(i) “Parking Area Location on Lot” – to permit a minimum parking area distance of 3.7m to the street line and 0.9m to the south side lot line for the existing front parking area whereas the by-law requires 7.5m to the street line and 3m to the side lot line or rear lot line, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impacts are anticipated due to the fence along the south lot line which provides buffering between the subject parcel and neighbouring site.**
- 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 facilitate the ground-oriented development of a new apartment building with moderate height and massing, designed to fit the character of the neighborhood.**
- 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.**
- 8. The Applicant understands that a Site Plan Agreement is required for the property.**

AND THAT Application for relief of Section 17.2(g) “Minimum Rear Yard” – to permit a minimum rear yard of 5m whereas the by-law requires 12m or one-half the height of the building, whichever is greater, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature provided the proposed building height is two-storey and that a planting strip will be provided to create a physical buffer separating the proposed building and rear lot.**
- 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 two-storey height will help to minimize the building’s overall visual impacts on the subject and adjacent lands.**

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.
8. The Applicant understands that a Site Plan Agreement is required for the property.

AND THAT Application for relief of Section 17.2(h) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 3.8m whereas the by-law requires 6m or one-half the height of the building, whichever is greater, is hereby: GRANTED;

The above decision is based on the following reasons:

1. The variance is minor in nature as no adverse impacts are anticipated due to the fence along the south lot line which provides buffering between the subject parcel and neighbouring site.
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 facilitate the ground-oriented development of a new apartment building with moderate height and massing, designed to fit the character of the neighborhood.
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.
8. The Applicant understands that a Site Plan Agreement is required for the property.

AND THAT Application for relief of Section 17.2(j) “Minimum Landscaped Area” – to permit a minimum landscaped area of 23% whereas the by-law requires 35%, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the front yard landscaping remains unchanged while the site provides an abundance of amenity 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 as well placed and high quality landscape treatment is required.**
- 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.**
- 8. The Applicant understands that a Site Plan Agreement is required for the property.**

The above decisions are subject to the following conditions:

To the satisfaction of the Director of Planning and Development, prior to the issuance of a building permit:

- 1. Conduct a Stage 1-2 Archaeological Assessment and receive Clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries, prior to site plan application.**
- 2. Enter into a Site Plan Agreement to the satisfaction of the the Town addressing the following:**
 - 1. Submission and approval of a Functional Servicing Report to confirm the capacity requirements for the new development.**
 - 2. Submission and approval of a Stormwater Management Report, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits. Report**

must show that all surface water run-off is contained on site and how storm water runoff will be controlled.

- 3. Abandon and remove the unused existing water service connection line.**
- 4. Construct a new storm sewer to receive storm water run-off from the site, a maintenance hole at the property line will also be required.**
- 5. Submit a landscape plan detailing landscape treatments and features, plant materials and landscape specification, tree preservation plan and any other additional information necessary for clarity.**

Carried

5.2 A33/2021P - 18 Beechwood Crescent

Purpose of Application

Application for relief of Section 13.2(c) “Maximum Lot Coverage” – to permit a 40% lot coverage whereas the by-law allows 30% and whereas the property received a minor variance approval to allow 34%.

Representation

The Applicant, Mr. Michael Azotini was electronically present.

Correspondence

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

Applicants Comments

The Applicant offered no comments.

Public Comments

Ms. Holly Willford, Secretary Treasurer indicated that there were no pre-registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:30 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 offered no comments or objections.

Moved By Brenda Stan

Seconded By Sandra Marsh

THAT Application for relief of Section 13.2(c) “Maximum Lot Coverage” – to permit a 40% lot coverage whereas the by-law allows 30% and whereas the property received a minor variance approval to allow 34%, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the impact on the subject property and adjacent properties is minimal given the adequate distance separates the nearest residential neighbour from the existing building and proposed addition.**
- 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 construction of a covered porch while maintaining the character of the area.**
- 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.**

Carried

5.3 A34/2021P - 345 Highway 20 West

Purpose of Application

Application for permission pursuant to Section 45(2)(a)(ii) of the Planning Act to permit an expansion of legal-non conforming use, in order to permit vehicle repairs and sales as a similar use to the existing permitted welding shop and trailer sales and service business.

Representation

The Agent, Mr. Steven Rivers and Applicant, Jacob Michels were electronically present.

Correspondence

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

Applicants Comments

A Member asked if vehicles for sale are intended to be displayed on the property. The Agent, Mr. Steven Rivers confirmed that no vehicles will be displayed. He added that the occasional vehicle may be on location, behind the dwelling.

Public Comments

Ms. Holly Willford, Secretary Treasurer indicated that there were no pre-registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:37 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 offered no comments or objections.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Application for permission pursuant to Section 45(2)(a)(ii) of the Planning Act to permit an expansion of legal-non conforming

use, in order to permit vehicle repairs and sales as a similar use to the existing permitted welding shop and trailer sales and service business, 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 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:

None.

Carried

6. Applications for Consent

6.1 B25/2021P - West Side of Rice Road (between RR20 and Shaw Avenue aka Meridian Way), Pelham

Purpose of Application

The Committee agreed to hear consent files B25/2021P, B26/2021P, B27/2021P and B28/2021P concurrently.

B25/2021P

Application for consent to convey 2,266.2 square metres of land (Parts 5 and 10 on sketch), to be added to the abutting property to the south (Parts

6 and 7 on sketch), for future development. Parts 3, 4, 13 and 14 on the sketch is to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 277.9 square metres of land, being Parts 3 and 10 on sketch, to the benefit of Parts 1, 2, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 41.2 square meters of land, being Part 14 on sketch, to the benefit of Parts 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 24.3 square meters of land, being Part 10 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

B26/2021P:

Application for Consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 1, 2, 3, 4, 8, 9, 10, 11, 12, 13 and 14 on sketch for a right of way. Parts 6 and 7 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 6 and 7 on sketch are to be retained for continued future commercial use.

B27/2021P:

Application for consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 on sketch for a right of way. Parts 8 and 9 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 8 and 9 on sketch are to be retained for continued future commercial use.

B28/2021P:

Application for consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2 on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a right of way. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 118.2 square metres of land, being Part 11 on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a pedestrian access. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use.

Representation

The Agent, Mr. Steven Qi and Applicant, Ms. Kim Harrison-McMillan 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

Applicants Comments

A Member inquired about the ownership of the subject lands. The Agent, Mr. Steven Qi, responded that the lands are currently owned by four companies operating under one umbrella. The Member further inquired about why the consent process was being pursued for this development. Mr. Qi responded that the proposed 5-storey retirement home is to be located on Part 4. He stated the intent to sever the vacant Part 5 and Part 10 to join with lands to the south for future development. Mr. Qi further indicated that additional planning applications and Site Plan Control have been pursued and approved.

Public Comments

Ms. Holly Willford, Secretary Treasurer indicated that there were no pre-registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:57 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 offered no comments or objections.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Application B25/2021P for consent to convey 2,266.2 square metres of land (Parts 5 and 10 on sketch), to be added to the abutting property to the south (Parts 6 and 7 on sketch), for future development. Parts 3, 4, 13 and 14 on the sketch is to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 277.9 square metres of land, being Parts 3 and 10 on sketch, to the benefit of Parts 1, 2, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 41.2 square meters of land, being Part 14 on sketch, to the benefit of Parts 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 24.3 square meters of land, being Part 10 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use, is hereby GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Secretary-Treasurer

1. That application for consent, file B25/2021P receive final certification of the Secretary-Treasurer concurrently with applications B26/2021P, B27/2021P and B28/2021P.
2. A solicitors undertaking, to the satisfaction of the Secretary-Treasurer, identifying the order of title document registration with respect to the proposed transfer and easement documents.
3. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the south (Parts 6 and 7 on sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel. 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.
4. 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.

AND THAT Application B26/2021P for consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 1, 2, 3, 4, 8, 9, 10, 11, 12, 13 and 14 on sketch for a right of way. Parts 6 and 7 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 6 and 7 on sketch are to be retained for continued future commercial use, be and is hereby: GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Secretary-Treasurer

1. That application for consent, file B26/2021P receive final certification of the Secretary-Treasurer concurrently with applications B25/2021P, B27/2021P and B28/2021P.
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.

AND THAT Application B27/2021P for consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 on sketch for a right of way. Parts 8 and 9 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 8 and 9 on sketch are to be retained for continued future commercial use, be and is hereby: GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Secretary-Treasurer

1. That application for consent, file B27/2021P receive final certification of the Secretary-Treasurer concurrently with applications B25/2021P, B26/2021P and B28/2021P.
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.

AND THAT Application B28/2021P for consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2

on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a right of way. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 118.2 square metres of land, being Part 11 on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a pedestrian access. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use. be and is hereby: GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Secretary-Treasurer

1. That application for consent, file B28/2021P receive final certification of the Secretary-Treasurer concurrently with applications B25/2021P, B26/2021P and B27/2021P.
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.

The above decisions are based on the following reasons:

1. The applications 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

6.2 B26/2021P - No Municipal Address (Southeastern Corner of Rice Road and Shaw Avenue aka Meridian Way) Pelham

Application B26/2021P was heard concurrently with applications B25/2021P, B27/2021P and B28/2021P. See application B25/2021P for minutes and decision.

6.3 B27/2021P - No Municipal Address (North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road), Pelham

Application B27/2021P was heard concurrently with applications B25/2021P, B26/2021P and B28/2021P. See application B25/2021P for minutes and decision.

6.4 B28/2021P - No Municipal Address (East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way), Pelham

Application B28/2021P was heard concurrently with applications B25/2021P, B26/2021P and B27/2021P. See application B25/2021P for minutes and decision.

7. Minutes for Approval

THAT the minutes of the August 3, 2021 Committee of Adjustment Hearing be approved.

8. Adjournment

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for October 5, 2021 at 4:00 pm.

John Klassen, Chair

Secretary-Treasurer, Holly Willford