

Committee of Adjustment MINUTES

Committee of Adjustment Hearing December 1, 2015

Meeting Type : Committee of Adjustment Hearing

Date : Tuesday, December 01, 2015

Location : Town of Pelham Municipal Building - Council Chambers

Minutes

Attendance

Present were:

Brian DiMartile, Committee Chair

Don Cook, Member

John Klassen, Member

Town Clerk / Secretary Treasurer

- Nancy J. Bozzato

Acting Deputy Clerk

- Judy Sheppard

Staff

- Kristina Braun

Applicant and/or Authorized Agents as noted in the minutes.

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 Interest and

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

General Nature Thereof

Requests for Withdrawal or Adjournment

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

File B17/2015 - Peter and Alice Spyker (Pursuant to Agreement of Purchase and Sale)

(Applications for Consent)

Purpose of the Application:

Application is made for consent to convey 1 hectare of land with a single family dwelling and a detached garage, as the disposal of a surplus farm dwelling. 17.8 hectares of land is to be retained, to be conveyed to the purchasing farming corporation known as 1184505 Ontario Limited, for continued agricultural use.

Correspondence:

- Town of Pelham Planning Department
- Town of Pelham Public Works Department
- Regional Municipality of Niagara Development Services
- Niagara Peninsula Conservation Authority
- Derek and Valerie Noyes
- ?Rudolph and Liliane Lukacs

Representation:

Joyce Sonneveld, Authorized Agent and Purchaser, in company with Peter and Alice Spyker, owners, were present.

Comments:

Ms. Sonneveld questioned the condition requested by the Engineering Department, noting that there is an existing tile drainage system and a municipal drain abuts the property at present. The Secretary-Treasurer and Members of the Committee, having knowledge of this type of condition, underscored the impetus behind this request. It was noted that this condition is intended to protect both the neighbouring property owners as well as this property. It was also pointed out that this type of condition, although new to the Sonneveld's, is becoming standard within the municipality.

Rudolph Lukacs stated that he initially thought the purchaser of the land intended only to sell the property for profit. He does not, now, object to the application given that the property will continue to be farmed. He indicated he would withdraw his objection to the application.

Committee members did not have any further questions, nit being noted that the application complies with all applicable planning policies.

Resolution #CA20151201.1001

Moved By: John Klassen Second By: Don Cook

THAT application for consent to convey 1 hectare of land, shown as Part 1 on the drawing, being part of Lot 6, Concession 12 in the Town of Pelham be granted subject to the following conditions:

1. That final approval of a Zoning By-law amendment be obtained, zoning the remnant parcel to "Agricultural Purposes Only (APO)", in perpetuity, to preclude any residential development for said parcel, to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.
2. That a comprehensive overall lot grading/drainage plan for the subject and remnant parcels be submitted, demonstrating that drainage does not impact neighbouring properties, to the satisfaction of the Director, Town of Pelham Public Works Department.
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. With conditions fulfilled, the application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, complies with the Town's Zoning By-law.
2. 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 #CA20151201.1002

Moved By: Don Cook Second By: John Klassen

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

Carried

B. DiMartile, Chair

Nancy J. Bozzato, Town Clerk/Secretary-Treasurer

Date Approved

Hearing Chair