

## Committee of Adjustment AGENDA

CofA-07/2018

July 10, 2018

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. Attendance
2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff
3. Disclosure of Pecuniary Interest and General Nature Thereof
4. Requests for Withdrawal or Adjournment
5. Applications for Minor Variance

**5.1 File A10/2018P - Parkhill Properties Corporation**

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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

**6. Applications for Consent**

**6.1 File B2/2018P - Edward James Ivan & Carol Ann Ivan**

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1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Bell Canada
5. Niagara Peninsula Conservation Authority
6. Region of Niagara Planning and Development Services

**7. Minutes for Approval**

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Committee of Adjustment Minutes, June 5, 2018

**8. Adjournment**

July 10, 2018

Mrs. Nancy J. Bozzato, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON L0S 1E0

**Re: Minor Variance Application A10/2018P (Parkhill Properties)  
80 Meridian Way, Pelham  
Part of Block 1 on 59M-432, and Part 3 on 59R-15851  
Roll No. NA**

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The subject land has 78m of frontage on the south side of Meridian Way, lying west of Wellspring Way, and known municipally as 80 Meridian Way in the Town of Pelham.

The subject land is zoned 'East Fonthill – Mixed Use 3' (EF-MU3) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 6.16 (i) "Parking Area Setback"** seeking a minimum parking area setback of 1.5m to both the westerly and easterly side lot lines, whereas 3m is required for apartment dwellings.

The parking area will serve the proposed residential apartment building.

#### **Applicable Planning Policies**

##### Provincial Policy Statement (PPS), 2014

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement (PPS).

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

##### Growth Plan for the Greater Golden Horseshoe, 2017

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. The variance to reduce the parking area setback will facilitate the development of a residential apartment building which prioritizes *intensification* and higher densities making efficient use of land and *infrastructure*.

##### Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as a 'Designated Greenfield Area' within the Urban Area Boundary.

Pelham Official Plan, 2014

The local Official Plan designates the subject land as ‘Secondary Plan Area’ within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates 80 Meridian Way as EF – Urban Highway Commercial. Policy B1.7.8.4 outlines the permitted uses and intentions of this designation. Permitted uses include apartment buildings with at-grade retail uses.

Town of Pelham Zoning By-law Number 1136 (1987)

The subject land is zoned ‘East Fonthill – Mixed Use 3’ (EF-MU3) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Under Section 6 – General Provisions, the minor variance application requests relief from:

- **Section 6.16 (i) “Parking Area Setback”** seeking a minimum parking area setback of 1.5m to both the westerly and easterly side lot lines, whereas 3m is required for apartment dwellings.

The Committee of Adjustment, in Section 45 (1) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

Minor Variance Test	Explanation
1. Is the variance minor in nature?	Reducing the Parking Area Setbacks to 1.5m from a required 3m is minor overall because adequate landscape buffer is maintained. The landscaped strip will be supporting 6 Redmond Linden trees on the east side lot line and 9 Redmond Linden trees on the west side lot line as demonstrated in the Landscape Plans submitted with the concurrent Site Plan Application.
2. Is the variance desirable for the development or use of the land?	The proposed parking area is designed to serve the needs of the proposed 96 unit residential apartment building. The variance is desirable for the property because the current site plan makes more efficient use of the overall site without compromising the ability to provide a mixture of residential and commercial units. Adequate landscape open space remains throughout the site.
3. Does the variance maintain the general intent and purpose of the Official Plan?	The reduced parking area setback will not unduly disturb any neighbouring property owners as reasonable landscape buffers the surrounding parking lot to the east and the Town owned watercourse to the west. This reduction will not offend any of the purposes or intentions of the Official Plan and therefore maintains the general intent of the Official Plan.
4. Does the variance maintain the general intent and purpose of the Zoning By-law?	The proposed parking area setbacks are less than what is required but still maintain a satisfactory landscape buffer as the Zoning By-law was intended to do while also planting 6 Redmond Linden trees on the east side lot line and 9 on the west side lot line. The variance will maintain the objective of the Zoning By-law.

On June 7<sup>th</sup> 2018, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property’s boundaries.

To date, the following comments have been received:

- Public Works Department (June 20, 2018)
  - No comments.
- Building Department (June 20, 2018)
  - No comments.

No comments from the public were received.

### Planning Comments

The subject land is located near the southwest corner of Meridian Way and Wellspring Way. The property is surrounded by the following:

North: Commercial plaza (Fonthill Market Place)

East: Wellspring Niagara cancer support facility

South: Open space / watercourse

West: Open space / watercourse

Planning staff is of the opinion that reducing both east and west side lot line parking area setbacks will not negatively affect the neighbourhood as adequate landscape buffering is maintained. No public comments of concerns were raised.

It is noted that a concurrent Site Plan Application (SP-01-18) is being processed by Town Staff and requires approval by Council.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the *Planning Act*. The application is consistent with Provincial policies, the Regional Official Plan, and conforms to the general intent of the Town's Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts for adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number A10/2018P **be approved**.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director/ Community Planning & Development

**File:** A10/2018P

June 20, 2018

**Address:** 80 Meridian Way, Pelham

**Owner:** Parkhill Properties Corporation

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment.

Belinda Menard  
Building Intake/Plans Examiner  
Community Planning & Development

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## Memorandum

### Public Works Department - Engineering

DATE: June 20, 2018  
TO: Curtis Thompson, Planner  
CC: Nancy J. Bozzato , Clerk; Judy Sheppard, Deputy Clerk; Andrea Clemencio, Director of Public Works & Utilities  
FROM: Xenia Pasiecznik, Engineering Technologist  
RE: File A10/2018P  
80 Meridian Way, Parkhill Properties

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Public Works has completed a review of the minor variance application A10/2018P for relief of Pelham Zoning By-Law 1136(1987). The application is made to seek relief from the following:

- Section 6.16(i) – “Side Yard Setback” to allow 1.5m on both the easterly and westerly lot lines whereas 3m is required; to permit a parking area to serve the proposed residential apartment building.

Public Works has no comments.

## Judy Sheppard

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**From:** William Underwood  
**Sent:** Wednesday, June 13, 2018 10:47 AM  
**To:** Nancy Bozzato  
**Cc:** Sarah Leach; Judy Sheppard  
**Subject:** File A10/2018P

Hi Nancy,

Fire has no comments with respect to the 80 Meridian Way By-law Variance.

Thanks,

Will



**William Underwood, C.E.T., CFEI**  
*Fire Prevention Officer*  
**Fire & By-Law Services**

**e: wunderwood@pelham.ca**  
**p: 905.892.2607 x202**  
**c: 905.327.0402**  
**pelham.ca**

177 Highway 20 West  
P.O. Box 323  
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July 10, 2018

Mrs. Nancy J. Bozzato, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON L0S 1E0

**Re: Consent Application B2/2018P (Ivan)  
250 Chantler Road, Pelham  
Part of Lots 4, Concession 13, and being Part of Part 1 on RP 59R-969  
Roll No. 2732 030 017 10101**

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The subject parcel, shown as Part 2 on the attached sketch, has 15.24m of frontage on the south side of Chantler Road, lying east of Effingham Street, and known municipally as 250 Chantler Road in the Town of Pelham.

Application is made for consent convey 2700m<sup>2</sup> (Part 2) of land to merge with the abutting property to the east (Part 3 – 230 Chantler Road), for additional side yard area. Part 1 is to be retained for continued use of the dwelling known municipally as 250 Chantler Road.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 51 (24) states when considering the division of land, regard shall be had to the health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and among other things to,

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

#### Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) designates the subject land within the 'Prime Agricultural

Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

#### Regional Official Plan (Consolidated August 2015)

The Regional Official Plan designates the subject parcel as 'Good General Agricultural Area'.

Policy 5.B.8.1 states in *Good General Agricultural Areas* consents to convey may be permitted if for a lot adjustment for legal or technical reasons such as correction to deeds and minor boundary adjustments which do not result in the creation of a new lot.

#### Town of Pelham Official Plan (2014)

The Official Plan designates the subject parcel as 'Good General Agricultural Area'. The purpose of this designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agricultural.

Policy B2.1.3.2 states consents may be granted for technical purposes, such as to correct lot boundaries provided such an application does not create a new lot.

#### Town of Pelham Zoning By-law No. 1136 (1987), as amended

The Pelham Zoning By-law identifies the subject land as '*Agricultural*' (A). Permitted uses include agricultural / greenhouses, one single detached dwelling, home occupations, accessory uses to the foregoing and forestry / conservation uses. The proposed reconfigured lots will comply with the Section 7.4 Regulations for dwellings in the *Agricultural* zone.

### **Agency and Public Comments**

On May 15<sup>th</sup>, 2018, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (May 24, 2018)
  - No comments.
- Building Department (May 22, 2018)
  - No comments.
- Bell Canada (May 29, 2018)
  - No comments.
- Niagara Peninsula Conservation Authority (June 7, 2018)
  - {See appendix}
  - Supportive of the boundary adjustment because the watercourse or Provincially Significant Wetland will not be fragmented.
  - No objections.
- Niagara Region Planning & Development Services (June 21, 2018)

- {See appendix}
- No objections.

### Planning Staff Comments

The application proposes a boundary adjustment to convey Part 2 to merge with the abutting lot to the east (Part 3 – 230 Chantler Road). It is noted that the existing dwelling at 230 Chantler Road is proposed to be demolished.

A pre-consultation meeting was held with the applicant, staff from the Town and Niagara Region on Thursday, April 5, 2018 to discuss the proposed application. Topics included a *Temporary Second Dwelling Agreement* (which would permit the existing dwelling to remain on a temporary basis until the construction of a new house on 230 Chantler Road is completed), Coyle Creek, the advisory floodplain and septic system requirements among others.

Planning staff is of the opinion that the proposal is an appropriate boundary adjustment which serves to increase the side yard amenity space of 230 Chantler Road and will ensure adequate reserve land is available for a replacement septic system should the need arise in the future. The lot addition does not provide any new development opportunities beyond what already exists.

In Planning staff's opinion, the application is consistent with the PPS, and conforms to Provincial, Regional, and Local plans.

Planning staff recommend that the consent **be granted** subject to the following conditions:

**THAT** the applicant

- Merge Part 2 with Part 3.
- Provide the Secretary-Treasurer with a registerable 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.
- Provide 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.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP  
Director of Community Planning & Development

**File:** B2/2018P

May 22, 2018

**Address:** Part 2 and Part 3.  
250 Chantler Rd, Pelham

**Owner:** Edward James Ivan & Carol Ann Ivan

**Solicitor:** Matthew Miller Leask

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Menard  
Building Intake/Plans Examiner  
Community Planning & Development

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## Memorandum

### Public Works Department - Engineering

DATE: May 24, 2018  
TO: Curtis Thompson, Planner  
CC: Nancy J. Bozzato, Clerk; Judy Sheppard, Deputy Clerk; Andrea Clemencio, Director of Public Works and Utilities  
FROM: Matt Sferrazza, Engineering Technologist  
RE: File B2/2018P  
250 Chantler Road

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We have completed the review of the consent application B2/2018P for consent to convey 0.27 hectares of land (Part 2) to be added to the abutting property to the east (Part 3, 230 Chantler Road) for side yard amenity space, Part 1 is to be retained for continued use of the dwelling known municipally as 250 Chantler Road.

Upon this review, Public Works has no proposed conditions.

## Judy Sheppard

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**From:** Hall, Charleyne <charleyne.hall@bell.ca>  
**Sent:** Tuesday, May 29, 2018 3:46 PM  
**To:** Judy Sheppard  
**Subject:** 905-18-229 - Town of Pelham Consent Application - File B2/2018P 250 Chantler Road

Good afternoon Judy,

Bell Canada has no concerns with Application for Consent B2/2018P, regarding 250 Chantler Road.

Thank you,

*Char Hall*  
**External Liaison**  
**Bell Canada Right of Way**  
P: 705-722-2264  
F: 705-726-4600  
1-888-646-4817  
[charleyne.hall@bell.ca](mailto:charleyne.hall@bell.ca)

**Bell**

140 Bayfield St. Floor 2  
Barrie Ontario  
L4M 3B1

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**From:** Judy Sheppard <[JSheppard@pelham.ca](mailto:JSheppard@pelham.ca)>  
**Sent:** May-15-18 3:56 PM  
**To:** ROWCC <[rowcentre@bell.ca](mailto:rowcentre@bell.ca)>



**Judy Sheppard**  
Deputy Clerk  
Administration Services

**e:** [jsheppard@pelham.ca](mailto:jsheppard@pelham.ca)  
**p:** 905.892.2607 x320  
[pelham.ca](http://pelham.ca)

20 Pelham Town Square  
P.O. Box 400  
Fonthill, ON L0S 1E0

**Subject:** Town of Pelham Consent Application - File B2/2018P 250 Chantler Road

Please refer to the attached.

Regards,  
Judy Sheppard



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250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

June 07, 2018

Our File No.: PLCON201800432

BY E-MAIL ONLY

Town of Pelham  
P.O. Box 400, 20 Pelham Town Square  
Fonthill, ON L0S 1E0

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Application for Consent, (B2/2018)**

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The Conservation Authority has reviewed the above noted consent application and offers the following comments and recommendations for your hearing.

This application has been made as a boundary adjustment which will add Part 2 to Part 3. Part 1 will be retained for residential use.

NPCA mapping indicates that Coyle Creek traverses through the middle of 250 Chantler Road. As such, this property is impacted by the wetlands and Advisory Floodplain associated with this section of Coyle Creek. Further, the very rear portion of Part 2 is also impacted by the Advisory Floodplain. In accordance with current NPCA policies, this agency regulates all development and site alterations within or adjacent to watercourses, floodplain lands and wetlands.

As this proposal does not serve to fragment the watercourse or wetland located in this area, NPCA staff are supportive of the approval of this application. While a small portion of the Advisory floodplain will be added to Part 3 as a result of this proposal, the floodplain area is located at the rear of the lot and should not interfere with any potential future development on the property.

In light of the above, this office offers no objections to the approval of this application. All future applications for development within or adjacent to the areas noted above must be circulated to this office for review and approval as Permits from this office may be required.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,

A handwritten signature in black ink that reads "S. Mastroianni".

Sarah Mastroianni,  
Watershed Planner  
(905) 788-3135, ext. 249

cc: Richard Wilson, Niagara Region

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**VIA EMAIL ONLY**

June 21, 2018

File: D.06.06.CS-18-035

Nancy J. Bozzato, Dipl.M.M., AMCT  
Town Clerk, Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

Dear Ms. Bozzato:

**Re: Provincial and Regional Comments**  
**Consent Application B2/2018P**  
**Applicant: Edward James Ivan & Carol Ann Ivan**  
**Agent: Dustin Lachance**  
**Address: 250 Chantler Road**  
**Town of Pelham**

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Regional Planning and Development Services staff has reviewed the above-noted consent application to sever 0.27 hectares of land (Part 2), to merge with the abutting property to the east (Part 3; 230 Chantler Road), for a side yard amenity space. Part 1, municipally known as 250 Chantler Road, is to be retained for continued rural residential use. A pre-consultation meeting for this proposal was held at the Town on April 5, 2018, between Town and Regional staff, and the agent; Niagara Peninsula Conservation Authority (NPCA) comments were sent electronically. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

**Provincial and Regional Policy**

The subject lands are located within a prime agricultural area according to the Provincial Policy Statement (PPS), which allows for a range of agricultural uses and is given the highest priority for protection. The Regional Official Plan (ROP) designates the lands as within the Good General Agricultural Area, which permits a range of agricultural uses.

In such agricultural areas, Provincial and Regional policies restrict lot creation. Minor boundary adjustments are allowed subject to specific criteria. The PPS permits lot adjustments for legal or technical reasons that include minor boundary adjustments which do not result in the creation of a new lot. The ROP permits minor lot adjustments or boundary additions provided these do not create a separate lot for a residential dwelling

and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

### **Boundary Adjustment**

The application proposes a boundary adjustment to sever Part 2 from Part 1 (municipally known as 250 Chantler Road), and merge Part 2 with Part 3 (municipally known as 230 Chantler Road), with both properties to be used for continued rural residential purposes. Parts 1 and 3 each currently contain a dwelling, and the proposal, as submitted to the Town, indicates that Part 2 will provide additional side yard amenity space for the dwelling on Part 3. Regional staff notes that a Septic Permit application was submitted to Regional Planning and Development Services to service a proposed new dwelling on Part 3. Based on the drawings submitted for the Septic Permit, it appears that the proposed new dwelling and attached garage on Part 3 extends to the west beyond the existing dwelling, into the gravel area on the property. Subject to the below comments, the proposed consent application meets the intent of Provincial and Regional policies for a boundary adjustment.

### **Natural Heritage**

The Region's Core Natural Heritage (CNH) mapping identifies a Type 2 (Important) Fish Habitat on the western portion of 250 Chantler Road, an Environmental Protection Area associated with Provincially Significant Wetlands (Upper Coyle Creek Wetland Complex) on 250 Chantler Road, and an Environmental Conservation Area associated with Significant Woodlands, which traverses both properties (230 & 250 Chantler Road). The ROP states that any development or site alteration within 120 metres of a Provincially Significant Wetland, or within 50 metres of a Significant Woodland, requires the completion of an Environmental Impact Study. Regional staff notes that the current lot line between these properties fragments the Significant Woodlands feature, and that the existing dwelling on Part 3 is to be demolished. Based on submitted information, it appears that the proposed new dwelling on Part 3 will not be located closer than the existing gravel area at the west of the existing property (Part 3). Accordingly, shifting the lot lines as proposed, and the construction of the new dwelling, does not further impact the Significant Woodlands feature.

### **Private Servicing**

Regional Private Sewage Systems (PSS) staff has reviewed the proposed boundary adjustment application and notes that sewage system records approved by the Regional Public Health Department were found for both properties (230 & 250 Chantler Road). In April 2018, a special request inspection was completed on the property of 230 Chantler Road, and a permit was issued for the existing system in 2006. The 250 Chantler Road property was inspected in June 2018, and a permit was issued for the existing system in 2004. At the time of inspection, no visible defects were observed on either property. The severance of land from 250 Chantler Road does not encompass the existing sewage system, and still provides sufficient land available for a replacement system. The

additional land added to 230 Chantler Road should ensure there is replacement area for any future upgrades to the sewage system that may be required.

### **Conclusion**

Regional Planning and Development Services staff has no objection to this consent application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements, and conditional on Part 2 merging in title with Part 3, municipally known as 230 Chantler Road.

Please send a copy of the staff report from the Town and notice of the Committee's decision on this application.

Sincerely,



Aimee Alderman  
Development Planner

cc: Ms. C. Wood, Private Sewage System Inspector, Niagara Region  
Mr. C. Thompson, Town of Pelham

**Meeting #:** CofA-06/2018  
**Date:** Tuesday, June 5, 2018  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
 20 Pelham Town Square, Fonthill

**Members Present** Wayne Locky  
 Donald Cook  
 John Klassen  
**Members Absent** James Federico  
 Brian DiMartile  
**Staff Present** Nancy Bozzato  
**Others Present** Applicants and/or Applicant Agents  
 Interested Citizens

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

Noting that a quorum was present, Chair Locky 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 A8/2018P - Daniel & Melanie Thompson**

**Purpose of Application**

Application is made to seek relief from Section 7.4(c) "Maximum Lot Coverage" - to permit an overall lot coverage of 18% whereas 10% is permitted to facilitate construction of a one-storey residential addition.

## **Representation**

Clayton Hartwell, C.J. Hartwell Enterprises, authorized agent, appeared on behalf of this application, in company with Melanie Thompson, applicant.

## **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

## **Applicant's Comments**

Mr. Hartwell added no additional comments.

## **Public Comments**

There were no comments received from the public.

## **Members Comments**

There were no comments from any of the members present.

**Moved By** Donald Cook

**Seconded By** John Klassen

**Application for relief from Section 7.4(c) "Maximum Lot Coverage" - to permit an overall lot coverage of 18% whereas 10% is permitted to facilitate construction of a one-storey residential addition is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature in that adequate amenity area and open space for septic purposes remains available.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that sufficient amounts of open space, amenity area and land for private services is maintained.**
- 3. The intent of the Official Plan is maintained in that there are no impacts due to the existing site enclosure of public roadways/facilities.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will improve the living space and enhance the property value.**

5. The Town is in receipt of written Initial Approval of the septic permit regarding this proposal.
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.
8. 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.

The above decision is subject to the following conditions:

1. That all necessary building permits must be obtained prior to any further construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

**Carried**

## **5.2 File A9/2018P - David Judge and Deborah Judge**

### **Purpose of Application**

Application is made to seek relief from:

Section 7.7(a) "Maximum Lot Coverage"- to permit a 1.5% overall coverage whereas 1% is permitted to facilitate construction of a one-storey accessory building; and

Section 7.7(d) "Maximum Building Height" - to permit 6.5 metres whereas 3.7 metres is permitted, to facilitate construction of a one-storey accessory building.

### **Representation**

David Judge, applicant, 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. Town of Pelham Fire Department

5. Niagara Region

6. NPCA

### **Applicant's Comments**

Mr. Judge suggested that the zoning provisions should be reviewed, suggesting that the 1% factor is not reasonable in the rural area. Further, he suggested that the Region's review costs are too high and he voiced objection to this fee, which he found offensive.

He asked what the purpose of the demolition permit, Mrs. Bozzato advising that this is under the Building Code Act. Member Cook added that this may relate to any impacts on a well or cistern on the property.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

There were no further comments from any of the members present.

**Moved By** John Klassen

**Seconded By** Donald Cook

**Application for relief from Section 7.7(a) "Maximum Lot Coverage" – seeking 1.5% overall coverage whereas 1% is permitted, to facilitate construction of a one-storey accessory building, is hereby: Granted.**

**Application for relief from Section 7.7(d) "Maximum Building Height" – seeking 6.5 metres whereas 3.7 metres is permitted, to facilitate construction of a one-storey accessory building, is hereby: Granted.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature in that no negative impacts are anticipated by the neighbors.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that adequate open space remains and will not adversely impact the rural residential nature of the lot.**
- 3. The intent of the Official Plan is maintained in that no negative impacts are anticipated.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that the relief will offer more flexibility for property usage and no adverse impacts are anticipated.**
- 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.

The above decision is subject to the following conditions:

1. That all necessary permits for demolition of the existing accessory building must be obtained, to the satisfaction of the Town of Pelham Chief Building Official.

2. That all necessary building permits must be obtained prior to any further construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

**Carried**

**7. Minutes for Approval**

**Moved By** Donald Cook

**Seconded By** John Klassen

That the minutes of the May 1, 2018, Committee of Adjustment Hearing be approved, as presented.

**Carried**

**8. Adjournment**

**Moved By** Donald Cook

**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 July 10, 2018 at 4:00 pm.

**Carried**

**6. Applications for Consent**

There were no Consent Applications received.

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Wayne Lockey, Chair

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Secretary-Treasurer, Nancy J. Bozzato