

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

**Meeting #:** CofA 05/2023  
**Date:** Monday, May 1, 2023  
**Time:** 4:00 pm  
**Location:** Meridian Community Centre - Accursi A and B  
100 Meridian Way  
Fonthill, ON  
L0S 1E6

Members Present Brenda Stan  
Colin McCann  
John Cappa

Members Absent Don Rodbard  
Isaiah Banach

Staff Present Sarah Leach  
Derek Young  
Jodi Legros  
Lindsay Richardson  
Barb Wiens

**1. Attendance**

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Cappa 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. Land Recognition Statement**

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

**4. Approval of Agenda**

Ms. Leach announced that File B5/2023P would be considered prior to A6/2023P and A7/2023P.

**Moved By** Brenda Stan

**Seconded By** Colin McCann

**THAT the agenda for the May 1, 2023, Committee of Adjustment meeting be adopted, as circulated.**

**Carried**

**5. Disclosure of Pecuniary Interest and General Nature Thereof**

There were no pecuniary interests disclosed by any of the members present.

**6. Requests for Withdrawal or Adjournment**

Ms. Leach stated no requests for withdrawal or adjournment have been made.

**7. Applications for Minor Variance**

**7.3 A10/2023P - 2671 Maple Avenue**

**Purpose of the Application**

The subject land is zoned SA (Specialty Agricultural) and EP1 (Environmental Protection One) in accordance with Pelham Zoning By-law 4481(2022). Application is made for relief, to construct a single detached dwelling with attached garage, from:

Section 5.2.3 – to permit a southerly interior side yard of 3.0 metres whereas the by-law requires 8.0 metres.

**Representation**

Representation was not present at the meeting.

**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**

No comments were provided.

## **Public Comments**

Ms. Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:11 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 comments or concerns.

**Moved By** Brenda Stan

**Seconded By** Colin McCann

**Application A10/2023P for relief of Section 5.2.3 to permit a southerly interior side yard of 3.0 metres whereas the by-law requires 8.0 metres, is hereby: GRANTED;**

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

1. The variance is minor in nature as the site maintains a generous amenity area and side yard separation between the abutting property.
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 facilitates a built form that is similar in character to the surrounding properties and utilizes the developable area identified ensuring the natural heritage features on the site remain protected.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. 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.
7. The Applicant understands that 2761 Maple Street must have a separate driveway entrance from 2755 Maple Street.

**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 Niagara Region
  1. Submit an acknowledgement letter advising of the entry of the archaeological assessment report in the Provincial Registry from the Ministry of Citizenship and Multiculturalism (MCM) to the satisfaction of the Region of Niagara.
2. To the Satisfaction of the Director of Public Works
  1. Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards. The Applicant shall bear all costs associated with the works.

**Carried**

**8. Applications for Consent**

**8.1 B6/2023P - 1553 Pelham Street**

**Purpose of the Application**

The subject parcel, shown as Part 2 on the attached sketch, has a frontage of 10.04m on the east side of Pelham Street, lying north of broad Street, being Lot 6 on Plan 716 in the Town of Pelham. The property was previously subject to Zoning By-law Amendment (AM-09-2021).

Application B6/2023P is made for consent to partial discharge of mortgage and consent to convey 402.2 square metres of land (Part 2), to create a lot line and establish legal ownership of each individual unit. Part 1 is to be retained for continued residential use.

**Representation**

The Agent, Ethan Laman of Upper Canada Consultants was present.

### **Correspondence Received**

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

### **Applicants Comments**

The applicant expressed support for the Planning recommendation report and offered no additional comments.

### **Public Comments**

Ms. Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:17 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 comments or concerns.

**Moved By** Colin McCann

**Seconded By** Brenda Stan

**Application B6/2023P is made for consent to partial discharge of mortgage and consent to convey 402.2 square metres of land (Part 2), to create a lot line and establish legal ownership of each individual unit. Part 1 is to be retained for continued residential use; is hereby: GRANTED;**

**The above decision is subject to the following conditions:**

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

1. 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.
2. 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.

**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. 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.**

**Carried**

## **8.2 B5/2023P - 26 Chestnut Street**

### **Purpose of the Application**

Application B5/2023P is made for consent to partial discharge of mortgage and consent to convey 352 square metres of land (Part 1) for future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 26 Chestnut Street.

### **Representation**

The Agent, Curtis Thompson of Better Neighbourhoods Inc. and the Applicant, Todd Barber, were present.

### **Correspondence Received**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Curtis Thompson, Better Neighborhoods (Applicable to B5/2023P, A6/2023P & A7/2023P)
5. Hydro One
6. David and Mary Jo Drago
7. Cheryl Lapalme

8. Robert and Victoria McCauley
9. Chuck Miller
10. Patti Tomczyk
11. Erin

### **Applicants Comments**

The Agent, Curtis Thompson of Better Neighbourhoods Inc. provided a short presentation to further explain the proposal. A copy is available through the Secretary-Treasurer and the published agenda package.

A Member asked if the trees were located on the property line. Mr. Thompson indicated the trees were both hugging the property line and on the property line.

A Member asked for clarification regarding the variance request for a setback. Mr. Thompson stated no setback variance was requested for the new lot as the request pertains to the existing lot.

A Member asked what variances would be required if the existing house and garage was demolished. Mr. Thompson reiterated that the existing context is what the Committee is contemplating and indicated that the proposal as presented is the wisest choice for the development.

### **Public Comments**

Mr. David Drago stated he resides at 1585 Pelham Street, being the property directly west of 26 Chestnut Street. Mr. Drago read the Town of Pelham guidelines to submitting a consent. Mr. Drago stated he was opposed to the consent and recommendation of the Planning department. He further stated that the application seeks relief from standard requirements for every residential zone in the Town and thereby approval would introduce a property that is not consistent with any residential zone. Mr. Drago discussed section 1.3(b) of Zoning By-law 4481(2022) ("Zoning By-law") which requires a conveyed lot to meet the requirements of the Zoning By-law and thereby questioned its inclusion and lack of authority.

Mr. Drago stated he was advised by the Planning department that percentages are not considered to be relevant in this process. He questioned why percentages are then included within the Zoning By-law. Mr. Drago stated he was informed rear yards are not required if there is sufficient amenity space in the exterior, interior and front yard. He argued why the Zoning By-law then lists minimum rear yard requirements.

Mr. Drago expressed understanding of the need for infill. He stated infill must be done properly, not at the expense of the Zoning By-law. Mr. Drago expressed concern that the housing proposed is not considered affordable as recommended in the Official Plan. He suggested that affordable housing can be created by maintaining the standards of the Zoning By-law. Mr. Drago concluded by stating the application should be rejected and potentially re-submitted in closer conformity with the Zoning By-law and Official Plan.

Mr. Charles Miller stated he resides at 7 Baker Place but owns 29 Chestnut Street where members of his family currently reside. Mr. Miller introduced his background as a Planner. He stated that he differed in opinion on two key matters from the Planning recommendation report. Mr. Miller expressed that he wished to discuss the files concurrently. With respect to file A7/2023P, Mr. Miller explained that without the reduction in rear yard, it is not possible to create a building lot close to the size required in the Zoning By-law. Mr. Miller emphasized that rear yard regulations are in place to provide a breathing space between buildings and the nature environment.

Mr. Miller claimed that the rear yard variance was not a minor change to the Zoning By-law. He further expressed that the decision to change Council policy should rest solely with Council. He argued the proposal should come before Council in the form of a site-specific zoning amendment application.

With respect to the consent application, Mr. Miller read section B1.1.3.(d) and summarized the Planning department rationale within the recommendation report. Mr. Miller stated the policy says much more and raises issues that are for Council to consider. Mr. Miller expressed the need to define “neighbourhood” when determining compatibility and suggested there are varying neighbourhood types in this area. He further expressed concern regarding the site plan and the sightline from his front porch once the home is built. Mr. Miller again expressed that the variance for rear yard is not minor and should be dealt with through an application for site specific re-zoning. He requested that application A7/2023P be denied, thereby rendering the consent denied.

Ms. Patti Tomczyk stated the role of municipal government is to represent community members, not make decisions to ease development through amending or exempting by-law requirements. Ms. Tomczyk expressed concern for local flooding and the reduction in greenspace. She further



expressed concern that the development was a fire hazard due to the proximity of trees as well as the surrounding homes not having been built with fire retardant materials. Ms. Tomczyk expressed concern that trees will die because of the development process and stated that no one in the community is in favour of the proposal.

Mr. Robert McCauley stated he lives at 25 Chestnut Street which is a century home. Mr. McCauley expressed that he was not in favour of the development. Mr. McCauley indicated he would obtain a petition against the development if necessary.

Ms. Victoria McCauley stated she also resides at 25 Chestnut Street. Ms. McCauley expressed concern that the severed parcel, or both parcels would be sold in the future. Ms. McCauley expressed further concern regarding the impact of construction of the neighbourhood and the reduction of greenspace.

Ms. Erin, a tenant at 26 Chestnut Street, expressed concern regarding the reduction in rear yard. She indicated that although it can be done, doesn't mean it should. Erin described the joyous neighbourhood and stated that something in the neighbourhood will be changed by approving the proposal.

Ms. Cheryl Lapalme stated she does not agree with the proposal. Ms. Lapalme expressed that she understands the need to evolve but finds the proposal self-serving and unnecessary.

The Agent, Mr. Thompson responded that although change is hard, there is a housing shortage and additional people would like to join this neighbourhood. Mr. Thompson stated that municipal authorities must make decisions in public interest, including those who do not yet have a voice.

Ms. McCauley expressed concern regarding drainage and flooding caused by construction. Ms. McCauley requested that the whole layout be considered, as well as how it effects the street.

Ms. Sarah Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:46 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**

A Member asked the difference between a site-specific zoning application to Council and an application to the Committee of Adjustment. Ms. Barb Wiens, Director of Community Planning and Development, responded that it is the decision of the applicant, noting that the Town must process all planning applications received. Ms. Wiens stated that a minor variance application to the Committee of Adjustment must satisfy the four tests of the *Planning Act*. She indicated a zoning by-law amendment is slightly different in that there are no four tests. Ms. Wiens indicated that in comparison, it may be more difficult to gain approval of a minor variance.

A Member stated that there appeared to be questions left unanswered and indicated that in their opinion, the proposal did not appear minor. The Member asked the agent why a zoning by-law amendment was not sought. Mr. Thompson stated the applications overwhelmingly met the criteria to not go to Council. Mr. Thompson further stated that the applicant was not interested in changing the land use which could be called into question during a zoning by-law amendment. Mr. Thompson stated that complying with the lot area and rear yard setback would be possible with the lot being moved and the existing house removed. As such, Mr. Thompson stated the decision of the Committee has consequences.

**Moved By** Colin McCann

**Seconded By** Brenda Stan

**Application B5/2023P made for consent to partial discharge of mortgage and consent to convey 352 square metres of land (Part 1) for future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 26 Chestnut Street; is hereby: GRANTED;**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

- 1. Submit a comprehensive Lot Grading & Drainage Plan for all 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.**
- 2. That the applicant confirm that no existing utilities cross the proposed lot line. Should any services cross the lot line, the**

**applicant shall be responsible for costs associated with their relocation and/or removal.**

- 3. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.**

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

- 1. Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.**

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

- 1. 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.**
- 2. 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.**

**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. **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.**

**Carried**

## **7.1 A6/2023P - 26 Chestnut Street - Part 1**

### **Purpose of the Application**

Files A6/2023P and A7/2023P were considered concurrently.

A6/2023P: The subject land is zoned Residential 2 ("R2") in accordance with Pelham Zoning By-law 4481(2022), as amended. Application is made for relief to rectify zoning deficiencies as a result of consent application B5/2023P, preserve the orientation of the existing detached garage and improve development efficiency, from:

Section 3.1(e) "Lot Coverage (Accessory Uses)" – to permit a maximum lot coverage of 20% of the lot area for all accessory buildings whereas the by-law allows a maximum lot coverage of 10% of the lot area for all accessory buildings; and

Section 6.2.2 "Minimum Lot Area" – to permit a minimum lot area of 350sm whereas the by-law requires a minimum lot area of 360sm.

A7/2023P: The subject land is zoned Residential 2 ("R2") in accordance with Pelham Zoning By-law 4481(2022), as amended. Application is made for relief to rectify zoning deficiencies as a result of consent application B5/2023P, from:

Section 6.2.2 "Minimum Rear Yard" – to permit a minimum rear yard setback of 1.2m whereas the by-law requires a minimum rear yard setback of 7.5m.

### **Representation**

The Agent, Curtis Thompson of Better Neighbourhoods Inc. and the Applicant, Todd Barber, were present.

## **Correspondence Received**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Curtis Thompson, Better Neighborhoods
5. David and Mary Jo Drago
6. Gary Birch
7. Blue Mackay
8. Cheryl Lapalme
9. Robert and Victoria McCauley
10. Chuck Miller
11. Patti Tomczyk
12. Erin

## **Applicants Comments**

The Agent offered no further comments.

## **Public Comments**

Mr. David Drago identified the criteria for minor variance approval. Mr. Drago expressed disagreement with the Planning department justification that the lot coverage variance is in part minor as no complaints had been received for the accessory building in the past. He stated there was no reason to complain in the past as the accessory building was a garage and met the requirements of the Zoning By-law. With respect to the test of desirability, Mr. Drago stated the Planning department justification failed to consider the potential for the accessory building to become a second dwelling unit which would impose upon the privacy of the neighbouring rear yard amenity area. Mr. Drago stated that two rental units at 26 Chestnut Street was not desirable and therefore fails the test.

Mr. Drago stated the variance for minimum lot area did not pass the four tests and further stated minimum lot area is a requirement in every residential zone. Mr. Drago expressed frustration that he was told that numbers and percentages were not relevant when they have been used to justify the four tests. Mr. Drago stated that he did not believe sufficient reasoning was provided to conclude the variances are minor. Mr. Drago quoted sections of the Planning recommendation report and stated it was

not desirable to violate section 1.3 of the Zoning By-law, which is a direct product of the Town's Official Plan.

Mr. Drago expressed that the applicant should reduce the building to satisfy the Town's By-laws. He stated the proposal was major and undesirable. With respect to the variance for reduced rear yard, Mr. Drago stated he was informed the term 'minor' was relative, based on the circumstance of each application. Mr. Drago explained this is not a minor variance. To conclude, Mr. Drago expressed concern that interpretation and laws appear to be relative which will serve to awaken suspicion of unfair approvals.

Mr. Charles Miller recommended A7/2023P be denied as it is not minor. Mr. Miller indicated that without the rear yard variance, it is not possible to create a building lot close to the size required by the Zoning By-law. Mr. Miller discussed rear yard as more than amenity space, being a breathing area between buildings and the natural environment. Mr. Miller reiterated that the proposal is two 2-storey buildings separated by less than 10 feet. He stated that this is a decision for Council to make. Mr. Miller clarified that neighbours were unable to appeal the decision of the Committee of Adjustment.

Mr. Thompson stated the variance was technical because of how front lot lines are defined. Mr. Thompson indicated the proposal is the best development plan. He further indicated that blindly complying with zoning regulations would result in a contrived geometry that is not necessarily functional. Mr. Thompson stated that the proposal considered keeping the existing house up, in the interest of the neighborhood. Mr. Thompson stated that in response to the criticism regarding numeric deviations, the Ontario Land Tribunal has consistently provided case law to support that numeric evaluation is not helpful in this determination.

A Member asked for confirmation that various options were considered. The Member further asked why the applicant is proposing a similar footprint as the existing accessory building, as opposed to a smaller garage. The applicant, Mr. Todd Barber stated the garage was beautiful and provided privacy and property separation. Mr. Barber further stated that preserving the garage would make the development more attractive. Mr. Barber spoke positively about having lived on a 60 by 60 lot.

A Member asked how the greenspace would be accessed through the existing house. Mr. Thompson indicated this would likely be the primary

yard space but also noted that alterations to the existing dwelling can be made at any time with a building permit.

A Member asked for clarification that the new lot line would be the side yard. Mr. Thompson confirmed.

Ms. Sarah Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:44pm and confirmed no e-mails have been received with regard to the subject applications. 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**

A Member asked the Manager of Engineering why their comments were not supportive. Mr. Derek Young expressed that Engineering feels that drainage cannot be accommodated. A Member asked for a potential solution to rectify the situation. Mr. Young indicated a designer would come up with a solution.

**Moved By** Brenda Stan

**Seconded By** Colin McCann

**Application A6/2023P for relief of Section 3.1(e) “Lot Coverage (Accessory Uses)” – to permit a maximum lot coverage of 20% of the lot area for all accessory buildings whereas the by-law allows a maximum lot coverage of 10% of the lot area for all accessory buildings, is hereby: GRANTED**

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

- 1. The variance is minor in nature given the lot and surrounding context. The accessory building is located on a similar footprint as the existing accessory building and there have been no complaints with regards to the accessory building in the past.**
- 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 permit design flexibility for the site and allow for the footprint of the existing accessory building to be maintained. The variance will not**

result in shadowing on adjacent properties, will allow for the continued use of the rear yard as private amenity space and will not alter the function of the subject property.

5. This application is granted without prejudice to any other application in the Town of Pelham.
6. 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.

**Application A6/2023P for relief of Section 6.2.2 “Minimum Lot Area” – to permit a minimum lot area of 350sm whereas the by-law requires a minimum lot area of 360sm, is hereby: GRANTED**

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

1. The variance is minor in nature as the proposed reduced lot area is an adequate size for a single detached dwelling and accessory structure.
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 will facilitate a consent that is aligned with the objectives of the Town’s Official Plan. The reduction in lot area is not anticipated to have substantial impacts on the surrounding area and is generally compatible with lot areas in the surrounding area.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. 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 for A6/2023P are subject to the following conditions:**

1. That all necessary building and demolition permits be 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**

- 1. Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to Building Permit and the Applicant shall bear all costs associated with the works.**
- 2. Each lot is to be individually serviced a water and sanitary sewer lateral in accordance with Town of Pelham Engineering Standards. Installation of any missing services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.**
- 3. Town staff will require a comprehensive Lot Grading and Drainage Plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.**
- 4. That any street trees removed be replaced by the applicant in accordance with the Town's Tree Management Policy S802-01 and to the satisfaction of the Director of Public Works.**
- 5. Prepare and submit a Site Servicing Plan to the satisfaction of the Director of Public Works or his designate.**

**2. To the Satisfaction of the Secretary-Treasurer**

- 1. That the approval of the minor variance A6/2023P and A7/2023P are subject to the final certification of Consent File and B5/2023P.**

**Application A7/2023P for relief of Section 6.2.2 "Minimum Rear Yard" – to permit a minimum rear yard setback of 1.2m whereas the by-law requires a minimum rear yard setback of 7.5m; is hereby: GRANTED**

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

1. The variance is minor in nature as site maintains a generous landscaped amenity space. Additionally, the exterior side yard is fenced and there is a tree buffer along the street edge providing privacy for this area to function as amenity space for the dwelling.
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 appropriate private amenity area will be maintained on the site in the exterior side yard. No significant negative impacts on the streetscape or adjacent properties are anticipated.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. 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:

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works
  1. Town staff will require a comprehensive Lot Grading and Drainage Plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.
2. To the Satisfaction of the Secretary-Treasurer
  1. That the approval of the minor variance A7/2023P, together with A6/2023P is subject to the final certification of Consent File and B5/2023P.

Carried

**7.2 A7/2023P - 26 Chestnut Street - Part 2**

Application A7/2023P was considered concurrently with A6/2023P. Please see file A6/2023P for minutes and decision.

**9. Adjournment**

**Moved By** Colin McCann

**Seconded By** Brenda Stan

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for June 5, 2023, at 4:00 pm.**

**Carried**

---

John Cappa, Chair

---

Sarah Leach, Secretary-Treasurer