

Committee of Adjustment MINUTES

Committee of Adjustment Hearing 6/2015

Meeting Type : Committee of Adjustment Hearing

Date : Wednesday, September 09, 2015

Location : Town of Pelham Municipal Building - Council Chambers

Minutes

Attendance

Present were:

Brian DiMartile, Chair

Wayne Lockey, Member

James Federico, Member

Acting Deputy Clerk

- Judy Sheppard

Planner

- Andrew Gameiro

Town Clerk / Secretary Treasurer

- Nancy J. Bozzato

Applicants and Authorized Agents

- Glen Hunt
- Andrew Helwig
- Wayne Liebau
- Jennifer Vida
- John Mastek

Interested Citizens

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

Noting that a quorum was present. Chair DiMartile called the meeting to order at approximately 4:00 p.m. 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.

Disclosure of

There were no disclosures of pecuniary interest by any of the hearing

**Pecuniary
Interest and
General Nature
Thereof**

panel members present regarding any of the applications scheduled for hearing.

**Requests for
Withdrawal or
Adjournment**

There were no requests for withdrawal or adjournment by any of the applicants present.

**File A7/2015P -
Glen Hunt and
Kim Day**

(Applications for Minor
Variance)

Purpose of the Application:

Application is made for relief from Section 7.4(f) to facilitate construction of a new garage and covered breezeway, having an easterly sideyard setback distance of 2.68 metres whereas 10 metres is required.

Representation:

Mr. Andrew Helwig, authorized agent, appeared on behalf of this application.

Correspondence Received:

- Town of Pelham Planning Report
- Town of Pelham Building Department
- Town of Pelham Public Works Department
- Niagara Peninsula Conservation Authority

Comments:

Mr. Helwig offered no additional comments but indicated he will be willing to respond to questions.

Members of the hearing panel also considered the application to be straightforward, having no questions for the applicant or agent.

Resolution #CA20150909.1001

Moved By: Wayne Lockey Second By: James Federico

THAT Application A7/2015P on behalf of Glen Hunt and Kim Day, Part Lot 16, Concession 1, 812 Twenty Road, Pelham, for Minor Variance for relief from Section 7.4(f) to facilitate construction of a new garage and covered breezeway, having an easterly sideyard setback distance of 2.68 metres of land, whereas 10 metres is required, be granted.

This decision is based on the following reasons:

1. **The variance is minor in nature, given that sufficient amenity space will be provided around the proposed garage and breezeway to allow for future maintenance.**
2. **The general purpose and intent of the Zoning By-Law is maintained as the use is permitted, and the scale is appropriate for the rural residential character of the area.**
3. **The intent of the Official Plan is maintained as this use is**

- permitted in the Specialty Agricultural designation.
4. **The proposal is desirable for the appropriate development and/or use of the land it being noted that the mature trees located to the east of the proposed garage will maintain privacy between neighbours.**
 5. **The proposal is consistent with the character of the rural, residential area.**
 6. **This application is granted without prejudice to any other application in the Town of Pelham.**
 7. **No objections were received from commenting agencies or abutting property owners.**

Carried

**File B7/2015P -
Wayne S.
Leibau, Trustee**
(Applications for Consent)

Purpose of the Application:

Application is made for consent to convey 0.40 hectares of land with a dwelling known municipally as 322 Foss Road, as the disposal of a surplus farm dwelling. 40.8 hectares of land is to be retained for continued agricultural use. The remnant parcel will be zoned to preclude residential development as a condition of consent in accordance with Provincial Policy.

Representation:

Wayne Liebau, applicant, appeared on behalf of this application.

Correspondence Received:

- Town of Pelham Planning Report
- Town of Pelham Building Dept
- Regional Niagara Planning and Development Services
- Niagara Peninsula Conservation Authority
- Hydro One

Comments:

Mr. Liebau displayed a drawing and offered a history of the property, dating back some 100 years. He informed of the multi-generational farming operation on the parcel. He noted that he will continue to farm the remnant parcel of land.

Member Federico enquired about a lot created in the southwest corner of the property, Mr. Liebau advising that this parcel was severed as a retirement lot but is at present still farmed.

Resolution #CA20150909.1002

Moved By: James Federico Second By: Wayne Lockey

THAT application B7/2015 on behalf of Wayne Liebau, Trustee, for consent to convey 0.40 hectares of land with a dwelling known municipally as 322 Foss Road, as the disposal of a surplus farm dwelling be granted for the following reasons:

1. **That final approval of a Zoning By-law Amendment be obtained, zoning the remnant parcel (Part 2) to “Agricultural**

Purposes Only (APO)", in perpetuity, to preclude any residential development for the remnant parcel, to the satisfaction of the Town of Pelham Director of Community Planning and Development.

- 2. 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.**
- 3. That the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.**

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 with conditions fulfilled, will comply with the Town's Zoning By-law.**
- 2. An inspection of the existing sewage disposal system for the subject parcel indicated that there are no apparent defects with the system, it being noted that a preliminary sewage design has been submitted.**
- 3. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 4. 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

**File B8/2015P
Fonthill
Gardens (2015)
Inc.**

(Applications for Consent)

Purpose of the Application:

Application is made for consent to convey 73 square metres of vacant land, to be merged with the abutting parcel to the east, being Part 1, Plan 59R-12792, for future residential use. 3.598 hectares of land is to be retained for continued use of the dwelling known as 151 Port Robinson Road.

Representation:

Jennifer Vida, authorized agent, appeared on behalf of this application.

Correspondence Received:

- Town of Pelham Planning Department (2)
- Town of Pelham Building Department
- Town of Pelham Public Works Department

Comments:

Ms. Vida indicated that originally the NPCA would comment only on

the Draft Plan of Subdivision and Zoning. This adjustment will assist with the development of a townhouse development.

Colleen Otto, 153 Port Robinson Road, asked about three phases for this development including the purchase of the subject parcel. The rest of 151 Port Robinson Road is not owned by River Realty. She indicated that she is not aware of what will be constructed. Ms. Vida advised that any additional development will be part of a future public process and Ms. Otto will receive appropriate notification.

Resolution #CA20150909.1003

Moved By: Wayne Lockey Second By: James Federico

THAT Application B8/2015P on behalf of Fonthill Gardens (2015) Inc., for consent to convey 73 square metres of land, being part of Lot 166, former Thorold Township, now in the Town of Pelham be granted, subject to the following conditions:

Conditions:

- 1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east, shown as Part 3 on the preliminary sketch, the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel.**
- 2. 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.**
- 3. That the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.**

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. Approval of the application will not affect the ability to develop the remnant parcel.**

3. **Development of the subject parcel will be facilitated through an application for Draft Plan of Subdivision and a Zoning By-law Amendment to ensure orderly development occurs.**
4. **No objections to this proposal were received from commenting agencies or neighbouring property owners.**
5. **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

Adjournment

There being no further business, on a motion by Member Federico, the Chair adjourned the meeting.

B. DiMartile, Chair

Nancy J. Bozzato, Town Clerk/Secretary-Treasurer

Date Approved

Hearing Chair