

**Meeting #:** CofA-06/2018  
**Date:** Tuesday, June 5, 2018  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Wayne Lockey  
Donald Cook  
John Klassen

**Members Absent** James Federico  
Brian DiMartile  
Nancy Bozzato

**Others Present** Applicants and/or Applicant Agents  
Interested Citizens

**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**

There were no requests for withdrawal or adjournment received.

**5. Applications for Minor Variance**

**5.1 File A8/2018P - Daniel & Melanie Thompson**

**Purpose of Application**

Application is made to seek relief from Section 7.4(c) "Maximum Lot Coverage" - to permit an overall lot coverage of 18% whereas 10% is permitted to facilitate construction of a one-storey residential addition.

## **Representation**

Clayton Hartwell, C.J. Hartwell Enterprises, authorized agent, appeared on behalf of this application, in company with Melanie Thompson, applicant.

## **Correspondence Received**

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

## **Applicant's Comments**

Mr. Hartwell added no additional comments.

## **Public Comments**

There were no comments received from the public.

## **Members Comments**

There were no comments from any of the members present.

**Moved By** Donald Cook

**Seconded By** John Klassen

**Application for relief from Section 7.4(c) "Maximum Lot Coverage" - to permit an overall lot coverage of 18% whereas 10% is permitted to facilitate construction of a one-storey residential addition is hereby: GRANTED.**

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

- 1. The variance is minor in nature in that adequate amenity area and open space for septic purposes remains available.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that sufficient amounts of open space, amenity area and land for private services is maintained.**
- 3. The intent of the Official Plan is maintained in that there are no impacts due to the existing site enclosure of public roadways/facilities.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will improve the living space and enhance the property value.**

5. The Town is in receipt of written Initial Approval of the septic permit regarding this proposal.
6. This application is granted without prejudice to any other application in the Town of Pelham.
7. No objections were received from commenting agencies or abutting property owners.
8. 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 must be obtained prior to any further construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

**Carried**

## **5.2 File A9/2018P - David Judge and Deborah Judge**

### **Purpose of Application**

Application is made to seek relief from:

Section 7.7(a) "Maximum Lot Coverage"- to permit a 1.5% overall coverage whereas 1% is permitted to facilitate construction of a one-storey accessory building; and

Section 7.7(d) "Maximum Building Height" - to permit 6.5 metres whereas 3.7 metres is permitted, to facilitate construction of a one-storey accessory building.

### **Representation**

David Judge, applicant, appeared on behalf of this application.

### **Correspondence Received**

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

5. Niagara Region

6. NPCA

### **Applicant's Comments**

Mr. Judge suggested that the zoning provisions should be reviewed, suggesting that the 1% factor is not reasonable in the rural area. Further, he suggested that the Region's review costs are too high and he voiced objection to this fee, which he found offensive.

He asked what the purpose of the demolition permit, Mrs. Bozzato advising that this is under the Building Code Act. Member Cook added that this may relate to any impacts on a well or cistern on the property.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

There were no further comments from any of the members present.

**Moved By** John Klassen

**Seconded By** Donald Cook

**Application for relief from Section 7.7(a) "Maximum Lot Coverage" – seeking 1.5% overall coverage whereas 1% is permitted, to facilitate construction of a one-storey accessory building, is hereby: Granted.**

**Application for relief from Section 7.7(d) "Maximum Building Height" – seeking 6.5 metres whereas 3.7 metres is permitted, to facilitate construction of a one-storey accessory building, is hereby: Granted.**

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

- 1. The variance is minor in nature in that no negative impacts are anticipated by the neighbors.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that adequate open space remains and will not adversely impact the rural residential nature of the lot.**
- 3. The intent of the Official Plan is maintained in that no negative impacts are anticipated.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that the relief will offer more flexibility for property usage and no adverse impacts are anticipated.**
- 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 permits for demolition of the existing accessory building must be obtained, to the satisfaction of the Town of Pelham Chief Building Official.

2. That all necessary building permits must be obtained prior to any further construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

**Carried**

**7. Minutes for Approval**

**Moved By** Donald Cook

**Seconded By** John Klassen

That the minutes of the May 1, 2018, Committee of Adjustment Hearing be approved, as presented.

**Carried**

**8. Adjournment**

**Moved By** Donald Cook

**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 July 10, 2018 at 4:00 pm.

**Carried**

**6. Applications for Consent**

There were no Consent Applications received.

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Wayne Lockey, Chair

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Secretary-Treasurer, Nancy J. Bozzato