

Committee of Adjustment MINUTES

Committee of Adjustment Hearing 5/2015

Meeting Type : Committee of Adjustment Hearing

Date : Wednesday, August 05, 2015

Location : Town of Pelham Municipal Building - Council Chambers

Minutes

Attendance

Committee Members

- Wayne Lockey, Vice Chair
- John Klassen, Member
- Don Cook, Member (arrival 4:15)

Town Clerk / Secretary Treasurer

- Nancy J. Bozzato

Acting Deputy Clerk

- Judy Sheppard

Staff

- Kristina Braun

Brian and Anne Ker, File B6/2015P

Jon Whyte, File A6/2015P

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

Noting that a quorum was present, Vice Chair Lockey called the meeting to order at 4:15 p.m. Vice Chair Lockey read the prescribed opening remarks for the benefit of those present.

Disclosure of Pecuniary

There were no pecuniary interests disclosed by any of the members present.

**Interest and
General Nature
Thereof**

**Requests for
Withdrawal or
Adjournment**

There were no requests for withdrawal or adjournment.

**File A6/2015 -
Terri DeMelo**
(Applications for Minor
Variance)

Purpose of the Application:

Application is made for relief from Section 2(g) of Zoning By-law 1136(1987) to permit a rear yard setback distance of 3.5 metres whereas 4 metres is required, and from Section 2(c) to allow a lot coverage of 50% whereas 45% is permitted.

Representation:

Mr. Jon Whyte, authorized agent, appeared on behalf of this application.

Correspondence:

- Town of Pelham Community Planning Department
- Town of Pelham Public Works Department - Engineering
- Town of Pelham Building Department

Comments:

Mr. Whyte noted that the staff report is straightforward. The lot is of a pie shape on the turn of the street which pushes everything on the lot back. The owner is intending to build a bungalow, thus the combination of these factors has dictated the need for the variances.

No one was present in the gallery to speak to this application.

Member Klassen noted that there are no houses in the area at this time. He expressed concern relating to the future impact this approval might have. Mr. Whyte noted that there is only one new house in the immediate vicinity, adding that the greatest risk is to the developer in that once the house is constructed the impact will be to other prospective purchasers.

Member Cook questioned the drainage plans for this application. Mr. Whyte advised that the nearest catch basin is located immediately adjacent to this proposed lot, to the south. He displayed a copy of the subdivision plan and explained the intended drainage flow plan.

Member Cook suggested a condition of approval relating to the drainage, Member Klassen noting however that a grading plan will be needed as part of the building permit approval process. Mr. Whyte indicated that they will have to demonstrate how the grading of this

lot will comply with the overall plan. Further, he advised that there are subterranean infiltration pits in this development to maintain infiltration rates for the Conservation Authority. He explained the system that has been required.

Resolution #CA20150805.1001

Moved By: John Klassen Second By: Don Cook

THAT application A6/2015 on behalf of Terri DeMelo, for relief from Section R1-184 2(g) to allow a rear yard setback distance of 3.5 metres whereas 4 metres is required is hereby granted for the following reasons:

1. **The variance is minor in nature as the setback will facilitate accommodation of the construction of a single detached dwelling on an irregularly shaped lot.**
2. **Sufficient amenity space will be maintained for maintenance purposes and the preservation of privacy between adjacent properties.**
3. **The proposal is desirable for the appropriate development and/or use of the land given that the urban, residential character of the area will be maintained.**
4. **The general purpose and intent of the Zoning By-Law is maintained as the use is permitted within the Residential 1 R1-184 Zone.**
5. **The intent of the Official Plan is maintained as the use is permitted in the Lot Density Residential and Greenfield Overlay designations.**
6. **The applicant has been advised that the rear yard setback shall not be permitted to impact existing drainage and grading.**
7. **The applicant has been advised that all necessary building permits shall be obtained prior to commencement of construction.**
8. **This application is granted without prejudice to any other application in the Town of Pelham.**
9. **No objections were received from commenting agencies or abutting property owners.**

AND THAT Application for relief of Section R1-184 §2(c) to permit a lot coverage of 50% whereas 45% is permitted is hereby GRANTED for the following reasons:

1. **The variance is minor in nature as the setback will facilitate accommodation of the construction of a single detached dwelling on an irregularly shaped lot.**

2. **Sufficient amenity space will be maintained for maintenance purposes and the preservation of privacy between adjacent properties.**
3. **The proposal is desirable for the appropriate development and/or use of the land given that the urban, residential character of the area will be maintained.**
4. **The general purpose and intent of the Zoning By-Law is maintained as the use is permitted within the Residential 1 R1-184 Zone.**
5. **The intent of the Official Plan is maintained as the use is permitted in the Lot Density Residential and Greenfield Overlay designations.**
6. **The applicant has been advised that the rear yard setback shall not be permitted to impact existing drainage and grading.**
7. **The applicant has been advised that all necessary building permits shall be obtained prior to commencement of construction.**
8. **This application is granted without prejudice to any other application in the Town of Pelham.**
9. **No objections were received from commenting agencies or abutting property owners.**

Carried

**File B6/2015P -
Brian and Anne
Ker**

(Applications for Consent)

Purpose of the Application:

Application is made for consent to convey 0.47 hectare of vacant land for single family residential use. 0.68 hectare of land is to be retained for continued use of the dwelling known municipally as 1204 Maple Street.

Representation:

Brian and Anne Ker appeared on behalf of this application.

Correspondence:

- Town of Pelham Community Planning Department
- Town of Pelham Public Works Department - Engineering
- Town of Pelham Building Department
- Regional Municipality of Niagara Development Services

Comments:

Mrs. Ker noted that the application is straightforward, and they intend to convey the parcel to their daughter and future son-in-law for residential use.

While individuals were present in the gallery, no one provided comment.

Member Klassen questioned the septic system on the small parcel between the proposed subject and remnant parcels. The Secretary-Treasurer advised that the Public Health Department will take this matter under their consideration.

Member Cook noted that the lot will be serviced with municipal water. Mr. Ker advised that the sewer system is situated on the east side of Maple Street, however they will not be accessing it to service the new lot.

Resolution #CA20150805.1002

Moved By: Don Cook Second By: John Klassen

THAT File B6/2015P on behalf of Brian G. Ker and Anne M. Ker for consent to convey 0.47 hectare of land, part of Lot 16, Concession 9, Town of Pelham be granted, subject to the following conditions:

1. **THAT satisfactory written proof be submitted to the Town of Pelham Director of Public Works indicating that there are no existing water or sewer services that branch from or through the subject and/or remnant parcels to other lands;**
2. **THAT a comprehensive overall lot grading/drainage plan and lot servicing plan, encompassing Parts 1, 2 and 3 of the subject property, be submitted and obtain approval from the Town of Pelham Director of Public Works, such plan showing all proposed and existing services to ensure the lots are serviced with individual water and storm services as applicable and that the location of these services are contained within the proposed lots. Further, the plan should detail the location of the new driveway.**
3. **THAT the Director of Public Works be satisfied that the appropriate water and storm sewer lateral services are provided in accordance with the Town of Pelham standards, and that all costs associated with the installation and/or reconnection are to be borne by the applicant.**
4. **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.**

5. 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 is consistent with 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. The Niagara Peninsula Conservation Authority has advised that the parcel is sufficient in size to ensure that septic waste will be adequately diluted within the property limits so as to minimize the potential impacts to an identified Highly Vulnerable Aquifer.
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 #CA20150805.1003

Moved By: John Klassen

THAT there being no further business, the hearing do now adjourn.

Carried

B. DiMartile, Chair

Nancy J. Bozzato, Town Clerk/Secretary-Treasurer

Date Approved

Hearing Chair