

Meeting #: 10(b)-2018
Date: Tuesday, October 30, 2018
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present	Wayne Lockey Brian DiMartile John Klassen
Members Absent	James Federico Donald Cook
Staff Present	Nancy Bozzato Holly Willford
Others Present	Applicant 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 3:58 pm.

- 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**

None.

- 5. Applications for Minor Variance**

None.

6. Applications for Consent

6.1 B5/2018P - Brian V. Sullivan

Purpose of Application

Application is made for consent for a partial discharge of mortgage and to convey 2,826 square metres of land, shown as Part 2 to be added to the abutting property to the south (Part 3) on the drawing submitted, being Part of Lot 7, Registered Plan 717, in the Town of Pelham.

Representation

Stephen Kaiser, the applicant's authorized agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works & Engineering
4. Upper Canada Consultants

Applicant's Comments

Stephen Kaiser, thanked the Committee for the deferment and indicated he no longer had concerns regarding the application's conditions. Mr. Kaiser advised the dollar figure was removed from the Front-end Financing condition and he was therefore satisfied.

Members Comments

John Klassen, Member, asked for clarification regarding the removal of the dollar figure, asking if the amount of money payable will be negotiated between the Town and the applicant. Mr. Kaiser confirmed the amount of money will be determined through discussion with the Town and that he felt not stipulating the dollar amount would allow for more flexibility.

Public Comments

None.

Moved By John Klassen

Seconded By Brian DiMartile

Application is made for consent for a partial discharge of mortgage and to convey 2,826 square metres of land, shown as Part 2 to be added to the abutting property to the south (Part 3) on the drawing

submitted, being Part of Lot 7, Registered Plan 717, in the Town of Pelham, is hereby: GRANTED

This decision is based on the following reasons:

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.

- 1. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 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.**

The above decision is based on the following conditions:

- 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, 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. Submits an overall comprehensive Lot Grading & Drainage Plan for both 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.**
- 3. Confirm no existing utilities cross the proposed new lot line. Should any services cross the new lot line, the applicant will be responsible for costs associated with their relocation and / or removal.**

4. The existing outlet for the road cross-culvert that was previously filled in must be reinstated, free and clear of all encumbrances.

5. That the applicant provides a written acknowledgment that the Owner will be responsible for payment of the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing.

6. 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.

7. That 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

None.

8. Adjournment

Moved By Brian DiMartile

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 December 4, 2018 at 4:00 pm.

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato

