

Committee of Adjustment AGENDA

CofA-03/2018

March 6, 2018

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. Attendance
2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff
3. Disclosure of Pecuniary Interest and General Nature Thereof
4. Requests for Withdrawal or Adjournment
5. Applications for Minor Variance

5.1 File A4/2018P - 1957922 Ontario Ltd.

1

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham Fire Department
5. Region Comments
6. NPCA Comments

5.2	File A5/2018P - Joyce Sonneveld	11
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works Department	
	4. Town of Pelham Fire Department	
	5. Region Comments	
	6. NPCA Comment	
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	Committee of Adjustment Meeting Minutes, February 6, 2018	
8.	Adjournment	

March 6, 2018

Mrs. Nancy J. Bozzato, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Minor Variance Application A4/2018P (Pingue)
260 Farr Street, Pelham
Part of Lot 18, Concession 14, Part 4 on 59R-7416
Roll No. 2732 010 018 14406

The subject land is located on the west side of Farr Street, lying south of Webber Road, legally described above and known municipally as 260 Farr Street in the Town of Pelham.

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 7.4 f) "Minimum Side Yard"** seeking 6.8m to the north whereas 9m is permitted;
- **Section 7.4 f) "Minimum Side Yard"** seeking 6.8m to the south whereas 9m is permitted.

The variance will accompany the construction of a single detached dwelling.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) designates the subject land within the 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Good General Agricultural Area'.

Policy 5.B.6 states single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

Pelham Official Plan, 2014

The local Official Plan designates the subject parcel as 'Good General Agricultural'. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Pelham Zoning By-law Number 1136 (1987)

The Town Zoning By-law identifies the subject parcel as 'Agricultural' (A).

Section 7.4	Requirements for buildings and structures accessory to dwellings		
f)	Minimum Side Yard	9m	Request = 6.8m (north) Request = 6.8m (south)

The Committee of Adjustment, in Section 45 (1) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

Minor Variance Test	Explanation
1. The variance is minor in nature.	Permitting both the north and south minimum side yard setbacks at 6.8m is minor overall because storm water runoff will still be managed on-site and adequate separation between dwelling units is maintained. No public comments were received for this application.
2. The variance is desirable for the development or use of the land.	The proposed dwelling exercises a footprint which encroaches upon the standard 'A' zone minimum side yard setback of 9m. The property is fairly narrow when compared to the neighbouring parcels. The variance offers some more degree of design flexibility but maintains in staff's opinion, an acceptable building setback.
3. The variance maintains the general intent and purpose of the Official Plan.	Reducing both side yard setbacks maintain the intent of the Official Plan because it will not detract from the primary role of the <i>Good General Agricultural</i> area to protect land suitable for agricultural production.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Reducing both side yard setbacks maintains the general intent of the Zoning By-law in so far as sufficient amounts of open space, amenity area remain on the property including spatial separation between neighbouring dwellings and adequate area for side yard swales.

On February 12th 2018, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (February 26, 2018)
 - It should be noted that any grading concerns will be captured through the necessary lot grading plan submitted as part of the building permit process.
- Building Department (February 13, 2018)
 - All necessary permits are required prior to construction commencing.
- Fire & By-law Services (February 12, 2018)
 - No comments.
- Niagara Region Planning & Development Services (February 20, 2018)
 - No objection provided the minimum setbacks to the sewage

From the Department of



system continue to be met.

- Niagara Peninsula Conservation Authority (February 16, 2018)
 - No objections.

No public comments were received.

Planning Comments

Planning staff note that the property is 0.4ha (1ac) in land area, is not farmed and is considered to be a rural residential lot.

The subject land is surrounded by:

- North – Rural residential
- East – Agricultural
- South – Rural residential
- West – Agricultural

The subject land (including many of the neighbouring properties) were created through testamentary devise provisions previously allowed under the *Planning Act*, this mechanism of creating lots ceased in 1990. The site is a reasonable distance away from any neighbours in regards to total setback distance between these rural residential dwellings. Lot grading plans are required as part of the building permit process to ensure drainage does not negatively impact adjacent lands.

The property falls within the regulation and screening areas of the NPCA, though the agency provided no objections to the variance.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the *Planning Act*. The application is consistent with Provincial policies, the Regional Official Plan, and conforms to the general intent of the Town's Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts for adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number **A5/2018P be approved**, subject to the following conditions:

THAT

- All necessary building permits be obtained prior to construction commencing.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP
Director/ Community Planning & Development



File: A4/2018P
Address: 260 Farr St., Pelham
Owner: 1957922 Ontario Ltd.,

February 13, 2018

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: February 26, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Judy Sheppard, Deputy Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Matt Sferrazza, Engineering Technologist
RE: File A4/2018P
260 Farr Street

Public Works has completed a review of the minor variance application A4/2018P for relief of Pelham Zoning By-Law 1136(1987). The application is made to seek relief from the following:

- “Minimum Side Yard” – seeking a reduction of 6.8m to the North whereas 9m is required
- “Minimum Side Yard” – seeking a reduction of 6.8m to the South whereas 9m is required

Relief is sought to facilitate the construction of a single detached dwelling.

Public Works has no suggested conditions. It should be noted that any grading concerns will be captured through lot grading plans submitted through the building permit process.

Judy Sheppard

From: William Underwood
Sent: Monday, February 12, 2018 3:44 PM
To: Nancy Bozzato
Cc: Judy Sheppard; Sarah Leach
Subject: By-Law Varinaces

Follow Up Flag: Follow up
Flag Status: Completed

Hi Nancy,

Fire does not have any comments with regards to Files A4 & A5/2018P.

Regards,

Will



William Underwood, CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
pelham.ca

177 Highway 2
P.O. Box 323
Fonthill, ON L2T 1W1



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February 22, 2018

Via Email Only

Our File: MV-18-004

Nancy J. Bozzato
Secretary-Treasurer, Committee of Adjustment/Town Clerk
Town of Pelham
20 Pelham Town Square, P.O Box 400
Fonthill, ON L0S 1E0

Dear Ms. Bozzato:

Re: Application for Minor Variance
Applicant: 1957922 Ontario Ltd.
Location: 260 Farr Street, Pelham
Town File: A4/2018P

Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the Town in its consideration of this application.

Private Sewage System Review

According to the plan submitted, the application is to permit the construction of a single detached dwelling, requiring relief from minimum side yard setbacks. A septic system design was submitted to our Department for review and the reduced side yard setback will still allow for access to the rear yard for the septic system installation and maintenance.

Therefore, our department has no objection to the application as submitted, provided that a septic system permit is applied for and that the system is installed as per the conditions of the permit.

Yours truly,



Tanya Killins
Inspector, Private Sewage Systems (BCIN #36235)

cc: Justin Noort, Development Approvals Technician

Judy Sheppard

From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: Thursday, January 25, 2018 3:05 PM
To: Curtis Thompson
Cc: Judy Sheppard
Subject: RE: Minor Variance - Possible NPCA circulation

Curtis,

NPCA staff have no concerns with the side yard setbacks being reduced. We do not need a fee for this one.

Sarah Mastroianni
Watershed Planner

Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario L3C 3W2
Phone: 905 788 3135 (ext. 249)
Fax: 905 788 1121
email: smastroianni@npca.ca

From: Curtis Thompson [<mailto:CThompson@pelham.ca>]
Sent: Thursday, January 25, 2018 2:33 PM
To: Sarah Mastroianni <smastroianni@npca.ca>
Cc: Judy Sheppard <JSheppard@pelham.ca>
Subject: RE: Minor Variance - Possible NPCA circulation

Oh sorry, I meant to attach it.



Curtis Thompson, B.URPI
Planner
**Community Planning &
Development**

e: cthompson@pelham.ca
p: 905.892.2607 x324
pelham.ca

20 Pelham
P.O. Box 4
Fonthill, O



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From: Sarah Mastroianni [<mailto:smastroianni@npca.ca>]
Sent: January-25-18 2:15 PM
To: Curtis Thompson
Cc: Judy Sheppard
Subject: RE: Minor Variance - Possible NPCA circulation

I don't think a fee is required but it depends on the location of the dwelling. Can you send me the site plan?

Sarah Mastroianni
Watershed Planner

Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario L3C 3W2
Phone: 905 788 3135 (ext. 249)
Fax: 905 788 1121
email: smastroianni@npca.ca

From: Curtis Thompson [<mailto:CThompson@pelham.ca>]
Sent: Thursday, January 25, 2018 1:54 PM
To: Sarah Mastroianni <smastroianni@npca.ca>
Cc: Judy Sheppard <JSheppard@pelham.ca>
Subject: Minor Variance - Possible NPCA circulation

Hi Sarah,

We've received a minor variance application for a property at 260 Farr Street in Pelham. No pre-consultation was held. The development is for a single detached house to reduce both side yard setbacks.

We see that the NPCA has Regulation lands encroaching on the lot. Would you like to be circulated with a possible fee or?

Please let us know. Thanks,



Curtis Thompson, B.URPI
Planner
Community Planning &
Development

e: cthompson@pelham.ca
p: 905.892.2607 x324
pelham.ca

20 Pelham
P.O. Box 4
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March 6, 2018

Mrs. Nancy J. Bozzato, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Minor Variance Application A5/2018P (Sonneveld)
381 River Road, Pelham
Concession 14, Part of Lot 17
Roll No. 2732 030 017 15000

The subject land is located on the north side of River Road, lying west of O'Reilly's Road North, being Part of Lot 17, Concession 14 and known municipally as 381 River Road in the Town of Pelham.

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 7.4 c) "Max Lot Coverage"** seeking 12% lot coverage whereas 10% is permitted. The variance will facilitate the construction of a portion of a covered rear yard deck.

Policy Overview

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) designates the subject land within the 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Good General Agricultural Area'.

Policy 5.B.6 states single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

Pelham Official Plan, 2014

The local Official Plan designates the subject parcel as 'Good General Agricultural'. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Pelham Zoning By-law Number 1136 (1987)

The Town Zoning By-law identifies the subject parcel as 'Agricultural' (A).

Section 7.4 Requirements for buildings and structures accessory to dwellings
 c) Maximum Lot Coverage 10% Request = 12%

The Committee of Adjustment, in Section 45 (1) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

Minor Variance Test	Explanation
1. The variance is minor in nature.	The proposed overall lot coverage will be slightly larger than the existing 'A' zone requirement of 10%. Considering the small parcel size, the variance can be accommodated with minimal impact. Adequate amenity area and open space for septic purposes remains available for the residents even with the exceedance of overall lot coverage.
2. The variance is desirable for the development or use of the land.	Exceeding the maximum allowable lot coverage is desirable for the use of land because it will enable the construction of a covered rear deck, improving the amenity area and enhancing the outdoor living area.
3. The variance maintains the general intent and purpose of the Official Plan.	Increasing the maximum overall lot coverage to 12% maintains the general intent of the Official Plan because the use of the property as a residential dwelling and the ability to farm the surrounding agricultural land is not being altered. The variance is appropriate given the site's rural context and meets the general intent of the Town Official Plan policies.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Increasing the maximum overall lot coverage to 12% maintains the general intent of the Zoning By-law in so far as sufficient amounts of open space, amenity area and land for private services remain on the property.

Comments

On February 12th 2018, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (February 22, 2018)
 - No comments.
- Building Department (February 13, 2018)
 - All necessary permits are required prior to construction commencing.



- Fire & By-law Services (February 12, 2018)
 - No comments.
- Niagara Region Planning & Development Services (February 20, 2018)
 - No objection provided the minimum setbacks to the sewage system continue to be met.
- Niagara Peninsula Conservation Authority (February 16, 2018)
 - No objections.

Planning Comments

Planning staff note that the property is 0.25ha (0.61ac) in land area and is not farmed and is considered to be a rural residential lot.

The subject land is surrounded by:

- North – Niagara Central Dorothy Rungeling Airport
- East – Agricultural
- South – Grand River
- West – Agricultural

A demolition permit (No. 20170517) was obtained in 2017 for the removal of the existing dwelling and existing structures. This permit remains open because of the existing cistern.

The site is a large distance away from any neighbours. The nearest residential dwellings are opposite the Welland River to the south in Wainfleet. Therefore, increasing the allowable overall lot coverage will not negatively affect any neighbouring properties as significant open land remains. Reasonable spatial separation is maintained through setbacks and storm water runoff shall be contained on-site.

The property falls within the regulation and screening areas of the NPCA, though the agency provided no objections to the variance.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the *Planning Act*. The application is consistent with Provincial policies, the Regional Official Plan, and conforms to the general intent of the Town's Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts for adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number **A5/2018P** be **approved**, subject to the following conditions:

THAT

- All necessary building permits be obtained prior to construction commencing.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director/ Community Planning & Development



File: A5/2018P

February 13, 2018

Address: 381 River Rd., Pelham

Owner: Joyce Sonneveld

Authorized Agent: Timothy Sonneveld

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: February 22, 2017
TO: Shannon Larocque, Planner
CC: Nancy J. Bozzato , Clerk; Judy Sheppard, Deputy Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A5/2018P
381 River Road

Public Works has completed a review of the minor variance application A5/2018P for relief of Pelham Zoning By-Law 1136(1987) as amended by 3325(2012) and 3402(2013). The application is made to seek relief from the following Section 7.4(c) "Maximum lot coverage" – to permit an overall lot coverage of 12% whereas 10% is permitted.

Relief is sought to facilitate construction of a portion of a covered rear yard deck.

Public Works has no comments.

Judy Sheppard

From: William Underwood
Sent: Monday, February 12, 2018 3:44 PM
To: Nancy Bozzato
Cc: Judy Sheppard; Sarah Leach
Subject: By-Law Varinaces

Follow Up Flag: Follow up
Flag Status: Completed

Hi Nancy,

Fire does not have any comments with regards to Files A4 & A5/2018P.

Regards,

Will



William Underwood, CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
pelham.ca

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www.Facebook.com/Pelhamfire

February 20, 2018

Via Email Only

Our File: MV-18-007

Nancy J. Bozzato
Secretary-Treasurer, Committee of Adjustment/Town Clerk
Town of Pelham
20 Pelham Town Square, P.O Box 400
Fonthill, ON L0S 1E0

Dear Ms. Bozzato:

Re: Application for Minor Variance
Applicant: Tim Sonneveld
Location: 381 River Road, Pelham
Town File: A5/2018P

Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the Town in its consideration of this application.

Private Sewage System Review

According to the plan submitted, the application is to permit the construction of a covered rear yard deck, requiring relief from maximum lot coverage. A septic permit was issued by our Department in December 2017 for the installation of a new sewage system to service the replacement house. The installation has not been completed but according to the site plan submitted, the location of the rear deck will meet with the required setback distances from the sewage system (1.5 m to tank and 5 m to tile bed).

Therefore, our department has no objection to the application as submitted, provided the minimum setbacks to the sewage system continue to be met and that the system is installed as per the conditions of the permit.

Yours truly,



Tanya Killins
Inspector, Private Sewage Systems (BCIN #36235)

cc: Justin Noort, Development Approvals Technician

Sarah Leach

From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: Friday, February 16, 2018 10:35 AM
To: Sarah Leach; richard.wilson@niagararegion.ca
Subject: RE: Town of Pelham CofA - Notice of Hearing

Good Morning,

Please be advised that the NPCA offers no objections to the approval of the following files:

A4/2018
A5/2018

Thank you.

Sarah Mastroianni
Watershed Planner
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario L3C 3W2
Phone: 905 788 3135 (ext. 249)
Fax: 905 788 1121
email: smastroianni@npca.ca

From: Sarah Leach [<mailto:SLeach@pelham.ca>]
Sent: Monday, February 12, 2018 2:56 PM
To: rowcentre@bell.ca; Sarah Mastroianni <smastroianni@npca.ca>; richard.wilson@niagararegion.ca;
devtplanningapplications@niagararegion.ca
Subject: Town of Pelham CofA - Notice of Hearing

Good afternoon,

Attached, please find the notice of hearing for Pelham minor variance file A5/2018P and the revised notice of hearing for Pelham minor variance A4/2018P.

Thank you,

Sarah



Sarah Leach
Administrative Assistant
to the Clerk - Interim
Administration Services

e: sleach@pelham.ca
p: 905.892.2607 x322
pelham.ca

20 Pelham Town Sc
P.O. Box 400
Fonthill, ON L0S 1E

Meeting #: CofA-02/2018
Date: Tuesday, February 6, 2018
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
 20 Pelham Town Square, Fonthill

Members Present James Federico
 Brian DiMartile
 Donald Cook
Members Absent Wayne Lockey
 John Klassen
Staff Present Nancy Bozzato
 Judy Sheppard

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair James Federico 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. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

6. Applications for Consent

6.1 File B1/2018P - Patrizia & Reinhold Pentzek

Purpose of Application

Application is made for consent to convey 766.45 square metres of land (Part 1-811 Foss Road) to create a new lot for existing semi-detached Residential dwelling. 766.45 square metres of land (Part 2-809 Foss Road), is to be retained for continued existing semi-detached Residential dwelling.

Representation

Patrizia Pentzek, registered owner, appeared on behalf of this application.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Bell Canada
5. John & Nicole Lelie

Applicant's Comments

Ms. Pentzek had no comment.

Public Comments

Nicole Lelie, Foss Road, advised she is a neighbor and that she has no objection to this application, however, she is concerned with the current drainage issues respecting her property. Ms. Lelie commented that they have a down-spout from front to back on their property however, due to elevation differences, the water run-off from the down-spouts of 809 Foss Road flows across their property to the ditch near the road during moderate and heavy rain falls, eroding their gardens and drive way - as depicted in a handout that she provided to the Committee of Adjustment Members. Therefore, she feels that those drainage issues should be resolved prior to conveying the lot into two separate lots.

Ms. Pentzek responded to Ms. Lelie's comments by advising the members that the piping on the subject property, 809 Foss Road, has been extended all the way to the ditch which should resolve the drainage issue expressed by Ms. Lelie.

The applicant, Ms. Pentzek, requested that the rescheduling fee be refunded.

Members Comments

There were no comments from any of the members present, regarding the application however, the Members unanimously disagreed with the request for refund due to the additional administration costs encountered by the Town to recirculate.

Moved By Brian DiMartile

Seconded By Donald Cook

Application for consent to convey 766.45 square metres of land, shown as Part 1 - 811 Foss Road on the drawing submitted, to create

a new lot for existing semi-detached residential dwelling. 766.45 square metres of land, shown as Part 2 - 809 Foss Road on the drawing submitted, is to be retained for continued existing semi-detached Residential dwelling, is hereby:
GRANTED.

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.**

The above decision is based on the following conditions:

- 1. That the applicant must submit a final lot grading and drainage plan for both parcels to confirm that drainage neither relies upon, 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.**
- 2. That the applicant must submit locate cards that indicate the location of the individual water service and sanitary lateral for both lots.**
- 3. 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.**
- 4. That the final certification fee of \$370, 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.**

Carried

**Moved By Donald Cook
Seconded By Brian DiMartile
That the request from Applicant, Patrizia Pentzek, for a refund of the
Rescheduling Fee of \$211.00 be denied.**

Carried

6.2 File B30/2017P - 4 High Street Inc.

Purpose of Application

A revised application is made for consent for a right-of-way in perpetuity over 702 square metres of land (Part 2) to the benefit of Part 4 for use as a shared driveway for ingress and egress purposes. 7,141 square metres of land (Parts 1, 2, & 3) will be retained for continued use of the commercial property known municipally as 1022 Pelham Street.

This application was recirculated due to a request for adjournment from the Applicant at the October 3, 2017 Hearing in order to amend his application to facilitate a 20 foot extension on the Right-of-Way to the south due to the layout of the units, as depicted on the revised sketch that was provided.

Representation

Christian Venditti, authorized agent, appeared on behalf of this application.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Stuart Macpherson
5. Murray and Helen Downie

Applicant's Comments

Mr. Venditti had not comment.

Public Comments

Murray Downie advised that he is a neighbor with two concerns. The first concern being emergency vehicle access and inquired as to whether this will be strictly an emergency vehicle access or will it be accessible to fuel

delivery trucks and will there be additional gas pumps in the future. Mr. Downie's second concern is regarding the right-of-way extended to 20 feet to the south which puts the entrance to part 4 directly in line with his backyard which would have vehicle lights shining into his backyard. Mr. Downie commented that he does not have any knowledge of what is proposed for future build on Part 4 and asked what are the plans in order to prevent vehicle lights from shining onto his backyard - will a wall be built to protect his privacy and tranquility of his backyard.

Mr. Venditti responded to Mr. Downie's inquiry and advised that this right-of-way will be used for emergency use only.

Mr. Downie was also advised that Council has only approved four pumps therefore, future pump(s) would require Site Plan Amendment and Council approval. To Mr. Downie's second concern regarding future driveway alignment on Part 4 possibly causing headlights to be directed at private homes, Mr. Downie was advised that the site plan control and potential zoning amendment will deal with building setbacks, private laneway design, privacy screening; and that Town staff understands the existing privacy fence/plantings that exist between the rear yards of the Michaela Crescent houses and Part 4 have room for improvement. Vehicle headlights and mitigation measures will need to be considered for Site Plan Approval.

Mr. Venditti commented that he has noted Mr. Downie's concerns and will bring them back to his Architect for further consideration.

Members Comments

The members present had no comment.

Moved By Donald Cook

Seconded By Brian DiMartile

**REVISED Application for consent for a right-of-way in perpetuity over 702 square metres of land shown as Part 2 on the drawing submitted, to the benefit of Part 4, shown on the drawing submitted, for use as a shared driveway for ingress and egress purposes. 7,141 square metres of land shown as Parts 1, 2 & 3 on the drawing submitted, will be retained for continued use of the commercial property known municipally as 1022 Pelham Street, in the Town of Pelham, is hereby:
GRANTED.**

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. The applicant is aware that the impending site plan / rezoning applications on Part 4 still require Council approval.**
- 3. 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.**
- 4. 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.**

The above decision is subject to the following conditions:

- 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 \$370, 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.**

Carried

7. Minutes for Approval

**Moved By Donald Cook
Seconded By Brian DiMartile**

That the minutes of the January 9th, 2018, Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

**Moved By Donald Cook
Seconded By Brian DiMartile**

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for March 6, 2018 at 4:00 pm.

Carried

James Federico, Chair

Secretary-Treasurer, Nancy J. Bozzato