

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.

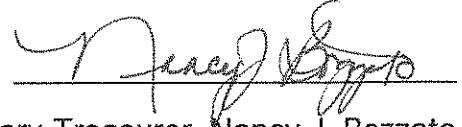
Carried

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James Federico, Chair



Secretary-Treasurer, Nancy J. Bozzato

