

Committee of Adjustment**Minutes**

Meeting #: CofA 01/2024
Date: Monday, January 8, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Brenda Stan
Colin McCann
Isaiah Banach

Members Absent Don Rodbard
John Cappa

Staff Present Sarah Leach
Andrew Edwards
Derek Young
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 Colin McCann
Seconded By Brenda Stan

THAT the agenda for the January 8, 2024, 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

On behalf of the applicant(s) of consent files B4-2024P, B5-2024P, and B6/2024P, Mr. William Heikoop of Upper Canada Consultants requested a deferral until such a time the applicant(s) can satisfy the agency's comments.

The Committee agreed to all requests.

Moved By Colin McCann
Seconded By Brenda Stan

THAT the Committee grant deferral of consent files B4-2024P, B5-2024P, and B6/2024P until a time determined by the applicant(s).

Carried

7. Applications for Minor Variance

8. Applications for Consent

8.1 B1-2024P - 1039 Church Street

Purpose of the Application

Application is made for consent to convey 434.74 square metres of land (Part 2), for future construction of a single detached dwelling. Part 1 is to be retained for future residential development.

Representation

The Agent, Eric Potts of Quartek Group and the Applicant, Lucas Lucchetta were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hydro One

Applicants Comments

Mr. Eric Potts, Agent, provided a summary of the application. Mr. Potts stated the purpose of the application is to provide intensification while remaining synonymous with the surrounding neighborhood. Mr. Potts indicated no objection to the proposed conditions. He further indicated that a conductor line may run through the property and noted the applicant would be willing to have it relocated as per the Public Works condition.

Public Comments

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:13 pm and confirmed no e-mails have been received concerning 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 meeting be closed.

Carried

Member Comments

The Members offered no comments or concerns.

Moved By Brenda Stan

Seconded By Colin McCann

THAT Application B1-2024P made for consent to convey 434.74 square metres of land (Part 2), for future construction of a single detached dwelling, is hereby: GRANTED;

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.**
- 2. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.**
- 3. That the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties**
- 4. That Part 2 be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any 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. Servicing must be completed prior to final paving of the Church Street.**

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 \$436, 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.**
- 4. The applicant is aware and understands that servicing must be completed prior to the final paving of Church Street from Foss Road to Canboro Road.**

Carried

8.2 B2-2024P - 1171 Maple Street - Part 1

File B2-2024P was heard concurrently with file B3-2024P.

Purpose of the Application

Application B2-2024P is made for consent to convey 572 square metres of land (Part 1), for future construction of a semi-detached dwelling. Part 3 is to be retained for continued residential use of the dwelling known municipally as 1171 Maple Street.

Application B3-2024P is made for consent to convey 572 square metres of land (Part 2), for future construction of a semi-detached dwelling. Part 3 is to be retained for continued residential use of the dwelling known municipally as 1171 Maple Street.

Representation

The Agent, Ms. William Heikoop of Upper Canada Consultants, and the Applicant, Lawrence Veerman were present.

Correspondence Received

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

3. Town of Pelham Building
4. Hydro One

Applicants Comments

Mr. William Heikoop, Agent, provided a brief presentation to explain the applications. A copy is available through the Secretary-Treasurer.

The Chair expressed the application was appropriate, a good source of intensification, and made sense about the surrounding community.

The Chair asked for clarification regarding the proposed amended language to the Public Works force main condition. Mr. Heikoop indicated that ECA approval requires municipal ownership which prompted the language change. Mr. Heikoop stated the force main will be constructed by the applicant at their expense. He further stated the construction, installation, and maintenance period will be embedded in the development agreement. Mr. Heikoop explained the condition is meant as an interim solution that allows development to move forward. He referenced a future project that would allow the force main to hook into a gravity sewer at an appropriate time.

The Chair asked the Region's role. Mr. Heikoop discussed the Region's servicing strategy and the characteristics of a municipal servicing agreement. Mr. Young indicated that the future pumping station and force main will be owned by the Region.

Public Comments

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:32 pm and confirmed no e-mails have been received concerning 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 Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair expressed the application appeared appropriate.

Moved By Colin McCann

Seconded By Brenda Stan

Application B2-2024P made for consent to convey 572 square metres of land (Part 1), for future construction of a semi-detached dwelling, is hereby: GRANTED

Application B3-2024P made for consent to convey 572 square metres of land (Part), for future construction of a semi-detached dwelling, is hereby: GRANTED

The above decisions are subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. That the applicant obtains a Driveway Entrance Permit for the construction of a new driveway. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.**
- 2. That the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.**
- 3. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.**
- 4. The proposed force main shall be constructed on private property within a municipal easement to be publicly owned and operated. A Development Agreement will be required to implement the design of the forcemain to the Satisfaction of the Director of Public Works.**
- 5. That the proposed Part 1 and Part 2 is to be individually serviced with its own water service connections. This work is to be done by a suitable contractor, at the owner's expense, and will require a Temporary Works Permit.**

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 \$436, 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.

The decisions are 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

8.3 B3-2024P - 1171 Maple Street - Part 2

File B3-2024P was considered concurrently with file B2-2024P. Please refer to B2-2024P for minutes and decisions.

8.4 B4-2024P 201 Canboro Road - Part 1

File B4-2024P was deferred.

8.5 B5-2024P - 201 Canboro Road - Part 2

File B5-2024P was deferred.

8.6 B6-2024P - 168 Pancake Lane

File B6-2024P was deferred.

9. Minutes for Approval

Moved By Colin McCann

Seconded By Brenda Stan

THAT the Committee of Adjustment minutes dated November 6, 2023, be approved.

Carried

10. Adjournment

The hearing was adjourned at 4:35 pm.

Moved By Brenda Stan

Seconded By Colin McCann

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for February 5, 2024 at 4:00 pm.

Carried

Isaiah Banach, Chair

Sarah Leach, Secretary-Treasurer