

Committee of Adjustment AGENDA

CoA-01/2018

January 9, 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 A1-2018P - Peggy Deneau & John Oudshoorn

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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

5.2	File A2-2018P - Dick John & Sheila Ann Klyn-Hesselink	7
	1. Town of Pelham Planning Department	
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	4. Town of Pelham Fire & By-Law Services	
	5. Scott and Lynda Tyler	
5.3	A3-2018P - David & Lynda Spackman	18
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	3. Town of Pelham Public Works Department	
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	5. NPCA Comments	
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7.	Minutes for Approval	30
	CofA-12/2017 - Committee of Adjustment Minutes, December 5, 2017	
8.	Adjournment	

January 9, 2018

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

Re: Minor Variance Application A1/2018P (Deneau)
15 Petronella Parkway, Pelham
Lot 16, Plan M46
Roll No. 2732 030 005 14500

The subject land is located on the south side of Petronella Parkway, lying west of Pelham Street, being Lot 12 in Plan M11 and known municipally as 15 Petronella Parkway in the Town of Pelham.

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 13.2 (g) "Minimum Rear Yard"** seeking 4.57m whereas 7.5m is required.

Relief is sought to enclose an existing covered patio with full walls making it part of the dwelling's footprint.

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 proposed redevelopment is not creating any new dwelling units or new lots and therefore is not considered *intensification*.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Built-up Area' within the Urban Area Boundary.

Pelham Official Plan, 2014

The local Official Plan designates the subject land as 'Urban Living Area' / Built Boundary. Single detached residential dwelling units are permitted.

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

Section 13.2 Regulations for dwellings permitted in the R1 zone
 g) Minimum Rear Yard 7.5m Request = 4.57m

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 Minimum Rear Yard Setback to 4.57m from a required 7.5m for an enclosed porch is minor overall since the covered porch is an existing structure, and not being increased in size; no negative impacts are anticipated by the surrounding neighbors. There is also an existing tree line and fence along the mutual property line with the neighbours to the south resulting in minimal privacy concerns.
2. Is the variance desirable for the development or use of the land?	The proposed addition to the dwelling increases the livable floor space and maintains adequate rear and side yard amenity space for the dwelling.
3. Does the variance maintain the general intent and purpose of the Official Plan?	The proposed variance will not unduly disturb any neighbouring property owners as reasonable distance buffers the surrounding. This reduction will not offend any of the purposes or intentions of the Official Plan and therefore the intent of the Official Plan is maintained.
4. Does the variance maintain the general intent and purpose of the Zoning By-law?	The proposed rear yard setback is less than what is required but still maintains a satisfactory setback as the Zoning By-law was intended to do while maintaining an adequate amenity area in the rear yard and maintaining appropriate separation between adjacent buildings. The variance will maintain the objective of the Zoning By-law.

On December 4th 2017, 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 (December 8, 2017)
 - No comments.
- Building Department (December 22, 2017)
 - All necessary permits are required prior to construction commencing.

No comments from the public were received.



Planning Comments

The subject land is located on the south side of Petronella Parkway which is a cul-de-sac branching off of Brock Street. The property is surrounded entirely by large lot single detached residential dwellings on all sides. Planning staff note that the lot is 1015m² in land area.

Planning staff is of the opinion that reducing the rear yard setback will not negatively affect the neighbourhood as adequate spatial separation is maintained. No public comments of concerns were raised. In addition, the covered patio is an existing structure of many years and has posed no adverse impacts to the Town's knowledge. The enclosure of the structure with walls is not anticipated to bear any negative impact and will result in the enclosure of the patio space resulting in an expanded dwelling footprint.

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 A1/2018P **be approved**.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: A1/2018P

December 22, 2017

Address: 15 Petronella Parkway, Pelham

Owner: Peggy Anne Deneau and John Anthony Oudshoorn

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: December 8, 2017
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 A1/2018P
Part Lot 16, Plan M46, 15 Petronella Parkway

Public Works has completed a review of the minor variance application A1/2018P for relief of Pelham Zoning By-Law 1136(1987). The application is made to seek relief from the following section 13.2(g) – “Minimum Rear Yard” – seeking 4.57 meters whereas 7.5 meters is required.

Relief is sought to accommodate an enclosed covered patio addition.

Public Works has no comments.

Judy Sheppard

From: William Underwood
Sent: Wednesday, December 06, 2017 8:50 AM
To: Nancy Bozzato
Cc: Judy Sheppard; Sarah Leach
Subject: File A1/2018P

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nancy,

Fire has no comments for File A1/2018P.

Will



William Underwood, CFEI
Fire Prevention Officer
Fire & By-Law Services

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

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www.Facebook.com/Pelhamfire

January 9, 2018

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

Re: Minor Variance Application A2/2018P (Hesselink)
1760 Balfour Street, Pelham
Part of Lot 14, Concession 6
Roll No. 2732 010 008 18301

The subject land is located on the west side of Balfour Street, lying north of Tice Road, being Part of Lot 14, Concession 6 and known municipally as 1760 Balfour Street in the Town of Pelham.

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 7.2 e) "Minimum Side Yard"** seeking 42.8m southerly side yard setback whereas 46m is required (for a barn addition); and
- **Section 7.2 e) "Minimum Side Yard"** seeking 10m southerly side yard setback whereas 46m is required to facilitate the construction of a future barn.

Applicable Planning Policies

Provincial Policy Statement (PPS), 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).

Greenbelt Plan, 2017

The subject parcel is designated 'Tender Fruit & Grape Lands' within the Greenbelt Plan's Protected Countryside.

Policy 3.1.2 states that for lands falling within the *specialty crop areas* of the Protected Countryside, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Unique Agricultural Area' as part of the Protected Countryside lands in the Greenbelt Plan.

Pelham Official Plan, 2014

The Town Official Plan designates the subject parcel as 'Specialty Agricultural'.

Policy B2.2.1 states that the purpose of this designation is to implement the Provincial Greenbelt Plan.

Pelham Zoning By-law Number 1136 (1987)

The Town of Pelham Zoning By-law zones the subject land 'Agricultural' (A).

Section 7.2 Requirements for Agricultural Uses

e) Minimum Side Yard	46m	Request = 42.8m
e) Minimum Side Yard	46m	Request = 10m

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
Is the variance minor in nature?	<p>Reducing the southerly side yard setback to 42.8m for the barn extension is minor overall because it maintains the current setback of the existing farm building which has not created any adverse impacts to the Town's knowledge.</p> <p>However,</p> <p>Reducing the southerly side yard setback to 10m for the future barn is not minor overall because adverse impacts could be greater considering the lack of any height restrictions on agricultural buildings and the "protections" associated with <i>normal farm practices</i> in the Province of Ontario and the impact of those practices on the neighbouring existing residential dwelling.</p>
Is the variance desirable for the development or use of the land?	<p>Reducing both requested side yard setbacks (42.8m & 10m) is desirable for the use of the land because it will facilitate the development of an expanding agricultural operation which is keeping within the Provincial Policy Statement and the Greenbelt Plan's principle policy objectives to promote and protect the agricultural industry.</p>
Does the variance maintain the general intent and purpose of the Official Plan?	<p>Reducing the side yard setback to 42.8m for the barn extension maintains the purpose and intent of the Official Plan because the <i>Specialty Agricultural</i> designation is designed to implement the Greenbelt Plan. Also, no</p>

From the Department of



	<p>adverse impacts are anticipated as a result of the proposed extension.</p> <p>However,</p> <p>Reducing the side yard setback to 10m for the future barn may compromise the general intent of the Official Plan with respect to inadvertently creating adverse impacts on the adjacent land use given <i>normal farm practices</i> which are commonly associated with agricultural facilities.</p>
<p>Does the variance maintain the general intent and purpose of the Zoning By-law?</p>	<p>Reducing the side yard setback to 42.8m for the barn extension does not compromise the intent of the Zoning By-law because adequate distance is maintained between the nearest residential dwelling and no adverse impacts are anticipated as a result of this proposed extension.</p> <p>However,</p> <p>Reducing the side yard setback to 10m for the future barn may compromise the general intent of Zoning By-law because the large setbacks required by the agricultural uses (Section 7.2) are meant to buffer non-agricultural uses which may be incompatible with <i>normal farm practices</i>. Also, the lack of a height limit on agricultural buildings is considerably tied to the increased setback requirement.</p>

On December 8th 2017, 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 (December 20, 2017)
 - No comments.
- Building Department (December 22, 2017)
 - All necessary permits are required prior to construction commencing.

Public Comments:

- Lynda / Scott Tyler (December 20, 2017)

Only objects to the proposed future barn at a 10m setback. Concern is respecting the potential for added noise and dust.

 - Staff understand the intention behind the large setbacks found in Section 7.2 of the Zoning By-law is the desire to buffer between incompatible land uses (agricultural and non-agricultural) and also the lack of a height restriction for agricultural buildings.

Suggests the applicant relocate the future building to a more central location illustrated on Figure 3 of their comments.

 - Staff would not recommend placing any building on land currently being farmed if

at all possible.

Planning Comments

Planning staff note that the property is 3.97 ha in land area, is farmed and also contains a rural residential dwelling.

The subject land is located on the west side of Balfour Street in between Metler Road and Tice Road. The *Hamlet* known as North Pelham is situated just north of the site. The surrounding land uses are:

- North – Agricultural, greenhouses, rural residential housing
- East – Agricultural
- South – Agricultural, rural residential housing
- West – Agricultural

It should be noted that this property was the subject of two previous minor variance applications (A3/2010 & A24/2012) to reduce the side yard setbacks for the existing barn, shipping container and cold frame storage building. Although it is not illustrated on the site plan, the existing shipping container (seen in Figure 1) would presumably need to be removed to make way for the barn addition. If the shipping container is to be relocated, it must comply with the Zoning By-law and a building permit would be required.



Figure 1: (Left) proposed area of future barn – Neighbouring dwelling is just left of frame. (Right) proposed area of easterly barn extension.

The subject land is a reasonable distance away from the nearest residential neighbour to the south (Figure 1) with respect to the proximity of the existing farm building. Reducing this (42.8m) southerly side yard setback is not foreseen to negatively affect any neighbouring properties as adequate spatial separation is maintained.

However, the same cannot be echoed regarding the requested 10m southerly side yard setback for the future barn. Planning staff is not prepared to recommend approval for this variance because the proposed proximity may warrant regular complaints dealing with *normal farm practices* and also elevation plans were not submitted with the application to illustrate the anticipated building height.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the *Planning Act* to reduce the southerly side yard setback from 46m to 42.8m. 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. However, the application to reduce the southerly side yard setback from 46m to 10m does not meet all four tests under the Planning Act and therefore is not recommended for approval at this time.

The authorization of the following recommended minor variances is not expected to generate negative impacts on adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number A2/2018P be decided as follows:

Section 7.2 Regulations for Agricultural Uses

e) Minimum Side Yard	42.8m	Approve
e) Minimum Side Yard	10m	Refuse

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: A2/2018P

December 22, 2017

Address: 1760 Balfour St., Pelham

Owner: John Dick & Sheila Ann Klyn-Hesselink

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: December 20, 2017
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 A2/2018P
1760 Balfour Street

Public Works has completed a review of the minor variance application A2/2018P for relief of Pelham Zoning By-Law 1136(1987). The application is made to seek relief from the following Section 7.2(e) – “Minimum Side Yard” – seeking 42.8 meters whereas 46 meters is required and Section 7.2(e) – “Minimum Side Yard” – seeking 10 meters whereas 46 is required.

Relief is sought to construct a one-story barn addition as well as a future barn.

Public Works has no comments.

Judy Sheppard

From: William Underwood
Sent: Friday, December 08, 2017 10:51 AM
To: Nancy Bozzato
Cc: Sarah Leach; Judy Sheppard
Subject: File A2/2018P

Hey Nancy,

Fire has no comments for File A2/2018P

Will



William Underwood, CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
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December 20, 2017

To: Town of Pelham

Nancy J. Bozzato, Dipl.M.M., AMCT
Town Clerk/Secretary-Treasurer

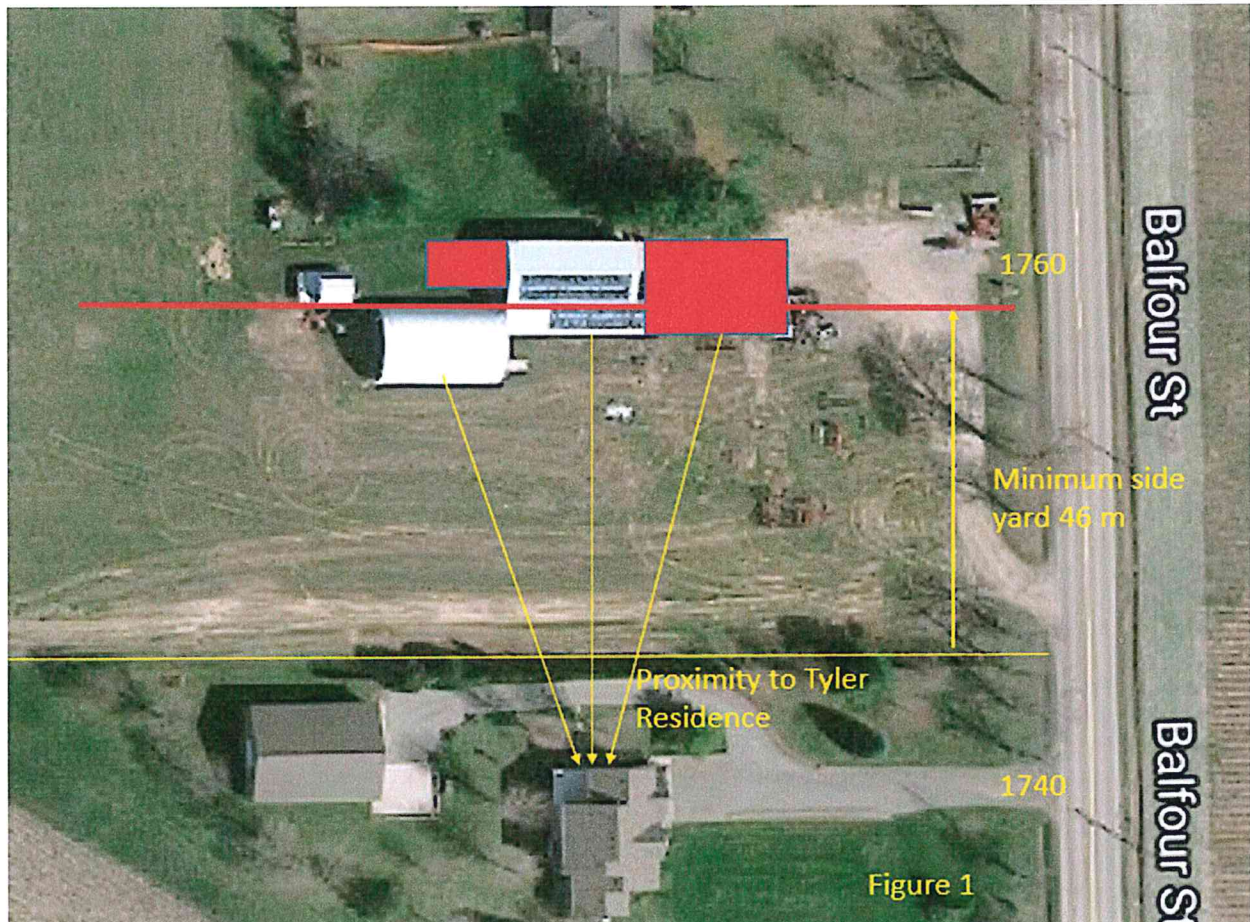
Subject: File A2/2018P Requested Bylaw Amendment

This is a reply to the request of a deviation from the “minimum side yard” to property boundaries as outlined in File A2/2018P.

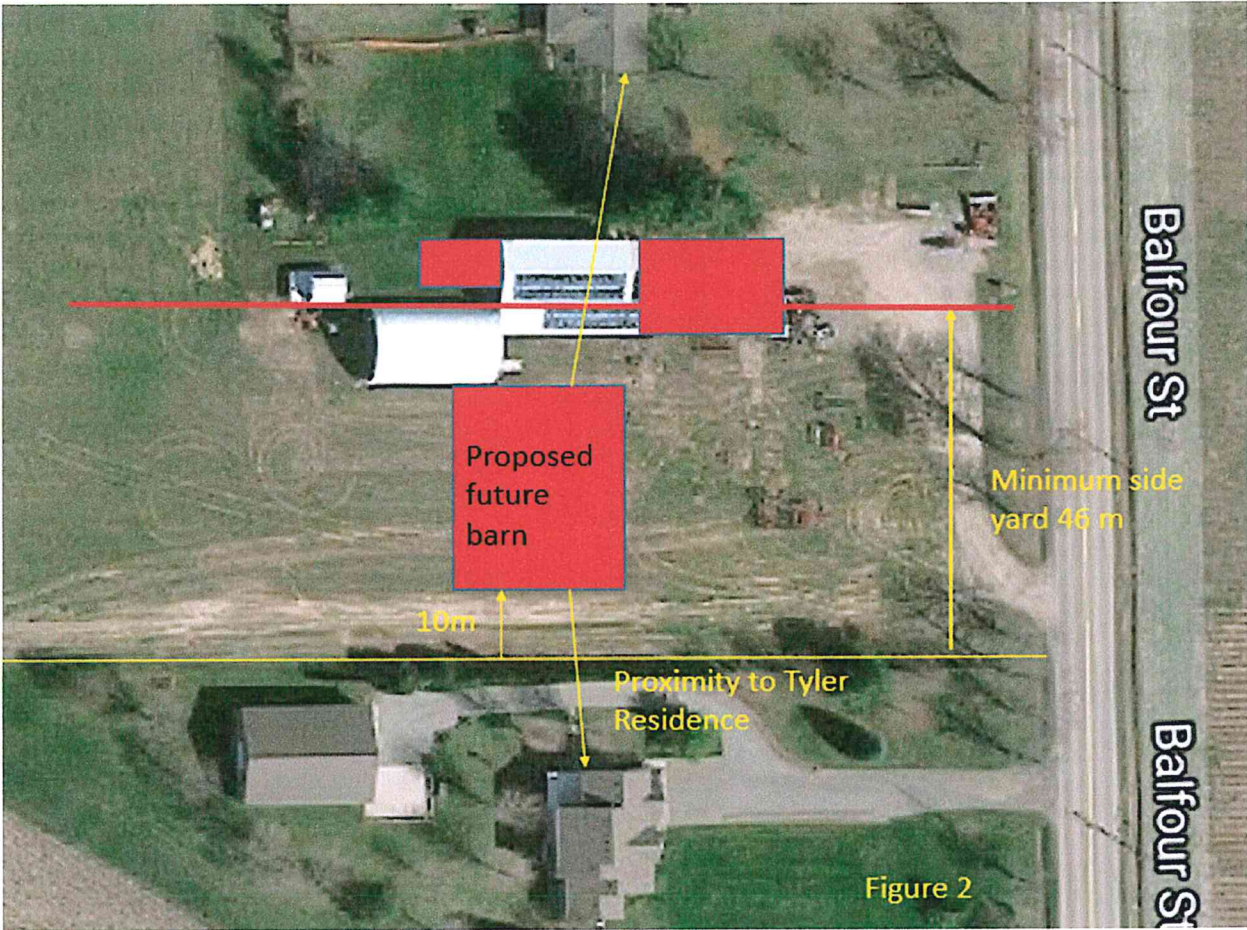
The application appears to request permission for two additions and one building: i) one storey proposed addition east of existing barn, ii) one storey proposed addition west of existing barn and iii) future barn proposal.

Scott and Lynda Tyler do not oppose the first part of the application seeking relief under Section 7.2(e); specifically, the proposal of the one storey addition east and the one storey addition west of the existing barn, pending disclosure of the purpose of these additions. The existing buildings already required an application for side yard variance that was not opposed.

See the schematic Figure 1 below.



However, Scott and Lynda Tyler do take great exception to the application for the permission for a future barn. The proposed position of the Future Barn would place it at 10 metres off the property line rather than the required 46 metres minimum side yard. This proposed location is at very close proximity to the Tyler Residence. See Figure 2.



Here are solid reasons behind our objection. The proposed future barn will add noise, dust and potential garbage in very close proximity to the Tyler residence that will negatively effect quality of life and property value. The farming operation carried out by the property owners and son Dave is a large-scale operation for strawberries and corn with heavy vehicular and equipment traffic related to the businesses. The property is used as a hub for produce storage and distribution, fuel depot as well as retail and wholesale of produce. Although the purpose of the building has not been stated, placing a farm building with tractors, trucks and other equipment running in close proximity to a neighbour's house is not acceptable.

The property owner and son Dave may wish to consider alternate locations for the future barn on the subject property that minimizes noise and disruption to adjacent properties. An alternate proposal that may be considered would be to locate the proposed future barn as shown in Figure 3. The proposed

future barn would be away from residences and equal distance from the property boundaries. It is unfortunate that the property owner applying for the variance planted a new orchard in this area, and then applied for a variance for a proposed future barn in December 2017 that requires a property variance.



Sincerely:

[Redacted signature]

Scott and Lynda Tyler

[Redacted address] Balfour Street

January 9, 2018

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

**Re: Minor Variance Application A3/2018P (David & Lynda Spackman)
44 Philmori Boulevard, Pelham
Plan 59M-403, Lot 113
Roll No. 2732 020 010 03513**

The subject land is located on the north side of Philmori Boulevard, lying east of Joyce Crescent, being Lot 113 in Plan 59M-403, and known municipally as 44 Philmori Boulevard in the Town of Pelham.

The subject land is zoned 'Residential 1-187' (R1-187) in accordance with Pelham Zoning By-law 1136 (1987), as amended by By-law No. 3325 (2012) and 3402 (2013). The minor variance application requests relief from:

- **Section 30. (Exceptions) 187. (k) "No structures, including swimming pools, shall be permitted within 15m of the rear lot line"** to allow a 4.27m x 9.15m swimming pool to be situated 7.5 from the rear property line.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The lands are located within the 'Settlement Area' according to the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe, 2017

No direct policies of the Growth Plan speak to uses such as swimming pools.

Regional Official Plan (Consolidated, August 2014)

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

Policy 11.A.2 states that the Region encourages the development of attractive, well designed residential development that:

- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

Pelham Official Plan, 2014

The subject land is located within the 'North West Fonthill Secondary Plan' area of the Town Official

Plan and designated 'Low Density Residential – Special Policies' which permits single detached dwellings on large lots.

Pelham Zoning By-law Number 1136 (1987)

The Zoning By-law identifies the subject parcel as 'Residential 1-187' (R1-187).

Section 30. (Exceptions) 187. Regulation for dwellings:

- k) Notwithstanding any provisions of Zoning By-law No. 1136 (1987) to the contrary, no buildings or structures, including but not limited to, storage sheds, garages, pool houses, swimming pools, decks and gazebos, shall be permitted within 15m of the rear lot line.

Request: 7.5m

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. The variance is minor in nature.	Reducing the 15m rear yard setback exclusion for structures to 7.5m is minor overall due to the swimming pool upholding the 7.5m stable top-of-bank setback and no adverse impacts are anticipated by reducing this setback.
2. The variance is desirable for the development or use of the land.	The variance is desirable for the subject land because the rear yard amenity area is being maintained, and the installation of an in-ground pool is considered to be part of the rear yard amenity area.
3. The variance maintains the general intent and purpose of the Official Plan.	It is the intent of the Official Plan to permit dwellings units in an environmentally sound manner, including the protection of the interpretive and scenic values of the surrounding landscape. The requested variance will have minimal impact on the landscape and meets the intent of the Official Plan.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance maintains the purpose of the Zoning By-law because a sufficient setback is maintained to the woodland and stable top-of-bank.

On December 8th 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (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:

- Building Department (December 22, 2017)
 - A building permit may be required if the proposed pool shed is over 10m², prior to construction commencing.
 - Pool permits are issued through the By-law Department, please contact ex. 204.
- Public Works Department (December 20, 2017)
 - The applicant must ensure all side and rear yard swales stay free of obstruction and debris to ensure overland drainage flows freely.
- Fire & By-law Department (December 11, 2017)
 - No objections if the pool complies with all regulations in the Pool By-law 3389 (2013).

- By-law is of the understanding that this 15m rear yard setback was a Niagara Escarpment Commission requirement for this subdivision. And are of the opinion that approval of this variance will set precedence.
- Niagara Peninsula Conservation Authority (December 21, 2017)
 - Current NPCA policies require new development or site alterations to be located a minimum of 7.5m back from a stable top-of-bank for stability purposes as well as Conservation of Land.
 - NPCA staff are satisfied that it will not negatively impact the adjacent regulated features due to the proposed swimming pool's location outside of the 7.5m setback from a steep slope;
 - No objection.
 - NPCA shall be circulated the pool permit application so that certain mitigation measures can be incorporated into the Permit to ensure long term protection of the valley area.

No comments were received from the public.

Planning Comments

Planning Staff visited the site's neighbourhood and don't foresee any adverse impacts to the neighbourhood as a result from this minor variance. The overall scale of the proposed swimming pool, as shown on the site plan will not negatively impact the woodland, will not compromise the nearby top-of-bank / steep slope, will not obstruct lot drainage operations, or the enjoyment of the rear yard.

It is noted that the Niagara Escarpment Commission staff have not indicated that they require a 15m setback at this time (see attached.) Also, each application is reviewed on its own merits and therefore precedence is not something that can be considered.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act. The subject 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 on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A3/2018P **be approved** subject to the following:

THAT

- The necessary pool / building permit(s) be circulated to the NPCA for their review and approval to incorporate any mitigation measures, deemed necessary.

Submitted by,



Curtis Thompson
Planner, BURPI

Reviewed by,

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



File: A3/2018P

December 22, 2017

Address: 44 Philmori Blvd., Pelham

Owner: David & Lynda Spackman

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit may be required, if the proposed pool shed is over 10m²(107.6sf), prior to construction commencing.
- Pools are covered under our By-law division, please contact @ ext.204.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: December 20, 2017
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 A3/2018P
44 Philmori Boulevard

Public Works has completed a review of the minor variance application A3/2018P for relief of Pelham Zoning By-Law 1136(1987) as amended by 3325(2012) and 3402(2013). The application is made to seek relief from the following section 30-187(k) – exceptions which state that there shall be no buildings or structures including pools permitted within 15 meters of rear lot line – seeking 7.5 meters whereas 15 meters is required.

Relief is sought to facilitate construction of a pool.

Public Works has the following comments:

- That the applicant ensures all side and rear yard swales stay free of obstruction from structures and debris to ensure overland drainage flows freely without impact.

December 11, 2017

To: Nancy Bozzato
Shannon Larocque

From: Craig Genesse/Bob Lymburner


Re: 44 Philmori Blvd Minor Variance Application File #A3/2018P

Town of Pelham By-law Department Comments on Application

- Pool By-law 3389(2013) – In regard to this application in relation to the Town of Pelham's Pool By-law, if the pool conforms with all regulations contained in the Town's Pool By-law, the By-law Department has no objection in this regard.
- Zoning By-law 1136(1997) R1-187 – It is the By-law Departments understanding that this section of the Zoning By-law which prohibits swimming pools within 15m of the rear lot line was a requirement by the Niagara Escarpment Commission in order for this residential development to proceed in this area. It is the By-law Departments opinion that approval of this variance would set precedence for other home owners in this area to also receive variances of this nature which would negate the original purpose and intent of this section of the Zoning By-law.



Bob Lymburner
Director of By-law Services



Craig Genesse
By-law Officer #254

December 21, 2017

Our File No.: PLMV201701523

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 Minor Variance, (A3/2018)
PLAN 59M403 LOT 113

Further to our review of the above noted application, the following comments are offered for your information.

The subject application has been made to seek relief from the current by-law which requires a 15m setback from the rear property line for all buildings or structures including pools.

NPCA Regulations:

Upon a review of our mapping, the NPCA notes that the subject property backs onto a steep slope associated with the Niagara Escarpment. As such, development and site alterations at this property will be subject to the NPCA's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (**O. Reg. 155/06**).

Current NPCA policies require new development or site alterations to be located a minimum of 7.5m back from a stable top of bank for stability purposes as well as Conservation of Land. The site plan submitted with this proposal indicates that the proposed pool will be located 9.4m – 12.11m from the rear property line. The NPCA approved top of bank coincides with the rear property line of these lots.

Region of Niagara Core Natural Heritage Policies:

The Region of Niagara's Core Natural Heritage Mapping has identified the valley to the rear of this property as an Environmental Conservation Area (ECA). The ECA is based on the presence of a Significant Woodland.

Regional Policy 7.B.1.26 permits expansions to existing uses within the adjacent lands of a Core Natural Heritage Feature identified under Regional Policies provided it is determined that no significant negative impact will be introduced on the feature or its ecological functions.

Given that this lot has been created for residential purposes, and the proposed pool will be located within the identified amenity space for the lot and will maintain the NPCA's required setback of 7.5m from the top of slope, NPCA staff are of the opinion that this proposal will not serve to impact the adjacent natural heritage features provided certain mitigation measures are implemented through the Building Permit Stage.

Conclusion:

In light of the above, please be advised that the NPCA offers no objections to the approval of this minor variance application. Due to the location of the pool adjacent to a steep slope, the NPCA shall be circulated the building permit application for the pool so that certain mitigation measures can be incorporated into the Permit to ensure long term protection of the valley area.

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,



Sarah Mastroianni,
Watershed Planner

From: Curtis Thompson CThompson@pelham.ca
Subject: Re: 44 Philmori Blvd pool
Date: Oct 23, 2017 at 3:19:36 PM
To: [REDACTED]@cogeco.ca
Cc: Sarah Mastroianni smastroianni@npca.ca, Darren MacKenzie
DMacKenzie@npca.ca

Hi Lynda & David,

The R1-187 zone applies to the lots on the north side of Philmori Blvd. The zone prohibits any *buildings / structures, including but not limited to, sheds, garages, pool houses, swimming pools, decks and gazebos*, from being situated within 15m of the rear lot line.

When the subdivision was created, based on the geotechnical / slope stability analysis conducted, a 15m rear yard setback was implemented. If you wish to obtain a pool permit, you'll need to obtain zoning relief which can be applied for either by way of a Minor Variance application or a Zoning By-law Amendment.

Let me know if you have any questions.
Best,
Curtis

{ORIGINAL MESSAGE}
Good afternoon Lynda,

It was a pleasure speaking with you this morning.

~~After doing some additional research, it was brought to my attention that a pool can be permitted by the NPCA provided it is located a minimum of 7.5m from the rear property line.~~

Please note that the Town may have additional requirements and a Minor Variance may be required.

Yours truly,

Darren MacKenzie, C.Tech., res
Supervisor, Construction Permits and Compliance Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, ON, L3C 3W2
P: 905-788-3135 ext. 229
F: 905-788-1121
Email: [REDACTED]@npca.ca
Website: www.npca.ca

-----Original Message-----

From: [REDACTED]@cogeco.ca [mailto:[REDACTED]@cogeco.ca]

Sent: October-23-17 9:54 AM
To: Darren MacKenzie <DMacKenzie@npca.ca>
Subject: 44 Philmori Blvd Fonthill / David and Lynda Spackman

Darren,

Thank you for your time during our phone conversation this morning, addressing our concerns regarding the NPCA's position on our putting in a pool.

Our property is located at 44 Philmori Blvd, Fonthill, Ontario L0S 1E5, Lot #113.

As discussed, the Town of Pelham, advised us to contact you regarding concerns with having a pool, as our property does meet up with what we have been told is NPCA land.

As you described in our call, please provide a reply to this email, that outlines the release of restrictions, previously set by the NPCA; concluding we can build any structure, like a pool, that has been approved by the Town of Pelham.

Thanking you in advance,
David and Lynda Spackman



Curtis Thompson, BURPI
Planner
Community Planning &
Development

e: cthompson@pelham.ca
p: 905.892.2607 x324
pelham.ca

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE:

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send it to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

From: Stuart, John (MNRF) John.Stuart@ontario.ca
Subject: RE: Request for Minor Variance - Fonthill (Pelham)
Date: Oct 26, 2017 at 9:59:15 AM
To: [REDACTED]@cogeco.ca

Hi David,

Thank you for contacting the Niagara Escarpment Commission with your request. I have attached some mapping showing the property in relation to the limits of the Niagara Escarpment Plan (NEP) and Development Control as delineated by *O.Reg 826/90*. No portion of the lands fall within the land use planning jurisdiction of the NEC. Your property is within close proximity to a portion of lands designated Escarpment Natural Area which is the most restrictive land use designation applied to lands containing important *Escarpment features* and environmentally sensitive lands. However, there is an expectation that all development will be contained within the subject property with drainage being directed to the proper outlet.

I can confirm that no approval from the NEC is required for the installation of a pool on the subject property.

Please do not hesitate to contact me to discuss further.

Regards,

John Stuart
Planner
Niagara Escarpment Commission
Telephone: (905) 877-7815
Fax: (905) 873-7452
Email: John.Stuart@ontario.ca
www.escarpment.org

“To enable us to serve you better, please call ahead to make an appointment.”

From: David [mailto:[REDACTED]@cogeco.ca]
Sent: October 25, 2017 9:56 AM
To: necgeorgetown (MNRF)
Subject: Request for Minor Variance



I am writing to find out how we apply for a Minor Variance, as we are contemplating adding

an inground pool, 6 feet deep in our back yard. We have been told the we need to get approval from the Niagara Escarpment Commission. We live a 44 Philmori Blvd in Fonthill. We understand from the Town of Phelam that Zoning by-law R1-187 requires a 15M set back from property line which backs onto the Escarpment.

Please send us the required application form or information and cost to file the application. Thank you.

David and Lynda Spackman



 Downloading NEC - Dev...Control.pdf 1.8 MB	 Downloading NEP - 44 Philmori.pdf 1.8 MB
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Meeting #: CoA-12/2017
Date: Tuesday, December 5, 2017
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
 20 Pelham Town Square, Fonthill

Members Present James Federico
 Donald Cook
 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 James Federico called the meeting to order at approximately 4:02 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 withdrawals or adjournments received.

5. **Applications for Minor Variance**

5.1 File A33-2017P - Colonnade 1440 Inc.

Purpose of Application:

The subject land is zoned General Commercial "GC" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from Section 19.3(a) - "Regulation for Residential Uses Permitted in Clause (c) of Subsection 19.1" - seeking 70% of the gross floor area for dwelling units whereas 50% is permitted.

Relief is sought to facilitate construction of an addition to a commercial building to construct an additional 12 residential units above the existing floors making it a four-storey mixed-use building.

Representation:

Danielle Greenwood, registered owner, and Lou Marcantonio, authorized Architect, 2M Architect Inc., 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 & Engineering Department
4. Town of Pelham Fire and By-law Services Department

Applicant Comments

Ms. Greenwood had no comment.

Public Comments

There were no comments received from the public.

Members Comments

The members had no comment.

Moved By John Klassen

Seconded By Donald Cook

Application for relief of Section 19.3(a) – “Regulation for Residential Uses Permitted in Clause (c) of Subsection 19.1” – seeking 70% of the gross floor area for dwelling units whereas 50% is permitted, to facilitate construction of an addition to a commercial building to construct an additional 12 residential units above the existing floors making it a four-storey mixed-use building, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that adequate commercial space is available and ground level commercial space is to be maintained.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that commercial space is maximized at-grade, notwithstanding the driveway accesses.**
- 3. The intent of the Official Plan is maintained in that it will help**

- diversify the land use mix and add housing supply downtown.
4. The proposal is desirable for the appropriate development and/or use of the land in that it provides enduring resiliency in terms of managing rental income and vacancies and allows for a more stable supply of residents Downtown to support current and future businesses.
 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 must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

5.2 File A34-2017P - Niagara Pines Development Ltd.

Purpose of Application

The subject land is zoned Residential "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the following:

Section 13.2(e) - Minimum Interior Side Yard - seeking 1.2 metres whereas 1.8 metres is required; and

Section 13.2(f) - Minimum Exterior Side Yard - seeking 3 metres whereas 5 metres is required.

Relief is sought to facilitate construction of a two-storey residential dwelling with a garage.

Representation

Paul Savoia, registered owner, 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 Department

Applicant Comments

Mr. Savoia, commented that the applicant is open to making changes to the south side façade as recommended by the Planning Staff.

Public Comments

There were no comments received from the public.

Members Comments

A member requested that a 4th condition be added to prepare and submit a final lot grading plan to the satisfaction of the Director of Community Planning and Development and all members agreed.

Moved By Donald Cook

Seconded By John Klassen

Application for relief of Section 13.2(e) – “Minimum Interior Side Yard” – seeking 1.2 metres whereas 1.8 metres is required, to facilitate the construction of a two-storey residential dwelling with a garage, is hereby: GRANTED.

Application for relief of Section 13.2(f) – “Minimum Exterior Side Yard” – seeking 3 metres whereas 5 metres is required, to facilitate the construction of a two-storey residential dwelling with a garage, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that there are no negative impacts on the neighbours.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that adequate spatial separation for drainage purposes and will not pose any proximate dangers to vehicle traffic and will positively reinforce the public realm by framing the streetscape with an active building façade.**
- 3. The intent of the Official Plan is maintained in that there are no negative impacts on the neighbours.**

4. The proposal is desirable for the appropriate development and/or use of the land in that it allows for more design flexibility while preserving rear yard open 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 no hard surface is permitted along the north side of the property, adjacent to the garage, as it allows for proper drainage of the property, to the satisfaction of the Town of Pelham Director of Public Works.
2. That the Applicant must redesign the south façade elevations to contribute more positively to the public realm via increased glazing as well as the introduction of architectural elements including but not limited to a porch, entrance door / dormers, bay window, etc., to the satisfaction of the Director of Community Planning & Development.
3. That all necessary building permits must be obtained prior to construction commencing, including the demolition permit for the existing dwelling, to the satisfaction of the Town of Pelham Chief Building Official.
4. That the Applicant must, prior to issuance of the building permit, submit a final lot grading plan to the satisfaction of the Director of Community Planning and Development.

Carried

5.3 File A35-2017P - Terry Anne Matthews

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 from the following:

1. Section 7.4(c) Maximum Overall Lot Coverage – seeking 12.5%

whereas 10% maximum is required;

2. Section 7.4(d) Minimum Front Yard – seeking 6.9 metres whereas 13 metres is required;

3. Section 7.4(f) Minimum Side Yard – seeking 3 metres whereas 9 metres is required;

4. Section 7.7(a) Accessory Lot Coverage – seeking 4% whereas 1% maximum is required.

Relief is sought to facilitate construction of a detached accessory building and a detached garage.

Representation:

Todd Barber, 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 & Engineering Department
4. Town of Pelham Fire and By-law Services Department
5. Region Comments

Applicant Comments

The Agent, Mr. Barber, had no comments.

Public Comments

Peter Van Caulart commented that he and his wife support the application. He suggested that the correct location of the drainage and sewage system needs to be determined and then they support the project going ahead.

Mr. Barber advised that there is no record of the history of the location of the sewage system and the applicant is aware that they may need to construct an entirely new bed in order to proceed.

Members Comments

A member questioned the setback measurements.

Mr. Barber advised that this was prepared by a professional and he is confident that the site plan drawing is accurate and explained the reason for the design.

**Moved By John Klassen
Seconded By Donald Cook**

Application for relief of Section 7.4(c) – “Maximum Overall Lot Coverage” – seeking 12.5% whereas 10% maximum is required, to facilitate construction of a detached accessory building and a detached garage, is hereby: GRANTED.

Application for relief of Section 7.4(d) – “Minimum Front Yard” – seeking 6.9 metres whereas 13 metres is required, to facilitate construction of a detached accessory building and a detached garage, is hereby: GRANTED.

Application for relief of Section 7.4(f) – “Minimum Side Yard” – seeking 3 metres whereas 9 metres is required, to facilitate construction of a detached accessory building and a detached garage, is hereby: GRANTED.

Application for relief of Section 7.7(a) – “Accessory Lot Coverage” – seeking 4% whereas 1% maximum is required, to facilitate construction of a detached accessory building and a detached garage, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that adequate open space is available for drainage, recreation and a reserve septic system location and no negative impacts on the neighbourhood.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that adequate landscaped open space is maintained for drainage purposes and there are no negative impacts on the neighbours.**
- 3. The intent of the Official Plan is maintained in that it will not detract from the agricultural viability of the area and there are no negative impacts on the neighbours.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it facilitates construction of a garage and allows for more design flexibility while helping to preserve rear yard open space for recreational purposes, provides for drainage and septic areas and there are no negative impacts on the neighbours.**
- 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 approval must be obtained from the Niagara Region Private Sewage Systems Division for Septic System compliance prior to building permit application, to the satisfaction of the Niagara Region Private Sewage Systems Division.**
- 2. That all appropriate building permits must be submitted and obtained in accordance with the plans submitted herein, particularly with respect to the Canboro Road (south) elevation, to the satisfaction of the Director of Community Planning & Development.**
- 3. That a Temporary Works Permit must be obtained for the review and approval of the proposed second driveway access (please note that curb stops cannot be located in or underneath a driveway), to the satisfaction of the Town of Pelham Director of Public Works.**
- 4. That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.**

Carried

5.4 File A36-2017P - Homes by Antonio Ltd.

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 from Section 6.14(a) - "New Development in or Adjacent to an Agricultural A Zone or Special Rural SR Zone" - seeking relief from the minimum distance separation (MDS) to allow a distance of 86.24 metres whereas 300 metres is required, being the distance separation from a barn on an adjacent property, to facilitate construction of a detached single family dwelling.

Representation:

Patrick Maloney, 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 Department
4. Town of Pelham Fire and By-law Services Department
5. Region Comments
6. NPCA Comments
7. Doug & Tara Hargreaves
8. Ted Bowman

Applicant Comments

The agent, Mr. Maloney's comments included, but are not limited to the following:

- The plan is to construct a home on the property which is near a number of buildings
- The Applicant accepts the recommendations from the Planning Staff
- This is an existing lot created through the Canadian Pacific Railway corridor and there are limitations on this property for a rural residential use
- The applicant can meet all the requirements except the MDS conditions because the winds will carry the odors away from the property
- There is another dwelling that is within a few metres from the barn and much closer than this application and they plan to plant trees as a barrier
- The Town has asked for a Development Agreement in order for future buyers of the property to be aware of the barn and the Applicant agrees
- Mr. Maloney suggested that one more dwelling in that area will not provide negative impacts and that agricultural uses can live in harmony with residential uses
- Mr. Maloney suggested that this application will have no negative impacts on the agricultural use of this barn because there are homes closer to the barn than this application
- Mr. Maloney suggested that if there are complaints respecting nuisance issues, the Act would sufficiently deal with

that issue and asked that the committee members respect the Planning Staff's recommendation to approve the application.

Public Comments

Doug Hargreaves's comments included, but are not limited to the following:

- That he and his wife, Tara Hargreaves, object to this application
- He does not consider this variance minor
- He advised that he has lived on Canboro Road since 1982 and he has seen where there were 40-50 cattle on that farm which produced strong odours
- Although the farm is currently not in full operation, the facility is still equipped to farm and it is possible for the owner to sell that property to a buyer who may continue the farming operation
- He advised that his property is far enough away from the barn and he reiterated that, in his opinion, this is not a minor variance

Mr. Maloney commented that the focus should be on impact; regarding manure, MDS does not apply, there are no cattle in the barn currently;

Members Comments

A member commented that there are no complaints currently;

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

Moved By Donald Cook

Seconded By John Klassen

Application for relief of Section 6.14(a) "New Development in or Adjacent to an Agricultural A Zone or Special Rural SR Zone" – seeking relief from the minimum distance separation (MDS) to allow a distance of 86.24 metres whereas 300 metres is required, being the distance separation from a barn on an adjacent property, to facilitate construction of a detached single family dwelling, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that the lack of nuisance complaints with several existing dwellings in close proximity and the west winds directing odour from the nearby livestock operation to the east and there are no negative impacts experienced by current**

nearby residential uses.

2. The general purpose and intent of the Zoning By-Law is maintained in that adequate open space is maintained between the existing and proposed use and there are no negative complaints from the current neighbouring residents.
3. The intent of the Official Plan is maintained in that it would permit the construction of a single detached dwelling which is a permitted use on existing lots of record.
4. The proposal is desirable for the appropriate development and/or use of the land in that it would provide for the development of a single detached dwelling for which the lot was naturally created as a result of the Canadian Pacific Railway corridor and the vacant lot is too small for a traditional independent cash crop operation.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. 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 approval must be obtained from the Niagara Region Private Sewage Systems Division for Septic System Compliance prior to the building permit application, to the satisfaction of the Niagara Region Private Sewage System Division.
2. That the Applicant must enter into a Development Agreement with the Town of Pelham for the purposes of developing the lot to include:
 - a. Obtaining an Entrance Permit from the Public Works Department for the installation of a driveway/culvert, as applicable, in accordance with Town standards, to the satisfaction of the Director of Public Works;
 - b. An owner warning clause specifying that, “The owner acknowledges that their property is located within a calculated radius as determined by the Ministry of Agriculture, Food & Rural Affairs Minimum Distance Separation formula & the Town’s Zoning By-law Minimum Distance Separation spatial requirement and that they may potentially, from time to time, experience unpleasant odors from an existing adjacent livestock operation”.
3. That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

7. Minutes for Approval

**Moved By Donald Cook
Seconded By James Federico**

That the minutes of the July 11, 2017, Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

**Moved By John Klassen
Seconded By Donald Cook**

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for January 9, 2017 at 4:00 pm.

Carried

James Federico, Chair

Secretary-Treasurer, Nancy J. Bozzato