

**Committee of Adjustment****Minutes**

**Meeting #:** CofA 02/2023  
**Date:** Tuesday, February 7, 2023  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present      John Klassen  
                                 Bernie Law  
                                 Brenda Stan

Members Absent      Donald Cook  
                                 Sandra Marsh

Staff Present          Sarah Leach  
                                 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, 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, Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

**5. Applications for Minor Variance**

None.

**6. Applications for Consent**

**6.1 B1/2023P - Part Lot 7, Concession 6, being Part 2 on 59R-3127 (Metler Road)**

**Purpose of the Application**

Application is made for consent to convey 1.779 hectares of land (Parcel 2), to be added to the abutting property to the east (Parcel 3), for future construction of a barn. Parcel 1 is to be retained for continued agricultural use.

**Representation**

The Applicant, Arthur Cardin was electronically present.

**Correspondence Received**

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

**Applicants Comments**

The Applicant, Mr. Arthur Cardin stated he had no objection to the requested conditions.

**Public Comments**

Ms. Sarah Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:09pm 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** Bernie Law

**THAT application made for consent to convey 1.779 hectares of land (Parcel 2), to be added to the abutting property to the east (Parcel 3), for future construction of a barn. Parcel 1 is to be retained for continued agricultural use, 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 their relocation and/or removal so that utilities do not cross the new property line.**

#### **To the Satisfaction of the Director of Community Planning & Development**

1. **That all necessary building permits be obtained for the proposed barn prior to construction commencing, to the satisfaction of the Chief Building Official. The barn shall not contain washrooms, bedrooms or living space.**
2. **That the applicant submit a copy of the Ministry of Heritage, Sport, Tourism and Culture Industries Archaeological Assessment Clearance letter to the satisfaction of the Director of Community Planning and Development.**

#### **To the Satisfaction of the Secretary-Treasurer**

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 east (Part 3 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.

2. 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.
3. That the final certification fee of \$423, 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.

**To the Satisfaction of the Niagara Region Planning and Development**

1. That the applicant submit an updated hydrogeological study that reflects the reduced lot size of Parcel 1 and the implementation of any updated recommendations required to support private servicing to the Niagara Region for review and approval.

**To the Satisfaction of the Niagara Escarpment Commission**

1. That the final Development Permit be issued by the Niagara Escarpment Commission prior to final certification of the consent B1/2023P.

**Carried**

**7. Minutes for Approval**

**Moved By** Bernie Law

**Seconded By** Brenda Stan

**THAT the Committee of Adjustment minutes dated January 11, 2023, be approved.**

**Carried**

**8. Adjournment**

The meeting was adjourned at 4:14 pm.

**Moved By** Bernie Law

**Seconded By** Brenda Stan

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for March 6, 2023 at 4:00 pm.**

**Carried**

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John Klassen, Chair

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Sarah Leach, Secretary-Treasurer