

**Meeting #:** 10/2018  
**Date:** Tuesday, October 2, 2018  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** James Federico  
Wayne Lockey  
John Klassen  
**Members Absent** Brian DiMartile  
Donald Cook  
**Staff Present** Nancy Bozzato  
Holly Willford  
**Others Present** Applicants and interested parties.

- 1. Attendance**
- 2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Lockey 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**

Nancy Bozzato advised the Committee that the applicants for item 5.2 (File A21/2018P - Neil D. Gennings and Joanne Gennings) have requested to have their matter postponed in order to work with the Public Health Department to determine the location of the septic tank.

Neil Gennings, applicant, advised the Committee that the excavation required has been completed, however the Health Department has not had the opportunity to visit the site.

The Committee discussed the deferment and it was determined the application would be adjourned without waiving the rescheduling.

**Moved By** James Federico

**Seconded By** John Klassen

**BE IT RESOLVED THAT application A21/2018P - Neil D. Gennings and Joanne Gennings be deferred; and**

**AND THAT the rescheduling fee not be waived at this time.**

**Carried**

## **5. Applications for Minor Variance**

### **5.1 File A20/2018P - Larry Young, Ghislaine Young, Troy Young, and Tammy Young**

#### **Purpose of Application**

Application is made to seek relief from Section 7.7(d) to permit a building height of 4.9 metres to the mid point of the pitched roof, whereas the bylaw permits a maximum height of 3.7 metres, for the construction of a detached accessory building.

#### **Representation**

Applicant and authorized agent, Larry Young along with Mark Young were present.

#### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Fire Department
3. Town of Pelham Public Works Department
4. Town of Pelham Building Department
5. Region of Niagara Planning and Development Services

#### **Applicant's Comments**

Larry Young indicated the minor variance is being requested to match the roof and style of the accessory building to the existing house. Mark Young added, the variance will allow for the accessory building to have a similar pitch to the roof as the existing house.

## **Public Comments**

There were no comments received from the public.

## **Members Comments**

There were no comments from any of the members present.

**Moved By** James Federico

**Seconded By** John Klassen

**Application for relief of Section 7.7(d) to permit a building height of 4.9 metres to the mid point of the pitched roof, whereas the bylaw permits a maximum height of 3.7 metres, for the construction of a detached accessory building is required, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the rural context.**
- 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 allows for enhanced storage and use of the facility and the accessory building can also be more easily adapted to serve an agricultural function in the future if desires change.**
- 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 for the new addition, to the satisfaction of the Chief Building Official.**
- 2. That no plumbing or living space be included within the accessory building.**

**Carried**

## **5.2 File A22/2018P - Susan Antoinette Pratt**

### **Purpose of Application**

Application is made to seek relief from: Section 19.3(a) "Not More than 50% of the Gross Floor Area Shall Be Used for Dwelling Units" to permit 85% residential, Section 19.3(b) "Dwelling Units Shall Only Be Permitted above the Ground Floor of any Commercial Use" to permit a residential dwelling unit in the basement, and Section 19.3(c) "A Minimum Landscaped Amenity Area of 55 m<sup>2</sup> (592.03 ft<sup>2</sup>) Shall Be Provided For Each Dwelling Unit" to permit 8.3m<sup>2</sup> for each dwelling unit.

### **Representation**

Applicant Susan Pratt was present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Fire Department
3. Town of Pelham Public Works Department
4. Town of Pelham Building Department

### **Applicant's Comments**

There were no comments made by the applicant.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

James Federico, Member, stated he believes this type of development is good for the Fonthill area and that he is supportive of the application.

**Moved By** John Klassen

**Seconded By** James Federico

**Application for relief of Section 19.3(a) "Not More than 50% of the Gross Floor Area Shall Be Used for Dwelling Units" to permit 85% residential, is hereby: GRANTED.**

**Section 19.3(b) "Dwelling Units Shall Only Be Permitted above the Ground Floor of any Commercial Use" to permit a residential dwelling unit in the basement, is hereby: GRANTED.**

**Section 19.3(c) “A Minimum Landscaped Amenity Area of 55 m<sup>2</sup> (592.03 ft<sup>2</sup>) Shall Be Provided For Each Dwelling Unit” to permit 8.3m<sup>2</sup> for each dwelling unit, is hereby: GRANTED.**

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

- 1. The variance is minor 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 provides enduring resiliency in terms of managing rental income and vacancies.**
- 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 for the new addition, to the satisfaction of the Chief Building Official.**

**Carried**

## **6. Applications for Consent**

### **6.1 File B6/2018P - Domenico Simonetti & Elena Simone-Simonetti**

#### **Purpose of Application**

Application is made to seek consent to convey 919.6 square metres of land, shown as Part 2 on the drawing submitted, being part of Lot 5, Plan 703, in the Town of Pelham.

#### **Representation**

Owner, Domenico Simonetti was present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Bell Canada
5. Niagara Peninsula Conservation Authority

### **Applicant's Comments**

Mr. Simonetti requested clarification regarding the condition to conduct an archaeological assessment. The Members clarified the requirement and provided historical context to explain the requirement of the said condition. Mr. Simonetti was satisfied with the explanation.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

John Klassen, Member asked Mr. Simonetti if he has already received his demolition permit. Mr. Simonetti responded that he has already received the said permit.

**Moved By** James Federico

**Seconded By** John Klassen

**Application for consent to convey 919.6 square metres of land (Part 2) for single family residential use. 1,142.7 square metres of land (Part 1) is to be retained for continued single family residential use, is hereby: GRANTED**

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

- 1. Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**
- 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.**
- 3. Relocate or remove the existing accessory building to the satisfaction of the Chief Building Official. A demolition permit will be required prior to its removal.**
- 4. To the satisfaction of the Director of Public Works, the following**

**conditions:**

- i. Disconnect all existing services at the property line prior to the issuance of any demolition permit and written confirmation of the disconnection must be provided.**
- ii. Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel.**
- iii. Confirm that no existing utilities cross the proposed lot line. Should any services cross the proposed lot line, the applicant shall bear responsibility for costs associated with their relocation and / or removal.**
- iv. Ensure both lots are serviced with individual 20mmØ copper water services and 125mmØ sanitary sewer laterals in accordance with Town standards. Installation of any missing services will require authorization obtained and approved by the Public Works Department through a Temporary Works Permit, at the applicant's expense. The provision of all such services shall be completed prior to receiving Final Certificate of Consent.**
- v. Submit locate cards for both parcels indicating the location of individual water / sanitary sewer service laterals confirming that no services branch from, or through the proposed lot line. Locate cards shall be submitted following the service installations.**
- vi. Obtain approval for a Driveway Entrance & Culvert Permit issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.**
- 5. Provide the Secretary-Treasurer with a registerable 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.**
- 6. Provide the final certification fee of \$380, 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.**

**Carried**

**7. Minutes for Approval**

**7.1 CofA Minutes July 10 2018**

**Moved By** James Federico

**Seconded By** Wayne Lockey

**That the minutes of the July 10, 2018, Committee of Adjustment Hearing be approved.**

**Carried**

**7.2 CofA Minutes Aug 14 2018**

**Moved By** John Klassen

**Seconded By** Wayne Lockey

**That the minutes of the August 14, 2018, Committee of Adjustment Hearing be approved.**

**8. Adjournment**

**Moved By** James Federico

**Seconded By** John Klassen

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for November 6, 2018, 2018 at 4:00 pm.**

**Carried**

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Wayne Lockey, Chair

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Secretary-Treasurer, Nancy J. Bozzato