

Committee of Adjustment**Minutes**

Meeting #: CofA 08/2023
Date: Tuesday, August 8, 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
Isaiah Banach

Members Absent Don Rodbard
John Cappa

Staff Present Sarah Leach
Andrew Edwards
Derek Young
Jodi Legros
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 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 Brenda Stan

Seconded By Colin McCann

THAT the agenda for the August 8, 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. Sarah Leach, Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Applications for Minor Variance

7.1 A14/2023P - 2755 Maple Street

Purpose of the Application

Application is made for relief, to construct a 2-storey garage addition on the northerly side of the property and a 1-storey addition on the southerly side of the property, from: Section 5.2.3 “Minimum Interior Side Yard” – to permit a minimum interior side yard of 4.45m whereas the by-law requires 8m; and Section 5.2.3 “Minimum Rear Yard” – to permit a minimum rear yard of setback of 11.40m whereas the by-law requires 15.0m.

Representation

The Applicant, Darcy Baker was present.

Correspondence Received

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

Applicants Comments

Mr. Baker expressed support of the Planning recommendation report.

Public Comments

Ms. Leach, Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:10 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 Brenda Stan

Seconded By Colin McCann

THAT the public portion of the application be closed.

Carried

Member Comments

The Members provided no comments or concerns.

Moved By Brenda Stan

Seconded By Colin McCann

THAT Application A14/2023P for relief of Section 5.2.3 “Minimum Interior Side Yard” – to permit a minimum interior side yard of 4.45m whereas the by-law requires 8m, is hereby: GRANTED; and

THAT relief of Section 5.2.3 “Minimum Rear Yard” – to permit a minimum rear yard of setback of 11.4m whereas the by-law requires 15.0m, is hereby: GRANTED;

The above decisions are based on the following reasons:

- 1. The variance is minor in nature as the use of the lands will remain appropriate as a rural non-farm residential use, the lands remain compatible with the surrounding area and the degree of impact is minimal.**
- 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 existing dwelling that meets the needs of the property owners while maintaining the character of the neighbourhood.**

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 are obtained 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 or designate.
 1. Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lot.
 2. Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway 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.

Carried

7.2 A15/2023P - 17 Arsenault Crescent

Purpose of the Application

Application is made for relief to construct a single detached dwelling, from: Section R2-95 "Maximum Front Yard" – to permit a maximum front yard setback of 5.9 m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5 m.

Representation

The Agent, Ethan Laman from 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

Mr. Laman expressed support of the Planning recommendation report.

Public Comments

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:16 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 Brenda Stan

Seconded By Colin McCann

THAT the public portion of the application be closed.

Carried

Member Comments

A Member asked if the applicant owns the neighbouring lots and requested the neighbouring front yard setbacks. Mr. Laman confirmed ownership and indicated the neighbouring lots have similar front yard setbacks to what is requested.

Moved By Brenda Stan

Seconded By Colin McCann

THAT Application A15/2023P for relief of Section R2-95 “Maximum Front Yard” – to permit a maximum front yard setback of 5.9m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m, is hereby GRANTED;

The above decision is based on the following reasons:

1. **The variance is minor in nature as there will be minimal impacts on the streetscape, and there remains sufficient lot area to site the proposed dwelling on the lot.**

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 the siting of the proposed dwelling on a lot with irregular frontage.
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 is aware no side yard walkways that impede side yard swales shall be permitted.

The above decision is subject to the following conditions:

1. That all necessary building permits are obtained 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. 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.

Carried

7.3 A16/2023P - 105 Welland Road

Purpose of the Application

Application is made for relief, to construct a 6-storey residential apartment dwelling, inclusive of exterior surface parking, interior garage, and underground parking, from:

Section 4.1.4.8 "Parking Area Location on Lot: Apartment Dwelling" – to permit a parking area in a front yard 3.0m to a street line and 1.9m to a side or rear lot line (westerly lot line), whereas the minimum setback required is 7.5m to a street line and 3.0m to a side or rear lot line; and

Section 4.3.1(a) “Minimum Bicycle Parking Requirements” – to permit a minimum bicycle parking ratio of 0.25 short-term bicycle parking spaces per unit (12 spaces) whereas the by-law requires a minimum of 0.8 short-term bicycle parking spaces per unit (35 spaces); and

Section 9.2.3 “Minimum Lot Area” – to permit a minimum lot area of 80 m² per dwelling unit whereas the by-law requires a minimum lot area of 150 m² per dwelling unit; and

Section 9.2.3 “Minimum Side Yard” – to permit a minimum side yard setback of 3m to the easterly lot line whereas the by-law requires a minimum side yard setback of 6m; and Section 9.2.3 “Maximum Building Height” – to permit a maximum building height of 21.0m whereas the by-law permits a maximum building height of 15m.

Representation

The Agent, William Heikoop of Upper Canada Consultants, the Applicant's legal counsel, Rocco Vacca and Applicant, Mr. Sonnenberg were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Murray and Helen Downie
5. Brad Whitelaw
6. Natalie Diduch
7. Claude Leduc
8. Georgio Panici
9. Linda Pogor
10. Heather Carter
11. Teresa Suda
12. Lori Bonito
13. Karen Lynne Guzzi
14. John Guzzi

Applicants Comments

Mr. Vacca expressed support of staff's recommendation. Mr. Vacca provided a high-level overview of the concept of the proposal. Additionally, Mr. Vacca explained the test of "minor" is not a percentage test.

Mr. Heikoop provided a presentation to further explain the proposal. A copy of the presentation is on record and is available through the Secretary-Treasurer.

Regarding the above ground exterior parking, a Member expressed concern over height and privacy. Mr. Heikoop stated space exists to install a fence or landscape buffer to block light and provide privacy. The Member further expressed concern regarding the noise of the garage doors and well as light shining from vehicles using the ramp. Mr. Heikoop stated the garage door motor is typically in the interior of the building and does not present noise issues. He further indicated that planted trees are proposed to block headlights.

A Member asked if public commentary had been considered throughout the public process. Mr. Heikoop acknowledged resident concerns and advised that several changes had not been made as the applicant feels the proposal is the best result for the property.

A Member inquired about the rooftop HVAC. Mr. Heikoop indicated the HVAC placement will be determined at the detailed design stage, but likely positioned far from existing residents.

A Member inquired about the accessible parking safety concern identified by Public Works. Mr. Heikoop indicated the accessible stalls were situated to avoid removal of trees. Mr. Heikoop indicated a large amount of traffic is not expected and assured the configuration can accommodate two vehicles.

A Member asked if the short-term bicycle parking is a new zoning by-law requirement. Mr. Heikoop confirmed and expressed 12 short-term spaces is sufficient as additional spaces are provided internally, as well as individual storage lockers per unit which can accommodate a bicycle.

The Chair asked if there are different setback requirements for balconies as it relates to side yards. Mr. Heikoop stated that balconies are permitted to project into side yards, and further stated the proposal is recommending the balconies be recessed.

Public Comments

Mr. Brad Whitelaw provided written correspondence to the Secretary-Treasurer at the beginning of the hearing. Ms. Leach circulated a printed copy of the correspondence to the Committee of Adjustment Members.

On behalf of neighbourhood residents, Ms. Natalie Diduch provided a PowerPoint presentation identifying concerns. The presentation summarized concerns related to traffic, demand on water/sewage

infrastructure, shadow effect, noise and light pollution, parking, tree canopy health, snow removal, soil stability and potential neighbourhood structural damage. Ms. Diduch expressed further concern that approval would be precedent setting. A copy of the presentation is on record and is available through the Secretary-Treasurer.

On behalf of neighbourhood residents, Mr. Whitelaw provided a PowerPoint presentation discussing the feasibility of the five variance requests. A copy of the presentation is on record and is available through the Secretary-Treasurer. Mr. Whitelaw requested the Committee reject the application and stated the variances do not meet the four tests.

A Member recognized the Niagara Region did not comment on water or sewage capacity. Mr. Derek Young, Manager of Engineering, stated there are no capacity issues in the area.

A Member asked for the difference between a condominium and apartment dwelling. Ms. Barb Wiens, Director of Community Planning and Development clarified that a condominium is a form of tenure.

A Member asked for clarification on the overall density. Mr. Heikoop stated the overall density on the site is 123.39 units per hectare. The Chair asked how density is calculated in which Ms. Wiens provided an explanation. A Member asked if the proposed density meets the Town's Official Plan. Ms. Wiens stated no specific requirement for the site exists, and indicated the square footage per unit needs to be varied.

The Chair called for a recess from 6:35 pm to 6:45 pm.

Mr. Claude Leduc stated the variances were not minor and would negatively impact neighbouring residents. Mr. Leduc expressed concern the proposal will exacerbate speed issues on Quaker Road. Mr. Leduc expressed further concern regarding privacy, lack of parking and the proposed height. Mr. Leduc stated the proposal is not compatible with the surrounding neighbourhood and existing uses.

Mr. Georgio Panici referenced an existing petition with over 400 signatures suggesting the variances are not minor. Mr. Panici expressed concern regarding traffic and incompatibility. Mr. Panici sought clarification on whether an archaeological assessment had been conducted. Mr. Panici expressed concern regarding tree removal and health. Mr. Panici suggested the siting of the parking lot was contradictory to Town standards as it faces out toward the street. Mr. Panici advised that he had prior discussions with the Church board regarding proposed alternatives

acceptable to the community which were disregarded. He stated the proposed is too large for the site and is not compatible with the surrounding area. Mr. Panici requested rejection of the application.

The Chair asked for the status of the archaeological assessment. Ms. Wiens indicated a stage 1, 2 and 3 archaeological assessment was completed and is before the Ministry for clearance. The Chair asked how the issue of trees is related to the application. Ms. Wiens confirmed that trees do not have bearing on the application before the Committee.

A Member asked if the Town could enforce the maintenance of tree health. Ms. Wiens indicated that the applicant would be required to adhere to site plan approval conditions which involve the maintenance and/or replacement of trees. Ms. Wiens stated the site plan agreement is registered on title with the property.

Ms. Linda Pogor expressed concern regarding the trees and root systems. Ms. Pogor identified the absence of a swale on the sketch. Ms. Pogor inquired about the target residents and emphasized the importance of a safe recreational area for children. In response, the Chair explained the intent and function of development charges.

A Member asked for the breakdown of unit types. Mr. Heikoop responded the development will be predominately two-bedroom units but will be officially determined once a market study is conducted. The Member asked if a price point has been determined. Mr. Heikoop responded the price will be determined once the final design is complete.

Ms. Heather Carter stated the proposal will have an impact on surrounding residents. Ms. Carter discussed a recent Council decision to deny a similar development in Niagara Falls. Ms. Carter stated that residents are not saying no to development but wish to instead find a development that works with the established community.

Ms. Teresa Suda stated her home will be situated in the shadow of the development. Ms. Suda advised she now considers selling her home. Ms. Suda concluded by expressing parking concerns.

Ms. Lori Bonito expressed concern that approval of the building height may allow for a 7-storey building. The Chair asked for clarification on the height of each storey. Mr. Heikoop affirmed the building is proposed at 6-stories. He explained the additional height beyond three metres a storey is due to the proposed type of construction material, architectural design, and parapet.

Ms. Karen Lynne Guzzi indicated the proposal will make people unhappy and stated that people are more important than money. Ms. Guzzi stated the development is not compatible with the neighbourhood. Ms. Guzzi expressed concern about shadow, wind, and threats to the existing trees. Ms. Guzzi identified that the location is car dependent and does not have amenities within walking distance. Ms. Guzzi expressed concern the development will exacerbate existing speed issues and be precedent setting.

The Chair asked for comment on traffic safety and noise impact. Mr. Heikoop stated that as part of the previous zoning by-law amendment, a traffic impact study was completed and concluded there is available capacity to service the development. Mr. Heikoop stated the opinion of the professional engineer affirms that traffic can appropriately be accommodated. With respect to noise, Mr. Heikoop stated that certain building materials can reduce decibel volume and will be addressed/implemented through the building permit process.

The Chair asked for comment on garbage and snow removal. Mr. Heikoop advised the tenure is proposed to be condominium. He stated the property manager would maintain the building and facilities, also advising that garbage would be collected using a molok system. Mr. Heikoop indicated some snow can be stored on-site, with off-site snow storage as an option.

The Chair asked if this level of intensification and character is appropriate in this location. Mr. Heikoop advised that growth management targets are dictated from the province. He stated the subject land is located adjacent to an arterial road and fronts onto a collector road. Mr. Heikoop stated intensification in this area is appropriate as the roadways can be seen as a gateway. He further stated the proposal is a better scenario than what the as-of-right zoning could permit. Mr. Heikoop stated the building has been placed so the height does not have additional impact aside from what the 5-storey as-of-right zoning allows.

Mr. Vacca applauded the public commentary. Mr. Vacca reaffirmed that ample expert evidence has been placed before the Committee from professional planners and engineers.

Mr. John Guzzi asked how the Committee would feel if the developed was proposed in their backyard.

Mr. Brad Whitelaw stated that his written correspondence was provided by a professional planner. He stated there was not enough time for the

consultant to complete the submission for publishing. Mr. Whitelaw asked what rationale staff used to support the variances and if staff completed a housing inventory.

Ms. Wiens stated the staff report includes the rationale in extensive detail. Ms. Wiens stated the Niagara Region conducted a housing inventory which provided housing projections for Pelham.

Mr. Whitelaw expressed the Town did not follow the Official Plan and prioritized the Provincial Policy Statement in their recommendation.

Ms. Leach, Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 7:54 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 Brenda Stan

Seconded By Colin McCann

THAT the public portion of the application be closed.

Carried

Member Comments

A Member clarified that the Committee does not have the ability to stop development. The Member advised that even without the variances, the developer could still build a variation of the proposal. The Member applauded the community for their effort in reaching out to the developer.

The Chair commended the passion of the community. The Chair expressed the site appeared appropriate for intensification. The Chair stated the determination of fit was tricky, noting the provincial direction of intensification and housing policies. He further stated there is not much currently offered for apartment buildings in the area which leads to rationale for intensification and apartment units.

A Member requested the motion be divided to vote on each variance independently.

Moved By Colin McCann
Seconded By Brenda Stan

THAT Application A16/2023P for relief of Section 4.1.4.8 “Parking Area Location on Lot: Apartment Dwelling” – to permit a parking area in a front yard 3.0m to a street line and 1.9m to a side or rear lot line (westerly lot line), whereas the minimum setback required is 7.5m to a street line and 3.0m to a side or rear lot line, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as minimal impacts on the streetscape are anticipated. The variance is a result of the intentional siting of the building to the southeast of the property to allow the preservation of existing vegetation, enhanced opportunity for landscape buffers and increased physical distance between the structure and neighbouring properties.**
- 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 as it will provide design flexibility for the site. Further, the variance will allow for the siting of the building closer to the street which is desirable from an urban design perspective.**
- 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:

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

Prior to Building Permit:

- 1. To the Satisfaction of the Director of Community Planning and Development**
 - 1. Receive clearance from the Ministry of Heritage, Sport, Tourism & Culture with regards to the completed Archaeological Assessment. 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.
2. Apply for and obtain approval for site plan approval from the Director of Community Planning and Development.
 2. To the Satisfaction of the Director of Public Works
 1. Submit a comprehensive 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 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.
 3. Part 2 is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.

For (3): Member Banach, Member McCann, Member Stan

Carried (3 to 0)

Moved By Colin McCann

Seconded By Brenda Stan

THAT Application A16/2023P for relief of Section 4.3.1(a) "Minimum Bicycle Parking Requirements" – to permit a minimum bicycle parking ratio of 0.25 short-term bicycle parking spaces per unit (12 spaces) whereas the by-law requires a minimum of 0.8 short-term bicycle parking spaces per unit (35 spaces), is hereby: GRANTED;

The above decision is based on the following reasons:

1. The variance is minor in nature as adequate short-term spaces will be provided (2 racks).
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 as adequate short-term spaces will be provided while allowing for a better use of the 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 decision is subject to the following conditions:

1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.

Prior to Building Permit:

1. To the Satisfaction of the Director of Community Planning and Development
 1. Receive clearance from the Ministry of Heritage, Sport, Tourism & Culture with regards to the completed Archaeological Assessment. 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.
 2. Apply for and obtain approval for site plan approval from the Director of Community Planning and Development.
1. To the Satisfaction of the Director of Public Works
 1. Submit a comprehensive 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 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.
 3. Part 2 is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective

lots. Should these services cross property lines, Public Works will not support the consent to sever.

For (3): Member Banach, Member McCann, Member Stan

Carried (3 to 0)

Moved By Colin McCann

Seconded By Brenda Stan

THAT Application A16/2023P for relief of Section 9.2.3 “Minimum Lot Area” – to permit a minimum lot area of 80 m² per dwelling unit whereas the by-law requires a minimum lot area of 150 m² per dwelling unit, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it is not anticipated to impact the functionality of the site or the ability to site the proposed building. The site with maintain adequate landscaped buffers and retain existing vegetation.**
- 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 as it is not anticipated to have substantial impacts on the surrounding area and is generally compatible in terms of use. The variance will not impact the functionality of the site.**
- 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:

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

Prior to Building Permit:

- 1. To the Satisfaction of the Director of Community Planning and Development**

1. Receive clearance from the Ministry of Heritage, Sport, Tourism & Culture with regards to the completed Archaeological Assessment. 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.
 2. Apply for and obtain approval for site plan approval from the Director of Community Planning and Development.
-
1. To the Satisfaction of the Director of Public Works
 1. Submit a comprehensive 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 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.
 3. Part 2 is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.

For (3): Member Banach, Member McCann, Member Stan

Carried (3 to 0)

Moved By Colin McCann

Seconded By Brenda Stan

THAT Application A16/2023P for relief of Section 9.2.3 "Minimum Side Yard" – to permit a minimum side yard setback of 3m to the easterly lot line whereas the by-law requires a minimum side yard setback of 6m, is hereby: GRANTED;

The above decision is based on the following reasons:

1. The variance is minor in nature as siting the building closer to the eastern property line allows for a larger buffer between the building and the neighbouring residential uses to the west. The reduced setback to the eastern property line will have a lesser impact on neighbouring residential uses than if the building was located in the centre of the site.
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 as the variance allows for the siting of the building farther away from the existing residential uses to the west. The variance still allows for appropriate landscaping buffering and drainage.
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:

1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.

Prior to Building Permit:

2. To the Satisfaction of the Director of Community Planning and Development
 1. Receive clearance from the Ministry of Heritage, Sport, Tourism & Culture with regards to the completed Archaeological Assessment. 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.
 2. Apply for and obtain approval for site plan approval from the Director of Community Planning and Development.
3. To the Satisfaction of the Director of Public Works
 1. Submit a comprehensive 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 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.
3. Part 2 is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.

For (3): Member Banach, Member McCann, Member Stan

Carried (3 to 0)

Moved By Colin McCann
Seconded By Brenda Stan

THAT Application A16/2023P for relief of Section 9.2.3 "Maximum Building Height" – to permit a maximum building height of 21.0m whereas the by-law permits a maximum building height of 15m, is hereby: GRANTED;

The above decision is based on the following reasons:

1. The variance is minor in nature as the increase in height is not anticipated to have significant impacts on neighbouring land uses and is generally in character with surrounding land uses.
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 provides for a form of development that is generally compatible and desirable for the surrounding area. The building has been sited in a location to

reduce potential impact on neighbouring lands in terms of privacy and shadowing. The increased height is not anticipated to result in a built form that is inappropriate for the lands. The increased height will allow for the provision of two levels of parking within the building, reducing the need for surface parking, thus providing more space for landscaped areas.

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:

1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.

Prior to Building Permit:

1. To the Satisfaction of the Director of Community Planning and Development
 1. Receive clearance from the Ministry of Heritage, Sport, Tourism & Culture with regards to the completed Archaeological Assessment. 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.
 2. Apply for and obtain approval for site plan approval from the Director of Community Planning and Development.
2. To the Satisfaction of the Director of Public Works
 1. Submit a comprehensive 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 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.

3. **Part 2 is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.**

For (2): Member Banach, Member Stan

Carried (2 to 1)

8. Applications for Consent

None.

9. Minutes for Approval

Moved By Colin McCann

Seconded By Brenda Stan

THAT the Committee of Adjustment minutes dated June 5, 2023, be approved.

Carried

10. Adjournment

The meeting was adjourned at 8:08 pm.

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 September 5, 2023, at 4:00 pm.

Carried

Isaiah Banach, Chair

Sarah Leach, Secretary-Treasurer