

**Meeting #:** 12/2018  
**Date:** Tuesday, December 4, 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  
**Others Present** Applicants and interested parties.

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

Noting that a quorum was present, Chair 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**

None.

4. **Requests for Withdrawal or Adjournment**

None.

5. **Application for Minor Variance**

**5.1 A21/2018P - 725 Church Street**

**Purpose of Application**

Application is made to seek relief from Section 7.7(a) "Maximum Lot Coverage" to permit a 2.6% overall coverage whereas 1% is permitted and relief from Section 7.7(d) "Maximum Building Height" to permit a building height of 4.3 metres to the mid point of the pitched roof, whereas

the bylaw permits a maximum height of 3.7 metres, for the construction of a detached accessory building.

### **Representation**

The applicant was present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Fire Department
3. Town of Pelham Public Works Department
4. Town of Pelham Building Department
5. Region of Niagara Planning and Development Services

### **Applicant's Comments**

There were no comments made by the applicants.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

There were no comments from any of the members present.

**Moved By Donald Cook**

**Seconded By Brian DiMartile**

**Application for relief from Section 7.7(a) "Maximum Lot Coverage" to permit a 2.6% overall coverage whereas 1% is permitted and Section 7.7(d) "Maximum Building Height" to permit a building height of 4.3 metres to the mid point of the pitched roof, whereas the bylaw permits a maximum height of 3.7 metres, for the construction of a detached accessory building, is hereby: GRANTED**

**The above decision is based on the following reasons:**

**The variance is minor in nature.**

1. **The general purpose and intent of the Zoning By-Law is maintained as the proposal is appropriate given the rural context.**
2. **The intent of the Official Plan is maintained as the proposed use of a building accessory to a single detached house is permitted in the 'Good General Agricultural' designation of the Official Plan and the policy does permit uses which are compatible with**

agriculture. The increase in accessory building height will not compromise the objective of the Official Plan.

3. The proposal is desirable for the property as it allows for enhanced storage and use of the facility.
4. This application is approved without prejudice to any other application in the Town of Pelham.
5. No objections were received from commenting agencies or abutting property owners.
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 must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.
2. To obtain the necessary demolition permit for the existing (shed) accessory building, to the satisfaction of the Chief Building Official.

Carried

## 5.2 A23/2018P - 46 Bacon Lane

### Purpose of Application

Application is made to seek relief from Section 13.2 (c) "Maximum Lot Coverage" to permit a lot coverage of 43.6% whereas the by-law permits 30%, and approval for 40% was granted under file A14/2018P to facilitate construction of a single family dwelling.

### Representation

The applicant was present.

### Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Fire Department

#### 4. Town of Pelham Building Department

##### **Applicant's Comments**

The applicant indicated the minor variance request is to allow for a three-bedroom bungalow to be built. The minor variance is needed to facilitate a roof over the rear porch.

##### **Public Comments**

There were no comments received from the public.

##### **Members Comments**

Donald Cook, Member confirmed with the applicant that the current lot drainage plan would not be affected by the rear porch.

**Moved By** Brian DiMartile

**Seconded By** Donald Cook

**Application for relief from Section 13.2 (c) "Maximum Lot Coverage" to permit a lot coverage of 43.6% whereas the by-law permits 30%, and approval for 40% was granted under file A14/2018P to facilitate construction of a single family dwelling, is hereby: GRANTED**

**The above decision is based on the following reasons:**

**The variance is minor in nature.**

- 1. The general purpose and intent of the Zoning By-Law is maintained as the proposal leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.**
- 2. The intent of the Official Plan is maintained as the proposal will promote infill housing and help develop the land more efficiently.**
- 3. The proposal is desirable for the property as it allows for more design flexibility.**
- 4. This application is approved without prejudice to any other application in the Town of Pelham.**
- 5. No objections were received from commenting agencies or abutting property owners.**
- 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 must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.**

### **5.3 A24/2018P - 1285 Cream Street**

#### **Purpose of Application**

Application is made to seek relief from Section 7.7 (a) "Maximum Accessory Lot Coverage" for accessory building to permit a lot area coverage of 2% whereas 1% is allowed.

#### **Representation**

The applicant was present.

#### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Fire Department
4. Town of Pelham Building Department
5. Region of Niagara Planning and Development Services
6. Comments from Mike and Jenan Hassani

#### **Applicant's Comments**

The applicant indicated the minor variance is being requested to facilitate the construction of a bi-car garage which would hold vehicles and various equipment (tracker, wood-chipper, etc).

#### **Public Comments**

Karren Collings indicated her backyard faces the applicant's backyard and she is concerned with light and noise pollution. In response, the applicant indicated although there would be lights within the accessory building no light would be directed towards neighbours. He further indicated there may be some noise associated with the accessory building, however there is a noise by-law to address any issues.

During the discussion, Nancy Bozzato, Town Clerk and Secretary-Treasurer of the Committee of Adjustments circulated an aerial photograph to determine the proximity of the applicant's backyard to Ms. Collings' backyard. It was determined there is an additional property between the two parcels.

Mike Hassani indicated he is a direct neighbour of the applicant and that their back-yards face each other. He indicated he was concerned the building would be unsightly and that noise would interrupt his enjoyment of his backyard. He requested the building footprint be moved out of his sightline. In response, the applicant indicated he has met all setback requirements and wishes to build as proposed. The applicant further indicated his property is well landscaped and that there is hedging between his and Mr. Hassani's property which provides privacy.

#### **Members Comments**

Chair Federico stressed the Committee has convened to determine the accessory building lot coverage and not setback requirements. The ability to erect an accessory building or location of such building is not in question. He further indicated the lands are zoned agricultural and therefore, it is reasonable to expect agricultural activity and sounds on the property.

Members Donald Cook and Brian DiMartile concurred with Chair Federico's comments.

**Moved By Donald Cook**

**Seconded By Brian DiMartile**

**Application for relief from Section 7.7 (a) "Maximum Accessory Lot Coverage" for accessory building to permit a lot area coverage of 2% whereas 1% is allowed, is hereby: GRANTED**

**The above decision is based on the following reasons:**

**The variance is minor in nature.**

- 1. The general purpose and intent of the Zoning By-Law is maintained as the proposal leaves adequate open space.**
- 2. The intent of the Official Plan is maintained as there will be no negative impacts that will be created for any natural heritage feature or neighbouring properties.**
- 3. The proposal is desirable for the property as it allows flexibility in terms of property usage.**

4. This application is approved without prejudice to any other application in the Town of Pelham.
5. 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 must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official; and
2. That no plumbing or living space be included within the accessory building to the satisfaction of the Chief Building Official.

Carried

#### 5.4 A25/2018P - 66 Philmori Boulevard

##### **Purpose of Application**

Application is made to seek relief from Section R1-187 (g) "Minimum Rear Yard" to permit a minimum rear yard setback of 13 metres whereas 15 metres is allowed and Section R1-187 (k) "Building and Structures to Rear Lot Line" to permit buildings and structures to be constructed within 13 metres of the rear lot line whereas 15 metres is required.

##### **Representation**

The applicant was present.

##### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Fire Department
3. Town of Pelham Public Works Department
4. Town of Pelham Building Department
5. Niagara Peninsula Conservation Authority.
6. Region of Niagara Planning and Development Services

### **Applicant's Comments**

There were no comments made by the applicants.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

Donald Cook, Member asked for confirmation that the proposed deck will not affect the drainage of the lot. The applicant confirmed the drainage will not be affected.

**Moved By** Brian DiMartile

**Seconded By** Donald Cook

**Application for relief from Section R1-187 (g) "Minimum Rear Yard" to permit a minimum rear yard setback of 13 metres whereas 15 metres is allowed and Section R1-187 (k) "Building and Structures to Rear Lot Line" to permit buildings and structures to be constructed within 13 metres of the rear lot line whereas 15 metres is required, is hereby: GRANTED**

**The above decision is based on the following reasons:**

**The variance is minor in nature.**

- 1. The general purpose and intent of the Zoning By-Law is maintained as there is a sufficient setback maintained to the woodland and stable top-of-bank.**
- 2. The intent of the Official Plan is maintained as the variance will have minimal impact on the landscape.**
- 3. The proposal is desirable for the property.**
- 4. This application is approved without prejudice to any other application in the Town of Pelham.**
- 5. No objections were received from commenting agencies or abutting property owners.**
- 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 must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official

Carried

6. **Applications for Consent**

None.

7. **Minutes for Approval**

None.

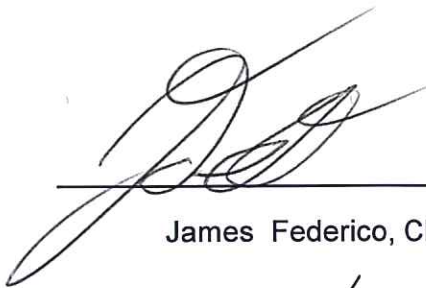
8. **Adjournment**

The Committee adjourned at approximately 4:49pm.

**Moved By** Donald Cook

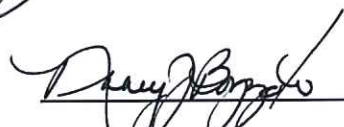
**Seconded By** Brian DiMartile

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for January 8, 2019 at 4:00 pm.**



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James Federico, Chair



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Secretary-Treasurer, Nancy J. Bozzato