

Meeting #: CoA-08/2017
Date: Tuesday, August 1, 2017
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

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

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

Noting that a quorum was present, Chair Wayne Lockey called the meeting to order at approximately 4:04 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.

4. **Requests for Withdrawal or Adjournment**

There were no requests for withdrawal or adjournment received.

5. **Applications for Minor Variance**

5.1 File A26/2017P - Edward Morley

Purpose of Application:

The subject land is zoned Residential "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the following sections:

6.1(c) - Maximum Height - seeking 4.6 metres whereas 3.7 metres is allowed.

6.1(d) - Lot Coverage - seeking 11.5% whereas 10% is required.

Relief is sought to facilitate construction of a detached garage.

Representation:

Edward Morley, registered owner, appeared on behalf of the application.

Correspondence Received:

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department - Engineering
4. Town of Pelham Fire and By-law Services Department

Applicant Comments

The owner, Mr. Morley, had no comments.

Public Comments

There were no comments received from the public.

Members Comments

The Members had no comments.

Moved By Brian DiMartile

Seconded By John Klassen

Application for relief of the following:

Section 6.1(c) – Maximum Height – seeking 4.6 metres whereas 3.7 metres is allowed; and

Section 6.1(d) – Lot Coverage – seeking 11.5% whereas 10% is required, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that no negative impacts are anticipated by the community because a large hedge row acts to buffer the lots.**
- 2. The general purpose and intent of the Zoning By-Law is**

maintained in that it fits the urban context and ample open space is available on the site therefore, no adverse impacts from the neighbours are anticipated.

3. The intent of the Official Plan is maintained in that no negative impacts will be created for any natural heritage feature or neighbouring properties.

4. The proposal is desirable for the appropriate development and/or use of the land in that it will allow the owner to install a car hoist and improve storage potential and it will also offer reasonable flexibility for the design.

5. This application is granted without prejudice to any other application in the Town of Pelham.

6. No objections were received from commenting agencies or abutting property owners.

7. 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, prior to issuance of a building permit, the applicant must submit an updated drawing indicating that no downspouts associated with the proposed garage will be directed towards neighbouring property lines as to allow the remaining sodded area of the property to absorb this added run-off prior to entering the swale and storm system of the Tanner Estates subdivision, to the satisfaction of the Director of Public Works - Engineering.

2. That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

5.2 File A27/2017P - Costiano Developments

Purpose of Application:

The subject land is zoned Residential R1-185 in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from Section 185(k) exemptions which states that there shall be no buildings or structures including decks permitted within 15 metres of the rear lot line. Relief is sought to permit a rear yard setback distance of 11.5 metres to accommodate a rear deck.

Representation:

Jon Whyte, Mountainview Homes, authorized agent, appeared on behalf of the application.

Correspondence Received:

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department - Engineering
4. Town of Pelham Fire and By-law Services Department
5. NPCA Comments

Comments:

The agent, Mr. Whyte, had no comments.

Public Comments

There were no comments received from the public.

Members Comments

The Members had no comments.

Moved By John Klassen**Seconded By Brian DiMartile**

Application for relief of Section 185(k) exemptions which states that there shall be no buildings or structures including decks permitted within 15 metres of the rear lot line, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that no negative impacts are anticipated by the community because a large hedge row acts to buffer the lots.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that it fits the urban context and ample open space is available on the site therefore, no adverse impacts from the neighbours are anticipated.**
- 3. The intent of the Official Plan is maintained in that no negative impacts will be created for any natural heritage feature or neighbouring properties.**
- 4. The proposal is desirable for the appropriate development and/or**

use of the land in that it will allow the owner to install a car hoist and improve storage potential and it will also offer reasonable flexibility for the design.

5. This application is granted without prejudice to any other application in the Town of Pelham.

6. No objections were received from commenting agencies or abutting property owners.

7. 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, prior to issuance of a building permit, the applicant must submit an updated drawing indicating that no downspouts associated with the proposed garage will be directed towards neighbouring property lines as to allow the remaining sodded area of the property to absorb this added run-off prior to entering the swale and storm system of the Tanner Estates subdivision, to the satisfaction of the Director of Public Works - Engineering.

2. That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

6. Minutes for Approval

7.1 Committee of Adjustment Hearing Minutes - June 6, 2017

Moved By John Klassen

Seconded By Wayne Lockey

That the minutes of the June 6, 2017, Committee of Adjustment Hearing be approved.

Carried

7. Adjournment

Moved By Brian DiMartile

Seconded By John Klassen

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for September 12, 2017 at 4:00 pm.

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato