



**COMMITTEE OF ADJUSTMENT**  
 Minutes of Hearing Held On: Tuesday, February 4<sup>th</sup>, 2014  
 Council Chambers, 4:00 p.m.  
 H1/2014

**Attendance:**

**Hearing Chair:** M. Dove  
**Hearing Panel:** G. Woods, Member  
 R. Hatt, 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 Dove 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</u>	<u>Correspondence</u>
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Minor Variance Applications: None.

Applications for Consent:

DeVries Fruit Farm Ltd.	B1/2014P	GRANTED	1	5
Kaiser & Associates Inc.	B2/2014P	GRANTED	2	17

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**Consent Applications:**

The following consent applications were dealt with by the Committee:

1. **DeVries Fruit Farm, File No. B1/2014P:**

**Purpose of the Application:**

The subject parcel is an interior parcel of land north of Memorial Drive, lying east of Balfour Street, shown as Part 2 on the attached sketch, being Part Lot 12, Concession 8, and Part of the Road Allowance between Lots 11 & 12, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 0.72 hectare of land to merge with the lands abutting to the south of the subject property (Part 3, municipally known as 603 Memorial Drive) for rear yard amenity area. 10.37 hectares of land (Part 1) with a dwelling known municipally as 567 Memorial Drive, is to be retained for continued agricultural use.

**Representation:**

Phil Suda, 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  
Niagara Region Development Services Division  
Niagara Peninsula Conservation Authority  
Brian Green

**Comment:**

There were no comments offered by the agent or members of Committee.

**Decision:**

Moved by Member Woods; Seconded by Member Hatt:

Application for consent to partial discharge of mortgage and to convey 0.72 hectare of land, shown as Part 2 on the drawing submitted, to merge with the lands abutting to the south of the subject property (Part 3, municipally known as 603 Memorial Drive). The subject property is municipally known as Part Lot 12, Concession 8, and Part of the Road Allowance between Lots 11 & 12, in the Town of

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Pelham is hereby GRANTED.

**The above decision is subject to the following 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 subject 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 south, 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 \$350, 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. 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**

**2. Kaiser & Associates Inc., File No. B2/2014P:**

Purpose of the Application:

The subject parcel has 15.24 metres frontage on the north side of Regional Road #20, lying east of Cream Street, shown as Part 2 on the attached sketch, being Part Lot 11, Concession 7, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 2,759 square metres of land to merge with the lands abutting to the southwest of the subject property (Part 1, municipally known as 583 Highway #20). 6,037 square metres of land (Part 3) with a dwelling known municipally as 577 Highway #20, is to be retained for continued single family residential use.

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**Representation:**

Stephen Kaiser 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  
Niagara Region Development Services Division  
Niagara Peninsula Conservation Authority  
Darryl Nohara, Accipiter Radar

**Comment:**

Mr. Kaiser provided details of his purchase of 577 Highway #20 and his conditional offer on 583 Highway #20. He also advised of his efforts to improve the property so far. There were no comments from members of Committee.

**Decision:**

Moved by Member Hatt; Seconded by Member Woods:

Application for consent to partial discharge of mortgage and to convey 2,759 square metres of land, shown as Part 2 on the drawing submitted, to merge with the lands abutting to the southwest of the subject property (Part 1, municipally known as 583 Highway #20). The subject property is known as Part Lot 11, Concession 7, 577 Highway #20 is hereby GRANTED.

**The above decision is subject to the following 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 subject 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 southwest, 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 \$350, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.

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**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. 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:**

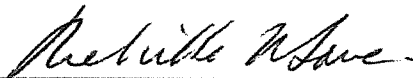
Moved by Member Hatt, Seconded by Member Woods:

THAT the minutes of the public hearing held on December 3<sup>rd</sup>, 2013 for the Town of Pelham Committee of Adjustment be approved as circulated.

**CARRIED**

**Adjournment:**

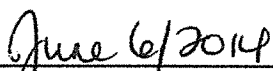
There being no further business, the Chair declared the hearing adjourned.

  
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M. Dove  
Chairman

  
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Jordan Mammoliti  
Deputy Clerk/Asst. Secretary-Treasurer

  
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Date Approved  
/jm

  
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Hearing Chair