

Meeting #: 09/2018
Date: Tuesday, September 11, 2018
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Wayne Lockey
Brian DiMartile
John Klassen
Members Absent James Federico
Donald Cook
Staff Present Nancy Bozzato
Others Present Applicants and Authorized Agents

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

Noting that a quorum was present, Chair Lockey 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.

4. **Requests for Withdrawal or Adjournment**

There were no requests for withdrawal or adjournment received.

5. **Applications for Minor Variance**

5.1 File A19/2018P - Steven Michael DeJong

Purpose of Application

Application is made to seek relief from Section 6.1 (c) to allow a height of 5.95m whereas 3.7m is allowed, to construct a detached accessory garage.

Representation

The owner, Steven Michael DeJong was present with his authorized agent, Dieter Pickelmann.

Correspondence Received

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

Applicant's Comments

There were no comments made by the owner or his authorized agent.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments from any of the members present.

Moved By Brian DiMartile

Seconded By John Klassen

Application for relief of Section 6.1 (c) to allow a height of 5.95m whereas 3.7m is allowed, to construct a detached accessory garage, is hereby GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the rural context and the structure is oriented in a way which ensures it appears secondary to the primary dwelling.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as the variance will allow for enhanced personal usage and storage.**
- 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.

7. 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.

Carried

6. Applications for Consent

6.1 File B3/2018P - Custom Vitners Inc.

Purpose of Application

Application is made for consent to convey 0.18 hectare of land, shown as Part 1 on the drawing submitted, being Part of Lot 1, Concession 1 to be added to the abutting property to the east (Part 3, municipally known as 1390 Pelham Road), in the Town of Pelham.

Representation

Paul Speck, a representative and owner of Custom Vitners Inc. was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works & Engineering
4. Bell
5. Niagara Region
6. Niagara Escarpment Commission

Applicant's Comments

Paul Speck indicated the purpose of the proposed boundary adjustment is to facilitate the installation of a new, updated septic system. He advised the current parcel of land is not adequate in size to facilitate the new septic system.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments from any of the members present.

Moved By John Klassen

Seconded By Brian DiMartile

Application for consent to convey 0.18 hectare of land, shown as Part 1 on the drawing submitted, being Part of Lot 1, Concession 1 to be added to the abutting property to the east (Part 3, municipally known as 1390 Pelham Road), in the Town of Pelham, is hereby: GRANTED.

This decision is based on the following reasons:

- 1. The boundary adjustment will facilitate the installation of a replacement private septic system to service a farm house on 1390 Pelham Road.**
- 2. The applicant is aware that all necessary Niagara Escarpment Commission and Regional permits will be required for installation of the septic system.**
- 3. 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.**
- 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.**
- 6. 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. 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, 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 \$380, 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

6.2 File B5/2018P - Brian V. Sullivan

Purpose of Application

Application is made for consent for a partial discharge of mortgage and to convey 2,826 square metres of land, shown as Part 2 to be added to the abutting property to the south (Part 3) on the drawing submitted, being Part of Lot 7, Registered Plan 717, in the Town of Pelham.

Representation

Stephen Kaiser, the applicant's authorized agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works & Engineering
4. Upper Canada Consultants

Applicant's Comments

Stephen Kaiser indicated he did not agree with the proposed condition regarding the front-end contribution. He provided the Committee of

Adjustment members with a brief synopsis of his professional expertise and his background knowledge of the East Fonthill Secondary Plan.

Mr. Kaiser indicated that Part 1 of the proposed sketch is not located within the East Fonthill Development area and therefore, in his opinion, should not be required to contribute to the front-end financing. He further indicated as there is currently no Front-end Agreement he would ask the Committee to strike any finite monetary values or to include the words 'estimated' in the proposed condition.

Members Comments

The members of the Committee indicated they would like to hear from Town Staff on this matter prior to making a decision.

Nancy Bozzato, Town Clerk, indicated the Town of Pelham financed the installation of the said infrastructure and that there is currently no Front-end Agreement as the Town cannot enter into an Agreement with themselves. Mrs. Bozzato advised that as the Committee members do not have a full background of the said infrastructure, if the Committee wished, they could adjourn the meeting until Town Staff can provide the Committee more information.

The Committee members briefly discussed the possibility of adjournment and decided it would be prudent to adjourn until the Committee has more information to base their decision.

Mr. Kaiser thanked the Committee for adjourning the matter.

Public Comments

There were no comments received from the public.

Moved By John Klassen

Seconded By Brian DiMartile

BE IT RESOLVED THAT application number B5/2018P be adjourned, sine die, in order that additional information be submitted to the Committee regarding the front-end contribution requirement for Parts 1, 2, and 3 on the provided sketch dated July 9, 2018 prepared by Kirkup Mascoe Ure Surveying Ltd. as Job No. 18-0065;

AND BE IT RESOLVED THAT The hearing panel is seized of this application; the same hearing panel must reconvene to consider this new information.

Carried

7. Minutes for Approval

Moved By John Klassen

Seconded By Brian DiMartile

That the minutes of the August 14, 2018, Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

Moved By Brian DiMartile

Seconded By John Klassen

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for October 2, 2018 at 4:00 pm.

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato