

**Meeting #:** CoA-06/2017  
**Date:** Tuesday, June 6, 2017  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** James Federico  
Wayne Lockey  
John Klassen

**Staff Present** Nancy Bozzato  
Judy Sheppard

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.

5. **Applications for Minor Variance**

- 5.1 **File A20/2017P - Shawn Evans and Julie Evans**

Purpose of Application:

The subject land is zoned Agricultural "A" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of section 7.7(a) to allow a lot coverage of 3% whereas 1% is permitted for accessory structures, provided the overall lot coverage does not exceed 10%. In addition, relief from Section 7.7(d) is sought to permit a building height for the accessory building of 6.5 metres whereas 3.7 metres is permitted, to facilitate construction of a detached garage.

Representation:

Shawn and Julie Evans, registered owners, appeared on behalf of the application.

Correspondence Received:

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Fire and By-law Services Department
4. Town of Pelham Public Works & Utilities Department
5. Niagara Region Comments

Comments:

The owners, Shawn and Julie Evans, had no comments.

Public Comments

There were no comments received from the public.

Members Comments

The Members had no comments.

**Moved By James Federico**

**Seconded By John Klassen**

**Application for relief of Section 7.7(a) is requested to permit a lot coverage of 3% whereas 1% is permitted for accessory structures, provided the overall lot coverage does not exceed 10%, is hereby: GRANTED**

**Application for relief of Section 7.7(d) is requested to permit a building height for the accessory building of 6.5 metres whereas 3.7 metres is permitted, is hereby: GRANTED**

**The above decisions are based on the following reasons:**

- 1. The variance is minor in nature in that the variance will have no adverse impacts.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that adequate open space remains and will not bother the existing septic field.**
- 3. The intent of the Official Plan is maintained in that no negative impacts will be created for any natural heritage feature or neighbouring properties.**
- 4. The proposal is desirable for the appropriate development and/or use of the land given the flexibility that is provided in terms of property usage.**
- 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 decisions are subject to the following conditions:**

- 1. That all necessary building permits are required prior to construction commencing for the new addition, to the satisfaction of the Chief Building Official.**

**Carried**

## **5.2 File A21/2017P - Costiano Developments Inc**

Purpose of Application:

The subject land is zoned Residential "R" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of section 30 Exemptions, 238(I) to allow a minimum ground floor area of 120 square metres whereas 210 square metres is required, to facilitate construction of a single two-storey dwelling.

Representation:

Fred Fraraccio, Kaisma Build Group Inc., authorized agent, appeared on behalf of the application.

Correspondence Received:

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works & Utilities Department
4. Town of Pelham Fire & By-law Department

Comments:

Mr. Fraraccio requested that the Members consider refunding the applicant the Minor Variance application fee due to an error with the application process.

Public Comments

There were no comments received from the public.

Members Comments

The Members agreed to refund the Minor Variance application fee.

**Moved By John Klassen**

**Seconded By James Federico**

**Application for relief of Section 30, Exemptions, 238(i) to permit a minimum ground floor area for a dwelling of 120 square metres whereas 210 square metres is required, is hereby: GRANTED**

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

- 1. The variance is minor in nature considering in that the gross floor area of the 2-storey house is comparable in size with the neighbourhood.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that gross floor area is large overall.**
- 3. The intent of the Official Plan is maintained in that the 2-storey dwelling will be compatible with the surrounding development.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it maintains a smaller lot coverage to better accommodate storm water runoff and leaves a larger rear yard amenity space.**
- 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 building permits are required prior to construction commencing for the new addition, to the satisfaction of the Chief Building Official.**

**Carried**

## **6. Applications for Consent**

### **6.1 File B13/2017P - Kaiser & Associates Inc.**

Purpose of the Application:

Application is made for consent to convey and partial discharge of mortgage 2090 square metres of land, shown as Part 2 on the drawing submitted, being part of Lot 3, Concession 7, in the Town of Pelham.

This application is being considered concurrently with Consent Files B14/2017 and B15/2017P.

Representation:

Stephen Kaiser, Kaiser & Associates Inc., registered owner, and Ken Gonyou, Upper Canada Consultants, authorized agent, 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 & Utilities Department
4. Bell Comments. Bell Comments
5. Shephen Radbone Comments #1
6. Stephen Radbone Comments #2

Mr. Gonyou made a presentation to the members and his comments included, but are not limited to, the following:

- the application conforms to the Planning Act, the Provincial Policy Statement & the Growth Plan, the Regional Official Plan, and Town Official Plan

- he agrees with the Town of Pelham Public Works Comments regarding servicing and the development agreement as per the Town's Planning Report
- there are no environmental features at risk
- traffic will not be affected
- proposed large lots provide a gradual transition between urban and rural
- he understands and accepts the conditions of approval recommended by the Town staff

#### Public Comments

Stephen Radbone, a resident of Lookout Street commented that the existing lots on Lookout Street are considerably wider than the two subject proposals therefore, he feels they are not compatible and he offered alternatives which were also submitted and included in the agenda package. Mr. Radbone also suggested that it is best to consider the two properties as one property and divide the lots as he had suggested in order to be compatible with the existing lots on Lookout Street.

Mr. Gonyou responded to Mr. Radbone and commented that after much planning, he wanted to keep it so that there will be big beautiful houses built on the lots and advised that he has worked with Planners and there is now much more dense development.

Mr. Radbone responded and commented that this is an existing street with existing houses and whether the planning agrees or not, he doesn't care for the rest of the street turned into a modern sub-division. His opinion is such that this proposal is not compatible with what is already there.

Member Klassen commented that the members of the Committee of Adjustment Committee are bound by the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe and that these applications comply.

Mrs. Ursula Radbone, resident of Lookout Street inquired as to when did the policy change to make the lots more dense.

Member Lockey, Chair advised that the Ontario Policies are sent down to the municipal governments to be adhered to and he is not certain as to the specific dates of changes to the policies however, the proposed applications all comply with the Provincial Policy Statement and conforms to Provincial, Regional and Local plans.

**Moved By James Federico**

**Seconded By John Klassen**

**Application for consent to convey and partial discharge of mortgage 2090 square metres of land, shown as Part 2 on the drawing submitted, being part of Lot 3, Concession 7, in the Town of Pelham, is hereby: GRANTED**

**The above decision is subject to the following conditions:**

- 1. That final approval of a Zoning By-law amendment be obtained, zoning the remnant parcel to “Residential 1”, to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.**
- 2. That the applicant conducts an archaeological assessment(s) and receives clearance from the Ministry of Tourism, Culture and Sport.**
- 3. That a comprehensive overall lot grading and 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 & Utilities Department.**
- 4. That a development agreement be entered into with the Town of Pelham addressing all development issues including, but not limited to, those matters indicated in the Planning Report dated, June 6, 2017.**
- 5. That the applicant sign the Town of Pelham’s standard “Memorandum of Understanding” explaining that development charges and cash-in-lieu of the dedication of land for parks purposes are required prior to the issuance of a building permit, to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.**
- 6. That the applicant acquire a demolition permit for the existing garage and lean to (as noted on the application) on Part 1, to the satisfaction of the Chief Building Official.**
- 7. That applications for consent, B14/2017P and B15/2017P receive final certification of the Secretary-Treasurer concurrently.**
- 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 \$370, 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 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.**
- 3. 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.**

**Carried**

#### **6.4 File B16/2017P - Jasper Michael Pala**

Purpose of the Application:

Application is made for consent for creation of new lot and to convey 1951 square metres of land, shown as Part 2 on the drawing submitted, being part of Lot 3, Concession 7, in the Town of Pelham. 4459 square metres of land (Part 3), is to be retained for continued residential use.

This application is being considered concurrently with Consent Files B17/2017P.

Representation:

Jasper Pala, applicant, and Ken Gonyou, Upper Canada Consultants, authorized agent, 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 & Utilities Department
4. Bell Comments. Bell Comments
5. Stephen Radbone Comments #1
6. Stephen Radbone Comments #2

Mr. Gonyou made a presentation to the members and his comments included, but are not limited to, the following:



- the application conforms to the Planning Act, the Provincial Policy Statement & the Growth Plan, the Regional Official Plan, and Town Official Plan
- he agrees with the Town of Pelham Public Works Comments regarding servicing and the development agreement as per the Town's Planning Report
- there are no environmental features at risk
- traffic will not be affected
- proposed large lots provide a gradual transition between urban and rural
- he understands and accepts the conditions of approval recommended by the Town staff

#### Public Comments

Stephen Radbone, a resident of Lookout Street commented that the existing lots on Lookout Street are considerably wider than the two subject proposals therefore, he feels they are not compatible and he offered alternatives which were also submitted and included in the agenda package. Mr. Radbone also suggested that it is best to consider the two properties as one property and divide the lots as he had suggested in order to be compatible with the existing lots on Lookout Street.

Mr. Gonyou responded to Mr. Radbone and commented that after much planning, he wanted to keep it so that there will be big beautiful houses built on the lots and advised that he has worked with Planners and there is now much more dense development.

Mr. Radbone responded and commented that this is an existing street with existing houses and whether the planning agrees or not, he doesn't care for the rest of the street turned into a modern sub-division. His opinion is such that this proposal is not compatible with what is already there.

Member Klassen commented that the members of the Committee of Adjustment Committee are bound by the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe and that these applications comply.

Mrs. Ursula Radbone, resident of Lookout Street inquired as to when did the policy change to make the lots more dense.

Member Lockey, Chair advised that the Ontario Policies are sent down to the municipal governments to be adhered to and he is not certain as to the specific dates of changes to the policies however, the proposed applications all comply with the Provincial Policy Statement and conforms to Provincial, Regional and Local plans.

**Moved By John Klassen**

**Seconded By James Federico**

**Application for consent for creation of new lot and to convey 1951 square metres of land, shown as Part 2 on the drawing submitted, being part of Lot 3, Concession 7, in the Town of Pelham. 4459 square metres of land (Part 3), is to be retained for continued residential use, is hereby: GRANTED**

**The above decision is subject to the following conditions:**

- 1. That final approval of a Zoning By-law amendment be obtained, zoning the remnant parcel to “Residential 1”, to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.**
- 2. That the applicant conducts an archaeological assessment(s) and receives clearance from the Ministry of Tourism, Culture and Sport.**
- 3. That a comprehensive overall lot grading and 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 & Utilities Department.**
- 4. That a development agreement be entered into with the Town of Pelham addressing all development issues including, but not limited to, those matters indicated in the Planning Report dated, June 6, 2017.**
- 5. That the applicant sign the Town of Pelham’s standard “Memorandum of Understanding” explaining that development charges and cash-in-lieu of the dedication of land for parks purposes are required prior to the issuance of a building permit, to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.**
- 6. That the applicant acquire a demolition permit for the existing garage and lean to (as noted on the application) on Part 1, to the satisfaction of the Chief Building Official.**
- 7. That application for consent, B17/2017P receive final certification of the Secretary-Treasurer concurrently.**
- 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 \$370, 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 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.**

**3. 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.**

**Carried**

**7. Minutes for Approval**

**Moved By John Klassen**

**Seconded By James Federico**

**THAT the minutes of the May 2, 2017, Committee of Adjustment Hearing, be approved.**

**Carried**

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Wayne Lockey, Chair

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Secretary-Treasurer, Nancy J. Bozzato