



COMMITTEE OF ADJUSTMENT

Minutes of Hearing Held On: Tuesday, May 6th, 2014
Council Chambers, 4:00 p.m.
H3/2014

Attendance:

Hearing Chair: B. DiMartile
Hearing Panel: M. Dove, Member
G. Woods, Member

Staff: Jordan Mammoliti, Town Deputy Clerk/Assistant Secretary-Treasurer

Other: Applicants and/or Authorized Agents as Indicated in Minutes
Interested Citizens

Call to Order and Introduction of Committee Members and Staff:

The meeting was called to order by Chair DiMartile at 4:00 p.m., who introduced the Committee Hearing Panel Members and Staff in attendance at the hearing.

Disclosure of Pecuniary Interest and General Nature Thereof:

The members in attendance declared they had no pecuniary interest in any of the applications to be dealt with at this hearing.

Summary of Applications:

Requests for Withdrawal or Adjournment: None.

<u>Applicant</u>	<u>File #</u>	<u>Decision</u>	<u>Page Correspondence</u>	
<u>Minor Variance Applications:</u>				
Mountainview Homes Niagara Ltd.	A5/2014P	GRANTED	1	6
744530 Ontario Inc.	A6/2014P	GRANTED	2	10

Applications for Consent:

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Ralph & Mary Lostracco

34/2014P GRANTED 3

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Minor Variance Applications:

The following minor variance applications were dealt with by the Committee:

1. **Mountainview Homes (Niagara) Ltd, File No. A5/2014P:**

Purpose of the Application:

The subject land is zoned Residential Village 1 RV1 in accordance with Pelham Zoning By-law 1136(1987), as amended. Section 6.35(c) of the General Provisions allows a 1.5 metre encroachment into the required rear-yard for unenclosed porches, balconies, steps and patios provided that such uses are not more than 1.3 metres above ground. Relief is requested from this provision to allow the encroachment of an unenclosed deck with a height of 2.40 metres.

Representation:

Jon White, agent, appeared on behalf of the application.

Correspondence:

Town of Pelham Planning Department
Town of Pelham Public Works & Utilities Department
Wendy Soto

Comment:

Mr. White advised that the subject parcel was purchased for the purposes of constructing a home with a walkout. The house is a bungalow and there are no issues concerning overlook onto neighboring properties. He advised that the deck is proposed as amenity space for the son of the property owners, who suffers from a disability.

Decision:

Moved by Member Dove; Seconded by Member Woods:

Section 6.35(c) of the General Provisions allows a 1.5 metre encroachment into the required rear-yard for unenclosed porches, balconies, steps and patios provided that such uses are not more than 1.3 metres above ground. Application for relief is requested from Section 6.35(c) to allow the encroachment of an unenclosed deck with a height of 2.40 metres is hereby GRANTED.

This decision is based on the following reasons:

1. The variance is minor in nature as the increased height of the proposed deck will not result in a negative impact on the adjacent uses in terms of shadowing and will not substantially remove any of the amenity space on that parcel. The orientation of the proposed deck is appropriate as it is not expected to encroach on the neighbours private amenity space.
2. The general purpose and intent of the Zoning By-Law is maintained as the encroachment adjustment is minor in nature and at an appropriate scale.
3. The intent of the Official Plan is maintained as the subject parcel's use is within the permitted uses of the Urban Living Area / Built Boundary.
4. The proposal is desirable for the appropriate development and/or use of the land as the sale of the proposed deck is considered reasonable since the original intent of the building design is maintained.
5. This application is granted without prejudice to any other application in the Town of Pelham.

CARRIED

2. 744530 Ontario Inc, File No. A6/2014P:

Purpose of the Application:

The subject land is zoned General Commercial GC in accordance with Pelham Zoning By-law 1136(1987), as amended. Relief is requested from Section 6.16(a) to allow a reduction in the required number of parking spaces from 48 spaces (required) to 45 spaces (proposed) and whereas 42 parking spaces exist.

Representation:

Gary Stickles, agent, appeared on behalf of the application.

Correspondence:

Town of Pelham Planning Department
Town of Pelham Public Works & Utilities Department
Niagara Peninsula Conservation Authority

Comment:

Mr. Stickles had no further comments to offer.

Decision:

Moved by Member Woods; Seconded by Member Dove:

Relief of Section 6.16(a) to allow a reduction in the required number of parking spaces from 48 spaces (required) to 45 spaces (proposed) and whereas 42 parking spaces exist is hereby GRANTED.

This decision is based on the following reasons:

1. The variance is minor in nature as the proposed reduction in the required number of parking spaces should not negatively impact on the site as the use of parking spaces will vary throughout the day. Additionally, on-street public parking and nearby municipal parking lots provide additional parking opportunities if necessary.
2. The general purpose and intent of the Zoning By-Law is maintained as the encroachment adjustment is minor in nature and at an appropriate scale.
3. The intent of the Official Plan is maintained as the subject parcel's use is within the permitted uses of the Urban Living Area / Built Boundary.
4. The proposal is desirable for the appropriate development and/or use of the land as the use of the land is consistent with the objective of the Community Improvement Plan and Official Plan for redevelopment and urban design improvements in Fonthill's downtown.
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.

CARRIED

Consent Application:

The following consent application was dealt with by the Committee:

1. **Ralph & Mary Lostracco, File No. B3/2014P:**

Purpose of the Application:

Application is made for consent to convey 15.5 hectares of land for continued agricultural use. Part 1, being 2.21 hectares, is to be retained for continued residential use. This application has been submitted pursuant to an agreement of purchase and sale under the Surplus Farm Dwelling planning policies and is based on the full-time farming status of the purchasing farmers. For commenting agencies

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and Committee members, the "Information for Surplus Farm Dwelling Applications" is attached to provide detailed information on the future use of the land identified as Part 2.

Representation:

Joyce Sonneveld, agent, appeared on behalf of the application.

Correspondence:

Town of Pelham Planning Department
Town of Pelham Public Works & Utilities Department
Town of Pelham Corporate Services Department
Drainage Superintendent
Niagara Region Development Services Division
Niagara Peninsula Conservation Authority

Comment:

Mrs. Sonneveld had no additional comments to offer.

Decision:

Moved by Member Dove; Seconded by Member Woods:

Application for consent to convey 15.5 hectares of land, shown as Part 2 on the drawing submitted, being part of Lot 8, Concession 12 in the Town of Pelham is hereby GRANTED.

This decision is subject to the following conditions:

1. That final approval of a Zoning By-law Amendment be obtained to preclude any residential development on Part 2 in perpetuity and to rezone the parcel as Agricultural Purposes Only (APO) to the satisfaction of the Town of Pelham Director of Community Planning and Development.
2. That all necessary zone deficiencies be addressed, including but not limited to lot frontage, lot area, identification of the maximum number of livestock for Part 1 through the Zoning By-law Amendment to the satisfaction of the Town of Pelham Director of Community Planning and Development.
3. That an apportionment agreement be entered into for the subject lands to the satisfaction of the Town of Pelham Drainage Superintendent.
4. 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.

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- 5. That the final certification fee of \$350, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.

This Decision is based on the following reasons:

- 1. With conditions fulfilled, 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. No objections to this proposal were received from commenting agencies or neighbouring property owners.
- 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.

CARRIED

Approval of Minutes:

Moved by Member Woods, Seconded by Member Dove:

THAT the minutes of the public hearing held on February 4th, 2014 for the Town of Pelham Committee of Adjustment be approved as circulated; and

THAT the minutes of the public hearing held on March 4th, 2014 for the Town of Pelham Committee of Adjustment be approved as circulated; and

CARRIED

Adjournment:

There being no further business, the Chair declared the hearing adjourned.

B. DiMartile

B. DiMartile
Chairman

Jordan Mammoliti

Jordan Mammoliti
Deputy Clerk/Asst. Secretary-Treasurer

June 3, 2014

Date Approved
/jm

B. DiMartile

Hearing Chair