

Committee of Adjustment**Minutes**

Meeting #: CofA 04/2023
Date: Monday, April 3, 2023
Time: 4:00 pm
Location: Meridian Community Centre - Accursi A and B
100 Meridian Way
Fonthill, ON
L0S 1E6

Members Present Colin McCann
Don Rodbard
Isaiah Banach

Members Absent Brenda Stan
John Cappa

Staff Present Sarah Leach
Derek Young
Jodi Legros
Lindsay Richardson

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 Banach 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

Moved By Colin McCann

Seconded By Don Rodbard

THAT the agenda for the April 3, 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. Resolution required under the Planning Act to appoint Assistant Secretary-Treasurer

Moved By Colin McCann

Seconded By Don Rodbard

THAT Jodi Legros be appointed as the Assistant/Acting Secretary-Treasurer for the 2022-2026 Committee of Adjustment Term.

Carried

8. Applications for Minor Variance

8.1 A8/2023P - 337 Canboro Road

Purpose of the Application

Application is made for relief, to construct a detached accessory structure (2-car garage and storage building), from: Section 7.7(a) "Maximum Lot Coverage (Accessory Structure)" – to permit a maximum lot coverage of 1.16% whereas the by-law allows 1% provided the maximum lot coverage of all buildings does not exceed 10%; and Section 7.7(b) "Minimum Side Yard and Rear Yard (Accessory Structure)" – to permit a minimum interior side yard setback of 2.06m whereas the by-law requires a minimum side yard setback of 3.0m.

Representation

The Applicant, Steve Zwierschke was present.

Correspondence Received

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

Applicants Comments

Mr. Zwierschke did not provide additional comments.

Public Comments

Ms. Sarah Leach, Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:12 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.

Moved By Colin McCann

Seconded By Don Rodbard

THAT the public portion of the meeting is closed.

Carried

Member Comments

The Members did not provide comments or concerns.

Moved By Colin McCann

Seconded By Don Rodbard

Application for relief of Section 7.7(a) “Maximum Lot Coverage (Accessory Structure)” – to permit a maximum lot coverage of 1.16% whereas the by-law allows 1% provided the maximum lot coverage of all buildings does not exceed 10%, is hereby: GRANTED;

Application for relief of Section 7.7(b) “Minimum Side Yard and Rear Yard (Accessory Structure)” – to permit a minimum interior side yard setback of 2.06m whereas the by-law requires a minimum side yard setback of 3.0m, is hereby: GRANTED.

The above decisions are based on the following reasons:

- 1. The variance is minor in nature as no negative impacts are anticipated on the adjacent properties as adequate distance separates the nearest residential neighbour from the location of the addition. Adequate yard setbacks will be maintained.**
- 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 while maintaining adequate rear yard amenity space.**
- 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 are subject to the following conditions:

- 1. That all necessary building permits be acquired prior to construction commencing, to the satisfaction of the Chief Building Official.**

Carried

9. Applications for Consent

9.1 B4/2023P - Part Lot 12, Concession 14 - Property directly north of 606 River Road

Purpose of the Application

Application is made for consent to convey an easement in perpetuity over Part 1, to the benefit of Part 3 (606 River Road) for continued use of the existing gas well. Parts 1 and 2 are to be retained for continued agricultural use.

Representation

The Applicants, Glen and Ellen Robins were present.

Correspondence Received

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

Applicants Comments

Mr. and Mrs. Robins did not provide additional comments.

Public Comments

Ms. Sarah Leach, Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:18 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.

Moved By Colin McCann

Seconded By Isaiah Banach

THAT the public portion of the meeting is closed.

Carried

Member Comments

The Members did not provide comments or concerns.

Moved By Colin McCann

Seconded By Don Rodbard

Application is made for consent to convey an easement in perpetuity over Part 1, to the benefit of Part 3 (606 River Road) for continued use of the existing gas well. Parts 1 and 2 are 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 Owner enter into an Encroachment Agreement with the Town of Pelham for the gas line over River Road.**

To the Satisfaction of the Secretary-Treasurer

- 1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, for use in the issuance of the Certificate of Consent.**
- 2. That the Secretary-Treasurer be provided a copy of the deposited reference plan, which shall include identification of the Part of the gas line under the public roadway, 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.**

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

10. Adjournment

The meeting was adjourned at 4:22 pm.

Moved By Colin McCann

Seconded By Isaiah Banach

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for May 1, 2023 at 4:00 pm.

Carried

Isaiah Banach, Chair

Sarah Leach, Secretary-Treasurer