

**Committee of Adjustment
Minutes**

Meeting #: CofA 11/2023
Date: Monday, November 6, 2023
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Don Rodbard
Isaiah Banach
John Cappa

Members Absent Brenda Stan
Colin McCann

Staff Present Sarah Leach
Andrew Edwards
Jodi Legros

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 Don Rodbard
Seconded By John Cappa

THAT the agenda for the November 6, 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 A23/2023P - 442 Chantler Road

Purpose of the Application

The subject land is zoned Agricultural (“A”) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made to facilitate the construction of a detached garage. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 4.1.4.3(a) “Driveways” – to permit a maximum driveway width of 10.4m whereas the By-law permits a maximum driveway width of 6.0m; and Section 5.1.4 “Structures Accessory to a Single Detached Dwelling on an Existing Vacant Lot” – to permit a front yard setback of 6.1m whereas accessory structures are not permitted in the front yard; and Section 5.1.4 “Structures Accessory to a Single Detached Dwelling on an Existing Vacant Lot” – to permit an accessory structure lot coverage 1.06% whereas the By-law permits a maximum lot coverage of 1%.

Representation

Representation was not present.

Correspondence Received

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

4. Niagara Region

Applicants Comments

No comments were provided.

Public Comments

Ms. 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 John Cappa

Seconded By Don Rodbard

THAT the public portion of the meeting be closed.

Carried Member Comments

The Members provided no comments or concerns.

Moved By John Cappa

Seconded By Isaiah Banach

THAT Application A23/2023P for relief of Section 4.1.4.3(a) “Driveways” – to permit a maximum driveway width of 10.4m whereas the By-law permits a maximum driveway width of 6.0m is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the driveway width at the entrance from the street is not proposed to change. As well, the streetscape will not be altered in a significant way.**
- 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 the driveway width at the entrance from the street is not proposed to change and the streetscape will not be altered in a significant way.
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.

Section 5.1.4 “Structures Accessory to a Single Detached Dwelling on an Existing Vacant Lot” – to permit a front yard setback of 6.1m whereas accessory structures are not permitted in the front yard is hereby: GRANTED;

The above decision is based on the following reasons:

1. The variance is minor in nature as the agricultural character of the neighbourhood is not anticipated to be impacted and the lot area remains available to handle stormwater runoff, the existing septic system, and the preserve amenity area.
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 the setback will enable the proposed accessory structure to be setback further from the hydrologic feature.
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.

Section 5.1.4 “Structures Accessory to a Single Detached Dwelling on an Existing Vacant Lot” – to permit an accessory structure lot

coverage 1.06% whereas the By-law permits a maximum lot coverage of 1%, is hereby: GRANTED;

The above decision is 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 to the 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 it will permit design flexibility while maintaining adequate amenity 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 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 Community Planning and Development**
 - 1. Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Citizenship and Multiculturalism. At a minimum, the Assessment must cover the building envelope of the proposed accessory structure, 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 construction,**

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. To the Satisfaction of the Director of Public Works

- 1. 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.**

3. To the Satisfaction of the Region of Niagara

- 1. That a Landscape Plan be submitted with the required Regional fee, to the satisfaction of Niagara Region, for 30 metre Vegetation Protection Zone plantings to satisfy Growth Plan policy. The plan must include native trees, shrubs and groundcover that compliments the existing vegetation community. Clearance from the Region of Niagara is required on the proposed landscaping plan prior to a building permit being issued.**
- 2. That a written undertaking signed by the Owner be submitted to the Niagara Region whereby the Owner agrees to implement and maintain the approved Landscape Plan required to satisfy the Landscape Plan condition prior to the issuance of building permit and such undertaking be to the satisfaction of the Region.**
- 3. To the Satisfaction of the Niagara Peninsula Conservation Authority**
 - 1. Obtain permit approval from the Niagara Peninsula Conservation Authority and pay all required fees.**

Carried

8. Minutes for Approval

Moved By Isaiah Banach

Seconded By Don Rodbard

THAT the Committee of Adjustment minutes dated September 5, 2023, and October 3, 2023, be approved.

Carried

9. Adjournment

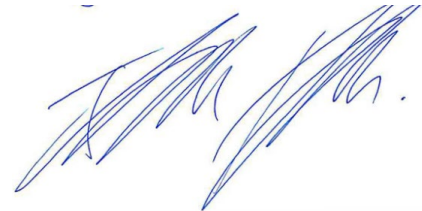
The meeting adjourned at 4:15 pm.

Moved By Isaiah Banach

Seconded By John Cappa

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

Carried



Isaiah Banach, Chair



Sarah Leach, Secretary-Treasurer