

Committee of Adjustment MINUTES

Committee of Adjustment Hearing 8/2014

Meeting Type : Committee of Adjustment Hearing

Date : Tuesday, October 07, 2014

Location : Town of Pelham Municipal Building - Council Chambers

Minutes

Attendance

Present were:

Hearing Chair:

- Mel Dove

Hearing Panel:

- Rick Hatt
- Greg Woods

Deputy Clerk / Assistant Secretary-Treasurer

- Jordan Mammoliti

Director of Community Planning & Development

- Terrance Glover

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

Chair Dove called the meeting to order at 4:00 pm.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures of pecuniary interest by any members present.

Requests for Withdrawal or Adjournment

(Requests for Withdrawal
or Adjournment)

Terrance Glover advised Committee that Planning staff have received a request for further information on File B13/2014P (Kimberley Deamude) from the Niagara Peninsula Conservation Authority. In their correspondence, the NPCA requested a revised sketch to ensure that the application is in compliance with a conditionally approved Niagara

Escarpment Commission Development Permit. Mr. Glover added there may be some difficulty in considering the consent application if there is information missing from the drawing.

Jill Anthony, Agent, advised that she has spoken with the NPCA and staff would be satisfied with a condition to ensure that all setbacks are in compliance with NPCA policies. Ms. Anthony advised that there were no issues raised at the pre-consultation meeting which included the NPCA. Mr. Glover also advised that if the Committee chooses to consider the application at this meeting, staff would draft a condition that may be acceptable to the NPCA. It is Mr. Glover's opinion that a deferral is in the best interests of the applicant as the NPCA will have the option to appeal a decision made by the Committee. When questioned by members of Committee, Mr. Glover clarified that Planning staff are not opposed to the consent application, however he would like to ensure that the NPCA concerns have been met before the Committee considers the application. At the conclusion of the discussion, Committee members decided to hear consider File B13/2014P in accordance with the agenda.

**File B12/2014P -
Ronald Orlin
Crysler**
(Applications for Consent)

Purpose of the Application:

The subject parcel is an interior parcel of land west of Pelham Street, lying north of Overholt Road, shown as Part 1 on the attached sketch, being Part Lot 1, Concession 6 in the Town of Pelham.

Application is made for consent to convey 419.1 square metres of land (Part 1) to merge with the lands to the north and east of the property for driveway use. 8.86 hectares of land with a dwelling, accessory building and greenhouse (Part 2) will be retained for continued agricultural use.

Representation:

Jill Anthony, Agent represented on behalf of the application.

Correspondence:

Town of Pelham Community Planning & Development Report

Appendices:

- Niagara Regional Development Services Division
- Niagara Peninsula Conservation Authority
- Niagara Escarpment Commission
- Hydro One
- Town of Pelham Public Works & Utilities
- Town of Pelham Corporate Services
- Town of Pelham Building Division

Comment:

Ms. Anthony advised Committee that as the applicant's solicitor, she has no object to completing an undertaking indicating that this parcel will merge with the adjoining property. There were no comments from members of Committee.

Resolution #CA20141007.1001

Moved By: Member Woods Second By: Member Hatt

Application for consent to convey 419.1 square metres of land, shown as Part 1 on the drawing submitted, being Part of Lot 1, Concession 6

in the Town of 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 north and 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 \$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

**File B13/2014P -
Kimberley Krista
Deamude**
(Applications for Consent)

Purpose of the Application:

The subject parcel has 10 metres frontage on the west side of Hansler Road, lying north of Overholt Road, shown as Part 1 on the attached sketch, being Part Lot 1, Concession 6 in the Town of Pelham.

Application is made for consent to convey a right-of-way in perpetuity over 1131 square metres of land (Part 1) to be used as a right-of-way for ingress and egress benefitting the lands to the east of the property. 8,426 square metres of land (Parts 1, 3 and 4) will be retained for continued agricultural use.

Representation:

Jill Anthony, Agent appeared on behalf of the application.

Correspondence:

Town of Pelham Community Planning & Development Report

Appendices:

- Niagara Regional Development Services Division
- Niagara Peninsula Conservation Authority

- Niagara Escarpment Commission
- Hydro One
- Town of Pelham Public Works & Utilities
- Town of Pelham Corporate Services
- Town of Pelham Building Division

Comment:

Ms. Anthony confirmed that the proposed consent does not request for a new lot to be created. The purpose of the application is to provide access to an existing lot. Mr. Glover then proposed two conditions which formed part of the Committees decision, and Ms. Anthony advised that she had no objection to the conditions.

Resolution #CA20141007.1002

Moved By: Member Hatt Second By: Member Woods

Application for consent to convey a right-of-way in perpetuity over 1131 square metres of land, shown as Part 1 on the drawing submitted, being part of Lot 1, Concession 6 in the Town of Pelham is hereby GRANTED.

The above decision is subject to the following conditions:

- 1. That the applicant provide written confirmation that the proposed consent adheres to the requirements of the Niagara Escarpment Commission development permit (N/R/2010-2011/365), to the satisfaction of the Niagara Escarpment Commission.**
- 2. That the applicant provide written confirmation that the consent complies with all Niagara Peninsula Conservation Authority policies and requirements, to the satisfaction of the Niagara Peninsula Conservation Authority.**
- 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 \$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

**Minutes for
Approval**

Resolution #CA20141007.1003

Moved By: Member Hatt Second By: Member Dove

MOVED THAT the minutes of the Committee of Adjustment Hearing

7/2014 held on 2014/09/03 be adopted as printed, circulated and read.

Carried

Adjournment

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

B. DiMartile, Chair

Jordan Mammoliti, Assistant Secretary-Treasurer

Date Approved

Hearing Chair