

Committee of Adjustment
Minutes

Meeting #: 07-2024
Date: Tuesday, July 2, 2024
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
Jodi Legros
Shannon Larocque
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 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 July 2, 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. Leach stated no requests for withdrawal or adjournment have been made.

7. Applications for Minor Variance

7.1 A13-2024P - 304 Welland Road

Purpose of the Application

The subject land is zoned Specialty Agriculture (SA) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate the construction of a covered porch. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.2.3 "Maximum Lot Coverage" – to permit a maximum lot coverage of 13.5% whereas the By-law allows a maximum lot coverage of 10%.

Representation

The Applicants, Katlyn and Matthew Baxter were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Louise Engel and David Johnson

Applicants Comments

No comments.

Public Comments

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:06 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 Don Rodbard

Seconded By John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Members offered no comments or concerns.

Moved By John Cappa

Seconded By Isaiah Banach

Application A13-2024P made for relief of Section 5.2.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 13.5% whereas the By-law allows 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 in terms of drainage, visual impacts or with respect to private servicing.**
- 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 construction of an appropriate addition to the existing dwelling and expand the amenity area through the addition of a covered porch.**
- 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:

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

Carried

8. Applications for Consent

8.1 B11-2024P - 1395 Station Street

Purpose of the Application

Application is made for consent to partial discharge of mortgage and consent to convey 1,173 square metres of land (Part 1), for future development. Part 2 is to be retained for future development.

Representation

The Applicant, James Frank was present.

Correspondence Received

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

Applicants Comments

Mr. Frank agreed with the recommendation report.

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 Don Rodbard

Seconded By John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair indicated that the application appeared to satisfy the requirements under the Planning Act. The Members offered no additional comments or concerns.

Moved By John Cappa

Seconded By Don Rodbard

Application B11-2024P made for consent to partial discharge of mortgage and consent to convey 1,173 square metres of land (Part 1), for future development. Part 2 is to be retained for future development, is hereby: GRANTED

The above decision is subject to the following conditions:

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. That the applicant 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 Community Planning & Development

- 1. That the applicant provide the associated storm sewer oversizing fees for Part 1 (1,173 square metres) in the amount of \$11,556.32. The cost-sharing fee for the remaining Part 2 (7,948 square metres) of 1395 Station Street is \$219,859.68. This will be required at time of development submission.**

2. That the applicant provide a payment of \$1000.00 to the Town of Pelham for a Street tree to be planted on the boulevard in front of the property as part of the Station Street road reconstruction.

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

8.2 B12-2024P - 690 Quaker Road

Purpose of the Application

Application is made for consent to convey an easement in perpetuity over Part 2, to the benefit of 698 Quaker Road to permit access and maintenance to an existing accessory structure. Part 1 is to be retained for

continued use of the residential property known municipally as 690 Quaker Road.

Representation

The Agent, Matt Kernahan was present.

Correspondence Received

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

Applicants Comments

Mr. Kernahan agreed with the staff report, except for the condition requiring a lot grading and drainage plan. He mentioned that after discussions with staff, he understands that staff are willing to waive this condition, pending the Committee's approval.

Shannon Larocque, Senior Planner, confirmed that staff are agreeable to removing the condition, as it will be addressed during the building permit process.

Public Comments

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:23 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 John Cappa

Seconded By Don Rodbard

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Members offered no comments or concerns.

Moved By Isaiah Banach
Seconded By John Cappa

Application B12-2024P made for consent to convey an easement in perpetuity over Part 2, to the benefit of 698 Quaker Road to permit access and maintenance to an existing accessory structure. Part 1 is to be retained for continued use of the residential property known municipally as 690 Quaker Road, is hereby: GRANTED

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. That the Applicant confirm that no existing utilities cross the property line. Relocation shall be the applicant's responsibility.**

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 that the construction of new or modification to 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.**

Carried

9. Adjournment


The hearing was adjourned at 4:26 pm.

Moved By Isaiah Banach

Seconded By Don Rodbard

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for August 6, 2024 at 4:00 p.m.

Carried



Isaiah Banach, Chair



Sarah Leach, Secretary-Treasurer