

Committee of Adjustment**Minutes**

Meeting #: CofA 10/2022
Date: Tuesday, October 4, 2022
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 Sarah Leach
Jacquie Miller
Andrew Edwards
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 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.

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

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

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 A12/2022P - 674 Canboro Road

Purpose of the Application

Application is made for relief, to construct a two-storey garage addition, from Section 9.2(e) "Minimum Interior Side Yard" – to permit a minimum interior side yard setback of 1 m whereas the by-law requires a minimum interior side yard of 3 m.

Representation

The Applicants, Alana and Matthew Kohut were electronically present.

Correspondence Received

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

Applicants Comments

A Member stated the addition would look nice on the home. The Member indicated they are in favor of the proposal as long as access to the property is maintained on the other side yard without the need to encroach on the neighboring property.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer stated there were no pre-registered speakers. Ms. Leach stated she checked the clerks@pelham.ca email address at 4:15 pm and confirmed no e-mails have 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.

Member Comments

The Members offered no additional comments or questions.

Moved By Sandra Marsh

Seconded By Brenda Stan

Application A12/2022P for relief of Section 9.2(e) “Minimum Interior Side Yard” to permit a minimum interior side yard setback of 1 m whereas the by-law requires a minimum interior side yard of 3 m, 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 on the streetscape and the proposal is keeping with the setback of the existing carport.**
- 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 an addition to the dwelling for the purpose of a double car garage.**
- 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 acquired prior to construction commencing, to the satisfaction of the Chief Building Official.**

Prior to Building Permit:

1. **To the Satisfaction of the Director of Public Works**
 - a. **Submit an updated Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**
2. **To the Satisfaction of the Niagara Region**
 - a. **That all necessary Septic Permits are acquired prior to building permit issuance, to the satisfaction of the Niagara Region.**

Carried

6. Applications for Consent

6.1 B9/2022P - 664 Metler Road

Chair Klassen stated consent application B9/2022P shall be heard prior to its companion application for minor variance A13/2022P. The Committee unanimously agreed to re-order the agenda to hear B9/2022P prior to A13/2022P.

Purpose of the Application

Application is made for consent to convey 1355.6 square metres of land (Part 2), to be added to the abutting property to the west (Part 1), for continued use of the metal sided-shop. Part 3 is to be retained for continued residential use of the dwelling known municipally as 664 Metler Road.

Representation

The Agent, Stephen Bedford and the Applicant, Ted Ebert were electronically present.

Correspondence Received

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

4. Niagara Region
5. NPCA

Applicants Comments

The Agent, Mr. Stephen Bedford stated that all policy requirements are met with the proposal aside from the frontage deficiency on Part 3. Mr. Bedford expressed support of staff's recommendation and requested that the Committee consider approving the proposal as presented.

A Member asked if the metal shop would form part of Part 1 if approved. Mr. Bedford confirmed and clarified that the metal shop is a residential workshop as opposed to a business. The Member asked why the proposal was brought forward. Mr. Bedford explained the familial relationship between the owner of Part 1 and the owner of the land to the south. Mr. Bedford stated that the Applicant is responsible for disposing the neighboring land and wished to retain use of the metal workshop. Mr. Bedford further explained that the boundary adjustment would allow the driveway to remain in its current location and not further disturb the existing watercourse.

A Member asked if Part 3 would have room for a septic bed. Mr. Bedford confirmed that both properties have septic fields which have been reviewed by the Niagara Region.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer stated there were no pre-registered speakers. Ms. Leach stated she checked the clerks@pelham.ca email address at 4:25 pm and confirmed no e-mails have 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.

Member Comments

The Members offered no additional comments or questions.

Moved By Brenda Stan

Seconded By Sandra Marsh

Application B9/2022P made for consent to convey 1355.6 square metres of land (Part 2), to be added to the abutting property to the west (Part 1), for continued use of the metal sided-shop. Part 3 is to

be retained for continued residential use of the dwelling known municipally as 664 Metler Road; is hereby: **GRANTED**;

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

1. That the Applicant confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant shall be responsible for costs associated with their relocation and / or removal.

To the Satisfaction of the Secretary-Treasurer

1. That all necessary zoning approvals be obtained for Part 3.
2. 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 west (Part 1 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.
3. 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 \$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.**
- 5. The applicant is aware that any future development in or around the watercourse or within the 15 metre watercourse buffer may require an NPCA Works Permit and additional studies.**

Carried

7. A13/2022P - 664 Metler Road

Purpose of the Application

Application is made for relief, to rectify zoning deficiencies as a result of a consent application B9/2022P, from Section 9.2(b) "Minimum Lot Frontage" – to permit a minimum lot frontage 26.84m whereas the by-law requires a minimum lot frontage of 36m.

Representation

The Agent, Stephen Bedford and the Applicant, Ted Ebert were electronically present.

Correspondence Received

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

Applicants Comments

The Agent, Mr. Stephen Bedford stated the proposal does not affect the streetscape and meets the four minor variance *Planning Act* tests.

A Member asked for confirmation that the variance is triggered as a result of consent application B9/2022P. Mr. Bedford confirmed, stating if the variance was not granted, the boundary adjustment could not comply. Mr. Bedford reiterated the proposal was triggered by the intent to keep the driveway in its existing location. Mr. Bedford stated it is the intent of the Applicant to not further impact the creek.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer stated there were no pre-registered speakers. Ms. Leach stated she checked the clerks@pelham.ca email address at 4:35 pm and confirmed no e-mails have 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.

Member Comments

The Members offered no additional comments or questions.

Moved By Sandra Marsh

Seconded By Brenda Stan

Application A13/2022P for relief of Section 9.2(b) “Minimum Lot Frontage” to permit a minimum lot frontage 26.84m whereas the by-law requires a minimum lot frontage of 36m; 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 on the streetscape or surrounding residential properties. Additionally, the reduction in frontage will continue to provide adequate space for front amenity area and parking for 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 facilitate a boundary adjustment that is compatible with the surrounding neighbourhood.
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 is aware that any future development in or around the watercourse or within the 15 metre watercourse buffer may require an NPCA Works Permit and additional studies.

The above decision is subject to the following condition:

1. That the final approval of minor variance A13/2022P is subject to Consent File B9/2022P obtaining final certification.

Carried

8. Minutes for Approval

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT the Committee of Adjustment Hearing minutes of September 7, 2022, be approved.

Carried

9. Adjournment

The meeting was adjourned at 4:38 pm.

Moved By Sandra Marsh
Seconded By Brenda Stan

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for November 1, 2022 at 4:00 pm.

Carried

Chair, John Klassen

Assistant Secretary-Treasurer, Sarah Leach