

Committee of Adjustment**Minutes**

Meeting #: CofA 01/2023
Date: Wednesday, January 11, 2023
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
Bernie Law
Sandra Marsh

Members Absent John Klassen
Brenda Stan

Staff Present Sarah Leach
Derek Young
Shannon Larocque
Gimuel Ledesma

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 A1/2023P - 79 Canboro Road

Purpose of the Application

Application is made for relief, to construct an attached garage addition and detached covered patio from: Section 13.2(c) "Maximum Lot Coverage" – to permit a maximum lot coverage of 35% whereas the by-law allows 30%; and Section 13.2(d) "Minimum Front Yard" – to permit a minimum front yard setback of 6.0m whereas the by-law requires 7.7m; and Section 13.2(e) "Minimum Interior Side Yard" – to permit a minimum interior side yard setback of 1.2m whereas the by-law requires 1.8m.

Representation

Mr. Joe Tomaino, Planner, was electronically present on behalf of the Agent and Applicant.

Correspondence Received

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

Applicants Comments

Mr. Joe Tomaino, Planner, expressed agreeance with the staff recommendation report and proposed conditions. Mr. Tomaino indicated that drainage can be accommodated on the site and stated a grading plan had been prepared and submitted with the application. Mr. Tomaino stated the request for increase in lot coverage is to accommodate a rear yard sitting area and informed that the garage addition alone would conform to the Zoning By-law. Mr. Tomaino indicated the Applicant is willing to submit a new grading plan to satisfy concerns.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre-registered members of the public to speak. Ms. Leach indicated she checked the clerks@pelham.ca email address at 4:14 pm and confirmed no e-mails had 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 Sandra Marsh

Seconded By Bernie Law

THAT the public portion of the meeting is closed.

Carried

Member Comments

A Member indicated the proposal will improve the streetscape on Canboro Road.

A Member asked for confirmation that the westerly driveway was to be changed. Mr. Tomaino confirmed. The Member recommended a condition to require a driveway entrance and culvert permit for any modification or alteration to the westerly entranceway.

Moved By Sandra Marsh

Seconded By Bernie Law

THAT Application for relief of Section 13.2(c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 35% whereas the by-law allows 30%, is hereby: GRANTED;

AND THAT Application for relief of Section 13.2(d) “Minimum Front Yard” – to permit a minimum front yard setback of 6m whereas the by-law requires 7.7m, is hereby, is hereby: GRANTED;

AND THAT Application for relief of Section 13.2(e) “Minimum Interior Side Yard” – to permit a minimum interior side yard setback of 1.2m whereas the by-law requires 1.8m where a carport or garage is attached, is hereby: GRANTED;

The above decisions are based on the following reasons:

- 1. The variance is minor in nature as it does not change the use of the site nor substantially alter the functionality of the amenity space of the parcel.**
- 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 not result in shadowing on adjacent properties, will allow for the continued use of the rear yard as private amenity space, will not alter the function of the subject property and will not significantly alter the streetscape.
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 decisions are 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:

To the Satisfaction of the Director of Public Works

1. Submit an overall 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. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, for any alteration or modification to the westerly driveway, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.

Carried

5.2 A2/2023P - 261 Canboro Road

Purpose of the Application

Application is made for relief, to construct a 1-storey dwelling addition, from: Section 7.4(f) "Minimum Side Yard" – to permit a minimum side yard setback of 4.38m whereas the by-law requires a minimum side yard setback of 9m.

Representation

The Agent, Agata Mancini and the Applicant, Alison Baxter-Fiorella 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. Jim and Linda Addario

Applicants Comments

The Agent and Applicant did not comment.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre-registered members of the public to speak. Ms. Leach indicated she checked the clerks@pelham.ca email address at 4:26 pm and confirmed no e-mails had 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 Sandra Marsh

THAT the public portion of the meeting is closed.

Carried

Member Comments

The Members offered no comments or concerns.

Moved By Bernie Law

Seconded By Sandra Marsh

Application for relief of Section 7.4(f) “Minimum Side Yard” – to permit a minimum side yard setback of 4.38m whereas the by-law requires a minimum side yard setback of 9m, 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 setback is generally in keeping with the surrounding neighbourhood.**
- 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 rear yard addition and improve the functionality of the existing dwelling.**
- 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.**

Carried

6. Applications for Consent

None.

7. Minutes for Approval

Moved By Donald Cook

Seconded By Bernie Law

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

Carried

Moved By Sandra Marsh

Seconded By Donald Cook

THAT the Committee of Adjustment minutes dated December 6, 2022, be approved.

Carried

8. Adjournment

The meeting was adjourned at 4:30 pm.

Moved By Bernie Law

Seconded By Sandra Marsh

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for February 7, 2023 at 4:00 pm.

Carried

Don Cook, Chair

Sarah Leach, Assistant Secretary Treasurer