

Meeting #: 08-2024
Date: Tuesday, August 6, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Colin McCann
 Don Rodbard
 John Cappa

Members Absent Brenda Stan
 Isaiah Banach

Staff Present Sarah Leach
 Andrew Edwards
 Derek Young
 Jodi Legros
 Pamela Duesling
 Shannon Larocque

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, Secretary-Treasurer Sarah Leach called the meeting to order at approximately 4:06 pm. S. Leach 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

S. Leach recited the land recognition statement.

4. Approval of Agenda

Moved By Colin McCann

Seconded By Don Rodbard

THAT the agenda for the August 6, 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

There were no requests for withdrawal or adjournment.

7. Applications for Minor Variance

7.1 A16-2024P - 25 Highway 20 East

Purpose of the Application

The subject land is zoned Main Street (MS) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate an addition to and renovation of the existing dwelling to facilitate a 3-storey commercial hotel with 6 guest rooms (2 per floor) and a shared amenity space in the basement. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 8.2.3 (Zone Requirement) "Front Yard" – to recognize the front wall occupying 68% of the lot frontage and setback 11.36m from the front lot line whereas the By-law requires the façade to occupy a minimum of 75% of the lot frontage and be built within 0-3.0m of the front lot line; and

Section 8.2.3 (Zone Requirement) "First Floor Window Height" – to recognize an existing first floor window height of 0.71m whereas the By-law allows a first floor building height of 0.3m to 0.6m; and

Section 8.2.3 (Zone Requirement) "First Floor Height" – to permit an existing first floor height of 2.74m whereas the By-law requires a minimum first floor height of 4.5m;

The subject land is zoned Main Street (MS) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate an addition to and renovation of the existing dwelling to facilitate a 3-storey commercial hotel with 6 guest rooms (2 per floor) and a shared amenity space in the basement. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 8.2.3 (Zone Requirement) “Front Yard” – to recognize the front wall occupying 68% of the lot frontage and setback 11.36m from the front lot line whereas the By-law requires the façade to occupy a minimum of 75% of the lot frontage and be built within 0-3.0m of the front lot line; and

Section 8.2.3 (Zone Requirement) “First Floor Window Height” – to recognize an existing first floor window height of 0.71m whereas the By-law allows a first floor building height of 0.3m to 0.6m; and

Section 8.2.3 (Zone Requirement) “First Floor Height” – to permit an existing first floor height of 2.74m whereas the By-law requires a minimum first floor height of 4.5m; Section 8.2.3 (Zone Requirement) “Angular Plane” – 60-degree angular plane - to permit a 0.102m encroachment into the angular plane on the west side of the lot, whereas no encroachment into the angular plane is permitted.

Representation

The Applicant, Roger Toma and Architect, Brett Lyver were present.

Correspondence Received

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

Applicants Comments

None.

Public Comments

David Koudys raised several concerns, including increased traffic, headlights shining into his home at night, people regularly coming and going, lack of parking, absence of a privacy fence, noise, water run-off and potential occupants of the hotel.

Mike Hogan offered no objection to the proposal.

Heather Hogan described the trees proposed for removal as "garbage trees" and did not object to their removal.

Brett Lyver, the Architect, stated there will be a privacy fence on both sides and expressed the ability to block light.

Roger Toma, the Applicant, stated his intention to ensure the neighbours remain comfortable and happy. He committed to minimizing excessive lighting, ensuring proper access to washrooms, and replacing the removed trees. He also noted that the Town has by-laws in place to address nuisances.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:24 pm and confirmed no e-mails have been received concerning the subject application. S. 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 Colin McCann

THAT the public portion of the meeting be closed.

Carried

Member Comments

Chair Cappa was absent during the consideration of this file.

A Member asked how many parking spots were proposed to which R. Toma responded six.

Moved By Don Rodbard

Seconded By Colin McCann

THAT Application for relief of Section 8.2.3 (Zone Requirement) "Front Yard" – to recognize the front wall occupying 68% of the lot frontage and setback 11.36m from the front lot line whereas the By-law requires the façade to occupy a minimum of 75% of the lot frontage and be built within 0-3.0m of the front lot line, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the proposed renovation/conversion of the existing dwelling to a hotel will utilize the existing footprint of the dwelling and will not alter the existing front yard setback, or the percentage of the frontage occupied by the 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 allow the existing dwelling to be converted to a commercial use, which is an example of adaptive reuse.**
- 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.**

AND THAT Application for relief of Section 8.2.3 (Zone Requirement) “First Floor Window Height” – to recognize an existing first floor window height of 0.71m whereas the By-law allows a first floor building height of 0.3m to 0.6m, 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 detract from the streetscape and will facilitate the conversion of the existing dwelling for commercial use.**
- 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 allow the existing dwelling to be converted to a commercial use, which is an example of adaptive reuse.**

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.

AND THAT Application for relief of Section 8.2.3 (Zone Requirement) “First Floor Height” – to permit an existing first floor height of 2.74m whereas the By-law requires a minimum first floor height of 4.5m, 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 detract from the streetscape and will facilitate the conversion of the existing dwelling for commercial use.
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 allow the existing dwelling to be converted to a commercial use, which is an example of adaptive reuse.
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.

AND THAT Application for relief of Section 8.2.3 (Zone Requirement) “Angular Plane” – 60-degree angular plane - to permit a 0.102m encroachment into the angular plane on the west side of the lot, whereas no encroachment into the angular plane is permitted, is hereby: GRANTED

The above decision is based on the following reasons:

1. **The variance is minor in nature as no windows or living space encroach into the angular plane, and as such, issues of overlook are mitigated.**
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 minor encroachment into the angular plane is not anticipated to result in a built form that is inappropriate for the lands.**
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. **Enter into a site plan agreement to the satisfaction of 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.**

Carried

7.2 A17-2024P - 1311 Effingham Street

Chair Cappa joined the hearing.

Purpose of the Application

Application for relief is made, to facilitate an addition to the garage and an addition to the main floor of the dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 5.2.3 (Zone Requirements for a Single Detached Dwelling)
“Minimum Corner Side Yard” – to permit a minimum corner side yard of 3.445m whereas the By-law requires a minimum corner side yard of 8.0m.

Representation

The Applicants, Brian and Wendy Kremer were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region

Applicants Comments

None.

Public Comments

None.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:33 pm and confirmed no e-mails have been received concerning the subject application. S. 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 John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

None.

Moved By Colin McCann

Seconded By John Cappa

THAT Application for relief of Section 5.2.3 (Zone Requirements for a Single Detached Dwelling) “Minimum Corner Side Yard” – to permit a minimum corner side yard of 3.445m whereas the By-law requires a minimum corner side yard of 8.0m, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the reduction to the setback is not anticipated to result in a negative impact on the adjacent uses, the streetscape, or substantially remove any of the amenity space of 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 as it will permit design flexibility while maintaining adequate area for amenity space, drainage, and private sewage system servicing capabilities.**
- 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. **The applicant prepare and submit a Tree Protection Plan, to the satisfaction of the Town.**
 2. **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 lot eligible for disturbance, 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 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. **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.**

Carried

7.3 A19-2024P - Block 173 of Saffron Meadows

Purpose of the Application

Application for relief is made to facilitate the construction of a street townhouse dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 10 Exceptions – RM1-96 - Section 3(d) “Minimum Exterior Side Yard” – to permit a minimum exterior side yard setback for a covered porch of 1.6m whereas the By-law requires a minimum exterior side yard setback of 2.0m.

Application for relief is made to facilitate the construction of a street townhouse dwelling. The applicant seeks relief from the following

section(s) of the Zoning By-law: Section 10 Exceptions – RM1-96 - Section 3(d) “Minimum Exterior Side Yard” – to permit a minimum exterior side yard setback for a covered porch of 1.6m whereas the By-law requires a minimum exterior side yard setback of 2.0m.

Representation

The Agent, Eric Beauregard was present.

Correspondence Received

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

Applicants Comments

Eric Beauregard, the Agent, expressed agreement with the staff recommendation report.

Public Comments

None.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:39 pm and confirmed no e-mails have been received concerning the subject application. S. 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 Don Rodbard

THAT the public portion of the meeting be closed.

Carried

Member Comments

None.

Moved By Don Rodbard

Seconded By Colin McCann

THAT Application for relief of Section 10 Exceptions – RM1-96 - Section 3(d) “Minimum Exterior Side Yard” – to permit a minimum exterior side yard setback for a covered porch of 1.6m whereas the By-law requires a minimum exterior side yard setback of 2.0m, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the reduction to the setback is not anticipated to result in a negative impact on the adjacent uses, the streetscape, or substantially remove amenity space 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 allow for appropriate development of a wraparound covered porch on a corner lot.**
- 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 that no sideyard walkways that impede sideyard 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 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.**

8. Applications for Consent

8.1 B14-2024P - 28 Lorimer Street

Purpose of the Application

Application is made for consent to partial discharge of mortgage and consent to convey 420.82 square metres of land (Part 1), for future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 28 Lorimer Street.

Representation

The Agent, Ron Vahrmeyer was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hydro One
5. Patti Tomczyk
6. Kathryn Silkiewicz

Applicants Comments

Ron Vahrmeyer, the Agent, expressed agreement with the staff recommendation report.

Public Comments

Kathryn Silkiewicz expressed concerns about potential flooding and the loss of privacy and shade resulting from tree removal. Additionally, she questioned the legitimacy and accuracy of the survey.

Linda Stoop voiced concerns about severing a valuable piece of property, including exacerbated flooding and the removal of trees.

In response, R. Vahrmeyer explained that the grading work will be conducted to ensure water is properly managed and does not flow where it shouldn't. He also confirmed that the survey was conducted by an

authorized surveyor in Ontario and assured that tree removal would be minimized as much as possible.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:51 pm and confirmed no e-mails have been received concerning the subject application. S. 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 John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair highlighted the inclusion of a condition to address grading and drainage. Derek Young, Manager of Engineering, clarified that the Town can only manage surface water, not the water table.

A Member inquired whether it would be appropriate to impose a condition requiring the rebuilding of the existing barrier fence. Shannon Larocque, Manager of Planning, responded that the Committee could impose such a condition, though it was not initially recommended by the Planning department since it pertains to the removal of the shed rather than the fence.

R. Vahrmeyer, unsure of the current conditions, mentioned that if there was an attached fence that needed to be removed, it would be reinstalled.

The Chair highlighted the inclusion of a condition to address grading and drainage. Derek Young, Manager of Engineering, clarified that the Town can only manage surface water, not the water table.

A Member inquired whether it would be appropriate to impose a condition requiring the rebuilding of the existing barrier fence. Shannon Larocque, Manager of Planning, responded that the Committee could impose such a condition, though it was not initially recommended by the Planning department since it pertains to the removal of the shed rather than the fence.

R. Vahrmeyer, unsure of the current conditions, mentioned that if there was an attached fence that needed to be removed, it would be reinstalled.

Moved By Colin McCann
Seconded By John Cappa

THAT Application is made for consent to partial discharge of mortgage and consent to convey 420.82 square metres of land (Part 1), for future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 28 Lorimer Street 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 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.**
- 4. That Part 1 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.**
- 5. That the applicant provide a Functional Servicing Report including a full stormwater management strategy.**

To the Satisfaction of the Director of Community Planning & Development

1. That the applicant provide a tree preservation plan (including trees on lot grading plan) and that the applicant provide a cash in lieu should the applicant remove Town owned tree per Town tree policy.
2. That the applicant sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
3. That the applicant be responsible for replacing/re-installing any gaps in fencing created as a result of severance file B14-2024P.

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:

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.

1. 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.
2. 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 B13-2024P - 764 Canboro Road

Purpose of the Application

Application is made for consent to partial discharge of mortgage and consent to convey 1052 square metres of land (Part 1), for the future construction of a semi-detached dwelling. Part 2 is to be retained for future construction of a semi-detached dwelling.

Representation

The Agent, Todd Barber was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hydro One
5. Niagara Region
6. Bell Canada
7. Bill and Ann Van Lochem

Applicants Comments

Todd Barber, the Agent, noted that semi-detached homes are a legal conforming use on the property, and his client chose a less dense development option. He also stated that he has no concerns regarding the requests from Bell Canada.

Public Comments

Debbie van Maaren expressed concerns that the development would not blend in with the existing neighbourhood and raised issues related to traffic and safety, noting that some sidewalks slope toward the road.

Brittany Brochu echoed these concerns, including the potential influx of vehicles, and inquired whether the properties were intended for rental or ownership.

Ann VanLochem voiced concern that not all neighbours had received notice of the meeting. She also raised issues about increased traffic and the lack of medians.

S. Leach indicated that notice of the meeting was distributed to residents within a 60-metre radius.

The Chair mentioned that he had no questions regarding the consent and commended the Town for addressing the concerns. Derek Young, Manager of Engineering, noted that the engineering drawings had not yet been reviewed.

A Member inquired whether the Town was prepared to proceed with the proposed detached garage. Shannon Larocque, Manager of Planning, responded that building code requirements must be met before a building permit can be issued. In response to Brittany Brochu's questions, S. Larocque indicated that parking would be accommodated in both the garage and the driveway.

S. Leach read aloud an email from Debbie van Maaren, in which she expressed additional concerns about safety, neighborhood conformity, parking, and water and sewer issues.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 5:20 pm and confirmed no e-mails have been received concerning the subject application. S. 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 John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member noted that increased traffic is a natural consequence of community growth. While expressing sympathy for concerns about the changing streetscape, the Member pointed out that as development progresses, older homes will inevitably be replaced. The Member also

observed that, in addition to the garage, the lot appears to have space for at least three or four vehicles without needing to resort to on-street parking.

D. Young expressed concern about the proposal. S. Larocque explained that a condition for the lot grading and drainage plan was included to give the applicant the opportunity to prepare a proposal for review and approval. T. Barber expressed surprise at the concern, noting that the grading plan had been with the Town for some time.

Moved By Colin McCann

Seconded By Don Rodbard

THAT Application made for consent to partial discharge of mortgage and consent to convey 1052 square metres of land (Part 1), for the future construction of a semi-detached dwelling. Part 2 is to be retained for future construction of a semi-detached dwelling, 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 no existing utilities cross the proposed new property line. Should any services cross this new property line nor rely on adjacent properties.**
- 2. 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. Lots are to be individually serviced with 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.**
- 4. Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor**

negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.

To the Satisfaction of the Director of Community Planning & Development

- 1. Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**
- 2. That the Owner provide a written agreement that they will grant Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.**

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, in relation to the Stage 1 and 2 Archaeological Assessment, a formal acceptance letter from the Ministry of Citizenship and Multiculturalism must be circulated to the Niagara Region prior to the issuance of a building permit.**

Carried

9. Applications for Minor Variance (Continued)

9.1 A14-2024P - 764 Canboro Road - Part 1

File A14-2024P and A15-2024P were considered concurrently.

Purpose of the Application

Application A14-2024P is made, to facilitate the construction of a semi-detached dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 3.28.1(b)(ix) "Second Dwelling Units – Urban Area" – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m.

Application A15-2024P is made, to facilitate the construction of a semi-detached dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 3.28.1(b)(ix) "Second Dwelling Units – Urban Area" – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m.

Representation

The Agent, Todd Barber was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region

Applicants Comments

Todd Barber, the Agent, mentioned that there are large farmhouses in the area and that the second dwelling unit (SDU) was designed to blend in with the existing houses, creating the impression that it is not a semi-detached dwelling. He also noted that a variance is being sought due to a miscommunication with the Planning department, which he believes will ultimately enhance the development.

Public Comments

Debbie van Maaren sought clarification on whether the proposal includes two or three units. It was clarified that there are currently two units proposed, with the potential for an additional unit, which is not being proposed at this time.

Brittany Brochu expressed concern regarding the concern raised by the Manager of Engineering.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 5:48 pm and confirmed no e-mails have been received concerning the subject application. S. 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 John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member inquired whether the driveway allows two cars to pass each other. Todd Barber confirmed that two cars can pass in front of the garage, but not within the single laneway. He also mentioned that he does not anticipate much traffic.

A Member inquired whether the driveway allows two cars to pass each other. Todd Barber confirmed that two cars can pass in front of the garage, but not within the single laneway. He also mentioned that he does not anticipate much traffic.

Moved By Colin McCann
Seconded By John Cappa

THAT Application A14-2024P for relief of Section 3.28.1(b)(ix) “Second Dwelling Units – Urban Area” – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it is anticipated to have negative impacts on the streetscape or adjacent properties. The structure will appear as one building.**
- 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 is not anticipated to result in negative impacts on adjacent properties, will facilitate the construction of a detached garage and SDU on each future lot which is permitted in the zoning by-law, will not alter the function of the subject property, and is not anticipated to alter the streetscape 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.**

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. **That the approval of the minor variance A14-2024P is subject to Consent File B13/2023P obtaining final approval.**
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.**

Carried

Moved By Colin McCann
Seconded By John Cappa

THAT Application A15-2024P for relief of Section 3.28.1(b)(ix) “Second Dwelling Units – Urban Area” – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m, is hereby: GRANTED;

The above decision is based on the following reasons:

1. **The variance is minor in nature as it is anticipated to have negative impacts on the streetscape or adjacent properties. The structure will appear as one building.**
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 is not anticipated to result in negative impacts on adjacent properties, will facilitate the construction of a detached garage and SDU on each future lot which is permitted in the zoning by-law, will not alter the function of the subject property, and is not anticipated to alter the streetscape 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.**

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. **That the approval of the minor variance A15-2024P is subject to Consent File B13/2023P obtaining final approval.**
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.**

Carried

9.2 A15-2024P 764 Canboro Road - Part 2

File A15-2024P was considered concurrently with file A14-2024P. See file A14-2024P for minutes and decision.

10. Minutes for Approval

Moved By Colin McCann

Seconded By Don Rodbard

THAT the Committee of Adjustment minutes dated June 3rd and July 2nd, 2024, be approved.

Carried

11. Adjournment

Moved By John Cappa

Seconded By Colin McCann

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for September 3, 2024 at 4:00 p.m.

Carried

John Cappa, Chair

Sarah Leach, Secretary-Treasurer