

Committee of Adjustment**Minutes**

Meeting #: CofA 03/2022
Date: Tuesday, March 1, 2022
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
Bernie Law
Brenda Stan

Members Absent John Klassen
Sandra Marsh

Staff Present Sarah Leach
Kenny Ng
Jacquie Miller

Others Present Derek Young

1. Attendance

Applicants, 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.

2.1 Land Recognition Statement

Ms. Sarah Leach, Assistant Secretary-Treasurer, recited the land recognition statement.

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 A3/2022P - 16 Swan Avenue

Purpose of the Application

Application is made for relief from Zoning By-law 1136(1987), to construct a single detached dwelling and covered porch, from: Section 14.2 (c) "Maximum Lot Coverage" – to permit a maximum lot coverage of 57.6% whereas the by-law allows 50%.

Representation

The Agent, Paul De Divitiis was electronically present.

Correspondence Received

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

Applicants Comments

Mr. De Divitiis indicated his satisfaction with the planning recommendation report.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:12 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.

Moved By Bernie Law

Seconded By Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member expressed concern with respect to the rear yard setback and inquired if a plan of subdivision had come forward for the lands to the west. Mr. Kenny Ng, Planner indicated that the lot will back onto Saffron Meadows Phase 3 where no adverse impacts are anticipated.

Moved By Bernie Law

Seconded By Brenda Stan

THAT Application A3/2022P for relief of Section 14.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 57.6% whereas the by-law allows 50%, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it is not anticipated to have significant impacts on the massing of the dwelling and the surrounding streetscape or drainage capability.**
- 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 facilitate a proposed conversion of the planned building design from a two-storey dwelling to a one-storey bungalow, which is more suited to the homeowner’s needs.**
- 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. The driveway location is to remain unaltered from the Subdivision Servicing Plan and no side yard walkways will be permitted.**

Carried

6. Applications for Consent

6.1 B5/2022P - 1397 Station Street

Purpose of the Application

Application is made for consent to partial discharge of mortgage and consent to convey 594 square metres of land (Part 4), to be added to the abutting property to the south (Part 5), to provide additional land for the existing commercial business. Part 3 is to be retained for continued residential use of the dwelling known municipally as 1397 Station Street.

Representation

The Agent, Adam DiFruscia was electronically present.

Correspondence Received

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

Applicants Comments

The Agent, Adam DiFruscia stated he had no comments.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated 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. 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.

Moved By Brenda Stan
Seconded By Bernie Law

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member stated that the development will be an asset to the Town.

The Members indicated they had no further comments or objections.

Moved By Brenda Stan
Seconded By Bernie Law

Application is made for consent to partial discharge of mortgage and consent to convey 594 square metres of land (Part 4), to be added to the abutting property to the south (Part 5), to provide additional land for the existing commercial business. Part 3 is to be retained for continued residential use of the dwelling known municipally as 1397 Station Street; is hereby: GRANTED;

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Community Planning & Development

- 1. Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that Stormwater management oversizing payment, development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**
- 2. That Demolition Permits be obtained, prior to the demolition of existing accessory structures, as shown on the existing sketch.**

To the Satisfaction of the Secretary-Treasurer

- 1. 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 (Part 5 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.

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 \$411, 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

Moved By Bernie Law

Seconded By Donald Cook

THAT the Committee of Adjustment minutes dated January 11, 2022, be approved.

Carried

Moved By Sandra Marsh
Seconded By Donald Cook

THAT the Committee of Adjustment minutes dated February 1, 2022, be approved.

Carried

8. Adjournment

The meeting was adjourned at 4:26 pm

Moved By Brenda Stan
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 5, 2022 at 4:00 pm.

Carried

Don Cook, Chair

Acting Secretary-Treasurer, Sarah Leach