

**Committee of Adjustment
Minutes**

Meeting #: 06-2024
Date: Monday, June 3, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Brenda Stan
Colin McCann
John Cappa

Members Absent Don Rodbard
Isaiah Banach

Staff Present Andrew Edwards
Jodi Legros
William Tigert
Gim Ledesma

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. Jodi Legros, Deputy Secretary-Treasurer, recited the land recognition statement.

4. Approval of Agenda

Moved By Colin McCann

Seconded By Brenda Stan

THAT the agenda for the June 3, 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

Ms. Legros, Deputy Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Applications for Consent

7.1 B10-2024P - 594 River Road

Purpose of the Application

Application B10-2024P made for consent to convey 244 square metres of land (Part 1), to be added to the abutting property to the east (Part 3), for future construction of an attached garage. Part 2 is to be retained for continued residential use of the dwelling known municipally as 594 River Road.

Representation

The Agent, Rob Fiedler of NPG Planning Solutions Inc. and Mr. Mark VanDenEnde, the owner of 572 River Road were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. NPCA
6. Hydro One

Applicants Comments

Mr. Rob Fiedler, the Applicant's Agent from NPG Planning Solutions, attended the meeting alongside the owner of 572 River Road. Mr. Fiedler expressed agreement with the staff recommendation and the conditions set forth, without providing any additional comments.

Public Comments

No comments

Jodi Legros, Deputy Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:11 pm and confirmed no e-mails have been received concerning the subject application. 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

No comments

Moved By Brenda Stan

Seconded By Colin McCann

Application B10-2024P is made for consent to convey 244 square metres of land (Part 1), to be added to the abutting property to the east (Part 3), for future construction of an attached garage. Part 2 is to be retained for continued residential use of the dwelling known municipally as 954 River Road, is hereby: GRANTED

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.**

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 obtain a Driveway Entrance Permit for the construction of new or modification to existing driveway(s). This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.

To the Satisfaction of the Director of Community Planning & Development

1. That all necessary zoning approvals (minor variance) be obtained for both Part 2 and Parts 1 and 3.

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.

Carried

8. Applications for Minor Variance

8.1 A11-2024P - 572 River Road

Minor variance files A11-2024P and A12-2024P were considered concurrently.

Purpose of the Application

Application A11-2024P for relief is made, to facilitate the construction of an attached garage and to rectify zoning deficiencies as a result of a consent application B10-2024P. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.1.3 “Minimum Front Yard” – to permit a minimum front yard setback of 5.53m whereas the By-law requires a minimum front yard setback of 8.0m; Section 5.1.3 “Minimum Interior Side Yard” – to permit a minimum interior side yard setback of 4.2m whereas the By-law requires a minimum interior side yard setback of 8.0m; Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 17% whereas the By-law permits a maximum lot coverage of 10%; Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 39.3m whereas the By-law requires a minimum lot frontage of 180.0m; Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1326 m² whereas the By-law requires a minimum lot area of 4000m².

Application A12-2024P is for relief to rectify zoning deficiencies as a result of a consent application B10-2024P. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 46.0m whereas the By-law requires a minimum lot frontage of 180.0m; and Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1729m² whereas the By-law requires a minimum lot area of 4000m²; and Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 15% whereas the By-law permits a maximum lot coverage of 10%; and Section 5.1.4 “Maximum Lot Coverage Accessory Structures” – to permit a maximum lot coverage for accessory structures of 7% whereas the By-law permits a maximum lot coverage accessory structures of 1%.

Application A11-2024P for relief is made, to facilitate the construction of an attached garage and to rectify zoning deficiencies as a result of a consent application B10-2024P. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.1.3 “Minimum Front Yard” – to permit a minimum front yard setback of 5.53m whereas the By-law requires a minimum front yard setback of 8.0m; Section 5.1.3 “Minimum Interior Side Yard” – to permit a minimum interior side yard setback of 4.2m whereas the By-law requires a minimum interior side yard setback of 8.0m; Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 17% whereas the By-law permits a maximum lot coverage of 10%; Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 39.3m whereas the By-law requires a minimum lot frontage of 180.0m; Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1326 m² whereas the By-law requires a minimum lot area of 4000m².

Application A12-2024P is for relief to rectify zoning deficiencies as a result of a consent application B10-2024P. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 46.0m whereas the By-law requires a minimum lot frontage of 180.0m; and Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1729m² whereas the By-law requires a minimum lot area of 4000m²; and Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 15% whereas the By-law permits a maximum lot coverage of 10%; and Section 5.1.4 “Maximum Lot Coverage Accessory Structures” – to permit a maximum lot coverage for accessory structures of 7% whereas the By-law permits a maximum lot coverage accessory structures of 1%.

Representation

The Agent, Rob Fiedler of NPG Planning Solutions Inc. was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. NPCA
6. Hydro One

Applicants Comments

Mr. Fiedler concurs with the staff report and agrees with the conditions, noting his appreciation to the Planning staff for their helpfulness during the pre-consultation process in laying out all the required information.

Public Comments

No comments

Jodi Legros, Deputy Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:26 pm and confirmed no e-mails have been received concerning the subject application. 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

Member McCann requested clarification on whether the items related to information on the septic bed are still outstanding, noting that this issue remains unresolved with the Niagara Peninsula Conservation Authority (NPCA), along with a report on erosion and sediment control. Mr. Fiedler confirmed that these matters will remain part of the process to obtain a permit with the NPCA.

Moved By Colin McCann

Seconded By Brenda Stan

Application A11-2024P for relief of Section 5.1.3 “Minimum Front Yard” – to permit a minimum front yard setback of 5.53m whereas the By-law requires a minimum front yard setback of 8.0m, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the rural residential/agricultural character of the neighbourhood is not anticipated to be impacted through the proposed variance. As**

well, the lot area remains available to handle stormwater runoff, the existing septic system, and 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 Welland River and stable top of slope.
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 A11-2024P for relief of Section 5.1.3 “Minimum Interior Side Yard” – to permit a minimum interior side yard setback of 4.2m whereas the By-law requires a minimum interior side yard setback of 8.0m, is hereby: GRANTED

The above decision is based on the following reasons:

1. The variance is minor in nature as negative impacts are anticipated on the adjacent property as adequate distance separates the nearest residential neighbour from the location of the proposed attached garage.
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 structure is located in an appropriate location.
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 A11-2024P for relief of Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 17% whereas the By-law permits a maximum lot coverage of 10%, 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 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 as 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.**

**Application A11-2024P for relief of Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 39.3m whereas the By-law requires a minimum lot frontage of 180.0m, is hereby:
GRANTED**

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impacts are anticipated.**
- 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 reduced lot frontage and area does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water services.
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 A11-2024P for relief of Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1326 m² whereas the By-law requires a minimum lot area of 4000m², is hereby: GRANTED

The above decision is based on the following reasons:

1. The variance is minor in nature as no adverse impacts are anticipated.
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 reduced lot frontage and area does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water services.
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. That the approval of minor variance A11-2024P is subject to Consent File B10/2024P obtaining final approval.**
- 2. To the Satisfaction of the Director of Public Works**
 - 1. 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.**
 - 2. 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.**
 - 3. The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.**
- 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

Application A12-2024P for relief of Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 46m whereas the By-law requires a minimum lot frontage of 180.0m, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impacts are anticipated.**
- 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 does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water services.**
- 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 A12-2024P for relief of Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1729m² whereas the By-law requires a minimum lot area of 4000m², is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impacts are anticipated.**
- 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 does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water services.**

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 A12-2024P for relief of Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 15% whereas the By-law permits a maximum lot coverage of 10%, is hereby:

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 dwelling from the location of the addition to the dwelling on the neighbouring 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 the increase in lot coverage will maintain adequate amenity area and space for access, maintenance, 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.

Application A12-2024P for relief of Section 5.1.3 “Maximum Lot Coverage Accessory Structures” – to permit a maximum lot coverage for accessory structures of 7% whereas the By-law permits a maximum lot coverage accessory structures of 1%, is hereby:

The above decision is based on the following reasons:

1. The variance is minor in nature as adequate yard setbacks will be maintained for access to the rear, drainage, and

maintenance. As well, adequate lot area remains for the sanitary system.

- 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 increase in lot coverage will maintain adequate amenity area and space for access, maintenance, 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 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. That the approval of minor variance A12-2024P is subject to Consent File B10/2024P obtaining final approval.**
- 2. To the Satisfaction of the Director of Public Works**
 - 1. 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.**
 - 2. 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.

3. The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.

8.2 A12-2024P 594 River Road

Application A12-2024P was considered concurrently with A11-2024P. See A11-2024P for minutes and decision.

9. Minutes for Approval

Moved By Colin McCann
Seconded By Brenda Stan

THAT the Committee of Adjustment minutes dated May 6, 2024, be approved.

Carried

10. Adjournment

The hearing was adjourned at 4:33 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 July 2, 2024 at 4:00 p.m.

Carried



Isaiah Banach, Chair



Sarah Leach, Secretary-Treasurer