

Committee of Adjustment MINUTES

Committee of Adjustment Hearing November 3, 2015

Meeting Type : Committee of Adjustment Hearing

Date : Tuesday, November 03, 2015

Location : Town of Pelham Municipal Building - Council Chambers

Minutes

Attendance

Present were:

Brian DiMartile, Chair

John Klassen, Member

Wayne Lockey, Member

Acting Deputy Clerk

- Judy Sheppard

Staff

- Kristina Braun

Town Clerk / Secretary Treasurer

- Nancy J. Bozzato

Applicants and Agents

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

Noting that a quorum was present, Chair DiMartile called the meeting to order at approximately 4:00 p.m. 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.

Disclosure of Pecuniary

There were no disclosures of pecuniary interest by any of the hearing panel members present regarding the applications scheduled for hearing.

**Interest and
General Nature
Thereof**

**Requests for
Withdrawal or
Adjournment**

There were no requests for withdrawal or adjournment by any of the applicants present.

**File A12 /2015P
Devco Aviation
Ltd.**

(Applications for Minor
Variance)

Purpose of the Application:

The subject land is zoned Agricultural A in accordance with Pelham Zoning By-law No. 1136(1987), as amended.

Application is made for relief from Section 7.7(a) to permit a lot coverage of 2.58% for accessory structures, whereas 1% is permitted, provided the overall coverage does not exceed 10%, to allow for construction of additions to the existing pole barn.

Representation:

Gabe Devenyi, Devco Aviation Ltd., registered owner, appeared on behalf of this application.

Correspondence Received:

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Town of Pelham Public Works Department
- Niagara Peninsula Conservation Authority
- Linda and Jim Addario
- Petition

Comments

No additional comments were offered by the applicant

Resolution #CA20151103.1001

Moved By: Wayne Lockey Second By: John Klassen

THAT Application A12/2015P on behalf of DEVCO AVIATION LTD. for relief from Section 7.7(a) is requested to permit a lot coverage of 2.5% for accessory structures, whereas 1% is permitted, provided the overall coverage does not exceed 10%, to allow for construction of additions to the existing pole barn is permitted is hereby granted subject to the following conditions:

Conditions of Approval:

THAT all necessary building permits be obtained prior to commencement of construction; and

THAT prior to issuance of a building permit, written confirmation be submitted to the Chief Building Official from the Niagara Peninsula Conservation Authority indicating that appropriate sediment and erosion controls shall be established within three metres from the dripline of the adjacent woodland feature, and

continue to be maintained in good working order to the satisfaction of the NPCA.

This Decision is Based on the Following Reasons:

- 1. The variance is minor in nature as the lot coverage of 2.58% requested to allow for construction of additions to the existing pole barn is a marginal adjustment from the zone requirement and there would not appear to be negative impact on adjacent neighbours.**
- 2. The general purpose and intent of the Zoning By-Law is maintained as the proposal is of an appropriate scale in a rural residential area.**
- 3. The intent of the Official Plan is maintained as the use is permitted in the Specialty Agricultural designation and will not result in a negative impact on the core natural heritage lands of the greenbelt. The proposal is desirable for the appropriate development and/or use of the land as the proposed building will allow for indoor storage of personal goods while maintaining the rural, agricultural character of the area.**
- 4. This application is granted without prejudice to any other application in the Town of Pelham.**
- 5. No objections were received from commenting agencies or abutting property owners.**

Carried

File B12/2015P
Hummel
Properties Inc.
(Applications for Consent)

Purpose of the Application:

Application is made for consent to partial discharge of mortgage and to convey 12,457 square metres of vacant land, to merge with the abutting parcel of land to the south, for development by Plan of Subdivision. 1,337.4 square metres of land with a dwelling known municipally as 166 Port Robinson Road is to be retained for continued residential use.

Representation:

Mr. Brent Larocque, authorized agent, appeared on behalf of this application.

- Town of Pelham Planning Department
- Town of Pelham Building Department and Drainage Superintendent
- Town of Pelham Public Works & Utilities Department
- Regional Niagara Planning & Development Services

Comment:

Mr. Larocque offered no additional comments. He has reviewed all conditions with his client who does not object to any of the conditions

requested.

Members of the Committee did not require further clarification on any of the matters relating to this application.

Resolution #CA20151103.1002

Moved By: John Klassen Second By: Wayne Lockey

THAT Application B12/2015P on behalf of HUMMEL PROPERTIES INC. for consent to partial discharge of mortgage and to convey 12,457 square metres of vacant land, to merge with the abutting parcel of land to the south, for development by Plan of Subdivision be granted subject to the following conditions:

Conditions of Approval:

1. **THAT 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 south (Part 1, 59R-12759, PIN 64067-0218LT), 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 final approval for all necessary Zoning By-law amendments be obtained from the Town of Pelham, to the satisfaction of the Director of Community Planning and Development, Town of Pelham.**
3. **THAT the dwelling situated on the remnant parcel be connected to the municipal water and sanitary sewer systems, and that the existing private sewage system servicing the dwelling known municipally as 166 Port Robinson Road be decommissioned to the satisfaction of the Town of Pelham Director of Public Works, and the Regional Development Services Department.**
4. **THAT written confirmation be provided to the Director of Public Works indicating that the watermain service does not branch from or through adjacent properties, and that a new water service shall be installed for the remnant parcel to facilitate this requirement if necessary.**
5. **THAT a Temporary Works Application be approved by the**

Town Public Works Department for any of the said works on Town-owned property.

6. **THAT the existing gravel driveway located on the subject parcel be decommissioned to the satisfaction of the Director of Public Works, and that a new driveway entrance be installed on the remnant parcel.**
 7. **THAT the existing well system be decommissioned in accordance with Ministry of Environment standards to the satisfaction of the Director of Community Planning and Development.**
 8. **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.**
 9. **THAT the final certification fee of \$358, 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.**
- 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 _____ with conditions fulfilled, will comply 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 B15/2015P
Canboro
Developments
Inc.**

(Applications for Consent)

Purpose of the Application:

Application is made for consent to convey 1171 square metres of vacant land for single family residential use. 7.63 hectares of land is to be retained for development by Plan of Subdivision. This application is a resubmission of file B5/2013P which was granted however subsequently lapsed.

Application B16/2015P on behalf of CANBORO DEVELOPMENTS INC. is being considered concurrently.

Representation:

Terry Hinan, owner, appeared on behalf of this application.

- Town of Pelham Planning Department
- Town of Pelham Public Works Department - Engineering
- Niagara Peninsula Conservation Authority
- Dennis De Rango, Hydro One

Comment:

Mr. Hinan offered no additional comments. The sanitary sewer line will need to be extended to service the subject parcels, as required by the requested Development Agreement.

Resolution #CA20151103.1003

Moved By: Wayne Lockey Second By: John Klassen

**THAT application B15/2015P on behalf of CANBORO DEVELOPMENTS INC. for consent to convey 1171 square metres of vacant land for single family residential use. 7.63 hectares of land is to be retained for development by Plan of Subdivision be granted subject to the following conditions:
Conditions of Approval:**

1. **THAT the existing Development Agreement pertaining to the subject lands be amended to include, but not be limited to: ensuring that the Owner extends municipal sewer main along Canboro Road eastward from the intersection of Balfour Street and Canboro Road; and that the servicing works shall include that Parts 2 and 3 on the sketch appended hereto shall be individually serviced with a sanitary sewer lateral and water service to the property line, in accordance with Town standards and under Town Temporary Works Permits; and that entrances be constructed under Town Entrance Permits through the Public Works Department; and that the owner shall bear all costs associated with these works (design, construction, etc.); that all stormwater management design requirements for the area be adhered to, to the satisfaction of the Director of Public Works and the Niagara Peninsula Conservation Authority.**
2. **THAT written confirmation be provided to the Director of Public Works to indicate that no existing water, sewer or storm services branch from or through the subject parcel to service other neighbouring properties including the remnant parcel, and that should there be an existing service a service right-of-way be established, if necessary, or the services relocated, to the satisfaction of the Director.**
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 \$358, 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 with conditions fulfilled, will comply with the Town's Zoning By-law.
2. The proposed lot will front on a municipal road and is in keeping with the surrounding neighbourhood fabric.
3. No objections to this proposal were received from commenting agencies or neighbouring property owners.
4. 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 B16/2015P
Canboro
Developments
Inc.**

(Applications for Consent)

Purpose of the Application:

Application is made for consent to convey 1156 square metres of vacant land for single family residential use. 7.63 hectares of land is to be retained for development by Plan of Subdivision. This application is a resubmission of file B6/2013P which was granted however subsequently lapsed.

Application B15/2015P on behalf of CANBORO DEVELOPMENTS INC. is being considered concurrently.

Representation:

Terry Hinan, owner, appeared on behalf of this application.

- Town of Pelham Planning Department
- Town of Pelham Public Works Department - Engineering
- Niagara Peninsula Conservation Authority
- Dennis De Rango, Hydro One

Resolution #CA20151103.1004

Moved By: Wayne Lockey Second By: John Klassen

THAT application B16/2015P on behalf of CANBORO DEVELOPMENTS INC. for consent to convey 1156 square metres of vacant land for single family residential use. 7.63 hectares of land is to be retained for development by Plan of Subdivision be granted subject to the following conditions:

Conditions of Approval:

1. **THAT the existing Development Agreement pertaining to the subject lands be amended to include, but not be limited to: ensuring that the Owner extends municipal sewer main along Canboro Road eastward from the intersection of Balfour Street and Canboro Road; and that the servicing works shall include that Parts 2 and 3 on the sketch appended hereto shall be individually serviced with a**

sanitary sewer lateral and water service to the property line, in accordance with Town standards and under Town Temporary Works Permits; and that entrances be constructed under Town Entrance Permits through the Public Works Department; and that the owner shall bear all costs associated with these works (design, construction, etc.); that all stormwater management design requirements for the area be adhered to, to the satisfaction of the Director of Public Works and the Niagara Peninsula Conservation Authority.

- 2. THAT written confirmation be provided to the Director of Public Works to indicate that no existing water, sewer or storm services branch from or through the subject parcel to service other neighbouring properties including the remnant parcel, and that should there be an existing service a service right-of-way be established, if necessary, or the services relocated, to the satisfaction of the Director.**
- 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 \$358, 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 with conditions fulfilled, will comply with the Town's Zoning By-law.**
- 2. The proposed lot will front on a municipal road and is in keeping with the surrounding neighbourhood fabric.**
- 3. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 4. 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

Adjournment

Resolution #CA20151103.1005

Moved By: John Klassen Second By: Wayne Lockey

There being no further business, on a motion by Member J. Klassen, the Chair adjourned the meeting.

Carried

B. DiMartile, Chair

Nancy J. Bozzato, Town Clerk/Secretary-Treasurer

Date Approved

Hearing Chair