

**Meeting #:** CoA-04/2017  
**Date:** Tuesday, April 4, 2017  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present Wayne Lockey  
Brian DiMartile  
John Klassen

Members Absent James Federico  
Donald Cook

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 Wayne 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 received.

5. **Applications for Minor Variance**

5.1 **File A7/2017P - Antonio and Rosetta Nuziato**

**Purpose of the 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(d) to increase the permitted height from 3.7 metres to mid-point of pitched roof to 5.2 metres to mid-point of pitched roof. The variance is requested to facilitate construction of a detached accessory garage to be used for storage.

**Representation:**

Antonio Nuziato, Owner Applicant, appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works and Utilities
4. Niagara Peninsula Conservation Authority

**Comments:**

No comments were offered by the agent.

No comments were received from the public.

The Members had no comments.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application for relief from section 17.7(d) to increase the permitted height from 3.7 metres to mid-point of pitched roof to 5.2 metres to mid-point of pitched roof to facilitate construction of a detached accessory garage, is hereby: GRANTED**

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

- 1. The variance is minor in nature given the rural context and scale, orientation and distance from the street.**
- 2. The general purpose and intent of the Zoning By-Law is maintained given the rural context while still standing smaller in scale to the principle dwelling and plenty of open space is available on the site.**
- 3. The intent of the Official Plan is maintained in that it permits uses which are compatible with the agricultural character.**
- 4. The proposal is desirable for the appropriate development and/or use of the land and will allow for appropriate storage of personal belongings.**

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.

**Carried**

## **5.2 File A8/2017P - Hummel Properties Inc.**

### **Purpose of the 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 the following Zoning By-law provisions in Section 7.4 to facilitate construction of a residential dwelling:

1. Relief from Section 7.4(d) to permit a minimum front yard setback of 6 metres whereas 13 metres is required;
2. Relief from Section 7.4(f) to permit a minimum side yard setback of 1.2 metres whereas 9 metres is required.

### **Representation:**

Brent Larocque, Hummel Properties Inc., Owner Applicant and Sarah Premi, Authorized Agent, appeared on behalf of this application.

### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Public Works and Utilities
3. Town of Pelham Building Intake/Plans Examiner
4. Town of Pelham Public Works Department
5. Town of Pelham Fire & By-law Services Department
6. Town of Pelham Fire Department - Revised

### **Agent's comments:**

Sarah Premi advised they are seeking two variances for land that has already been established in that a single family can be established on the property. She also commented that they are entitled to a building permit as per the current Zoning By-law however, they are asking for permission to position a structure more properly on the lot to construct two single

family homes, and they we are not proposing townhouses. Ms. Premi stated that Planning staff are recommending townhouses however, they are looking at what might be permitted here which conflicts with the zoning by-law but she feels their request conforms to the zoning bylaw. Ms. Premi stated that this is absolutely desirable and they are looking to place the structures in a better place than if the minor variance is not granted.

Mr. Larocque commented on the existing homes and their relationship to the minor variance setback and he provided a handout of the site plan to the members. Mr. Laocque advised that they took into consideration what they are currently allowed to build and, due to the positioning, decided to apply for a minor variance in order to have the buildings placed in a better position on the lot. During the pre-consult meeting, staff advised that an official Plan amendment should be sought however, Mr. Laocque thought this would be costly. Mr. Laocque provided handouts of previous decisions of the Committee of Adjustment's decisions where Mr. Laocque felt that similar decisions were granted. Mr. Laocque commented that to file for the minor variance would be more speedy and more economical for his company. He commented that Provincial Policy statement acknowledges this is a settlement area and that the dimensions are allowable and Mr. Laocque feels the idea of a townhouse is not realistic.

#### **Public Comments:**

There were no comments received from the Public.

#### **Members Comments:**

Member Klassen commented that this is one acre of land and if Mr. Larocque didn't ask for the minor variance, he could still build the house on this lot therefore, inquired as to what is the future plan for the other lots once this minor variance is granted.

Member DiMartile commented that he agrees with Planning Staff that a plan of sub-division would have been appropriate for this application. Member DiMartile advised that the examples that Mr. Larocque provided from previous minutes will be disregarded because the Committee has to deal with each application individually;

Ms. Premi commented that she has no knowledge of any plans for the future of this lot other than they wish to build a single family home.

The Clerk, Ms. Bozzato, commented that a pre-consultation meeting was held with the applicant and staff from the Town on January 23rd, 2017 to discuss the development. The applicant was advised by staff at the time that the proposal as presented (via minor variance application), would not be supported because it does not meet all the tests of a minor variance under the Planning Act. Principally the intent of the Official Plan is not in conformity because the built form permitted in the EF-Medium Density Residential designation includes townhouses and small apartments etc. Single detached residential dwellings can only be considered in the EF-Medium Density designation if they do not constitute more than 15% of the total dwellings units within a plan of subdivision. Also, because of the Port Robinson Road frontage, vehicle access is required off a rear laneway. The laneway could alternatively have been accommodated via a consent to sever application, if not through a plan of subdivision. In addition, given the absence of a plan of how the whole of the lands would be developed in the future, the development of a single detached dwelling is premature at this time. The applicant was advised that this application could only be supported if it was accompanied with an official plan amendment to address those key policies (Policy B1.7.7.4.1 and B1.7.7.4.2 h). The applicant has not made an application to amend the Pelham Official Plan. Planning staff is of the opinion that the application does not meet all four minor variance tests laid out by the Planning Act. The subject application is not consistent with Provincial Policies, the Regional Official Plan and conflicts with the general intent of the Town Official Plan policies and Zoning By-law. Consequently, Planning Staff recommend that Application File Number A8.2017P be refused.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from the following Zoning By-law provisions in Section 7.4 to facilitate construction of a residential dwelling:**

- 1. Relief from Section 7.4(d) to permit a minimum front yard setback of 6 metres whereas 13 metres is required;**
- 2. Relief from Section 7.4(f) to permit a minimum side yard setback of 1.2 metres whereas 9 metres is required, is hereby:**

**REFUSED**

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

- 1. The general purpose and intent of the Zoning By-Law is not maintained in that the 13m setback in the 'A' Zone is appropriate for lands in the rural agricultural area. The subject lands are now in an area that is urbanizing and as a result, the 13m setback is not appropriate for an urban environment; and reducing the side yard**

setback does not maintain the general purpose for similar reasons; in that it would be more suitable to amend the Zoning By-law with urban/site-specific regulations that reflect urban built-form standards.

2. The intent of the Official Plan is not maintained in that low density, single-detached dwellings are not a permitted use within the EF-Medium Density residential designation. Unless, they are part of a draft plan of subdivision, at which point only 15% of the land area could be considered for single detached use, otherwise this conflicts with the East Fonthill Secondary Plan. Reducing the side yard setback does not maintain the objective of the Official Plan in that it would incongruously facilitate the construction of a single detached dwelling in an area of the East Fonthill Secondary Plan which is intended for medium density residential uses.

3. The proposal is not desirable for the appropriate development and/or use of the land in that it would obstruct much of the frontage for medium density residential use and reducing the side yard setback is not desirable for similar reasons.

4. This application is Refused without prejudice to any other application in the Town of Pelham.

5. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application does not meet the Planning Act tests for minor variance.

**Carried**

### **5.3 A9/2017P - Susan L. Bernard**

Purpose of the Application:

The subject land is zoned Residential 2 "R2" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from section 14.2(e) to reduce the minimum Side Yard setback to 0.61 metres whereas 1.5 metres is required. The variance is requested to facilitate construction of a 1.5 storey, 2 car, attached garage.

#### **Representation:**

Dinesh Sharma and Thomas De Simone, 2M Architects Inc., authorized agents, and Susan Bernard, Applicant, appeared on behalf of this application.

### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Fire & By-law Department

### **Applicant comments:**

Ms. Bernard advised that they are not expecting to use up all the setback requested but have made provisions to provide a little buffer with the intent to construct a two-door garage.

### **Public Comments:**

Bill Grimwood, Collier Street commented that his property is located to the west of the subject land and he has no objection to the minor variance however, he is planning to build a two-door garage and he would expect the same treatment from the Town.

Ms. Bozzato, Town Clerk/Secretary-Treasurer advised Mr. Grimwood that the Municipal Board Regulation is such that each applicant treated as a separate application.

Mr. Grimwood commented that he now objects to the minor variance.

### **Member comments:**

Mr. Klassen questioned whether the two feet between the garage and the property line will be sufficient and also commented that the Committee would appreciate receiving actual measurements from the Applicant.

Ms. Bernard commented that this is to allow swale drainage back and forth. It allows them to build a two-door garage which will have an overhang of eight inches.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application for relief from section 14.2(e) to reduce the minimum Side Yard setback to 0.61 metres whereas 1.5 metres is required, to facilitate construction of a 1.5 storey, 2 car, attached garage, is hereby: GRANTED**

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

- 1. The variance is minor in nature in that, pending receipt of a satisfactory lot grading & drainage plan, swales can still adequately carry storm water runoff between the structures.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that it will uphold some buffer space between the proposed and neighbouring lots while also sustaining drainage swales and exterior wall access.**
- 3. The intent of the Official Plan is maintained in that it will facilitate the compact development of infill housing and sustain adequate drainage swales between lots while still allowing access to the exterior walls.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it leaves a more flexible building envelope for house design considerations while still allowing for proper drainage and building access between lots.**
- 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 the applicant submit a comprehensive overall lot grading and drainage plan to demonstrate that drainage neither relies nor negatively impacts neighbouring lots. This is to include any proposed side yard swales and the impact from the reduced setback on the effectiveness of these swales, to the satisfaction of the Director of Public Works & Utilities.**
- 2. That the applicant submit an updated drawing showing the proximity of neighbouring structures and the dimensions of the proposed garage.**
- 3. That all necessary building permits be obtained prior to construction commencing for the new attached 1.5 storey garage addition, to the satisfaction of the Town of Pelham Chief Building Official.**

**Carried**



#### **5.4 A10/2017P - Jere Brown**

##### **Purpose of the Application:**

The subject land is zoned Residential "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from Section 6.1(b) to allow the existing accessory building in the front yard with a setback of 1.15 metres.

##### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

##### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Town of Pelham Fire & By-law Department

##### **Applicant comments:**

Mr. Heikoop made a Power Point Presentation to support the Applications.

##### **Public comments:**

Gordon Marasco, Emily Lane, commented that his backyard is at the top right hand-side of the subject property. Mr. Marasco is not opposed to the developments but the traffic flow is extreme in that area and he suggested there is a need to conduct a traffic study.

##### **Member comments:**

There were no comments from the members.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from Section 6.1(b) to allow the existing accessory building in the front yard with a setback of 1.15 metres, whereas 1.2 metres is required, is hereby: GRANTED**

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

- 1. The variance is minor in nature in that the building has existed for a long time with no negative impacts apparent or expressed by the neighbors for this application.**

2. The general purpose and intent of the Zoning By-Law is maintained because it predated the variance to recognize the existing accessory building setback still leaves adequate open space on the site and will not change drainage patterns on the subject land.
3. The intent of the Official Plan is maintained because it helps frame the street edge and recognize the existing residential neighbourhood which is not negatively affected.
4. The proposal is desirable for the appropriate development and/or use of the land because it has been established there for some time and provides personal storage for the owner and the two small windows facing the roadway which help animate the public realm.
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 the Applicant receive final approval of Consent Files B10/2017P, B11/2017P, and B12/2017P.
2. That the Applicant confirm in writing that there are no existing water services branch from or through the proposed lots or remaining parcel to other lands.
3. That should a rear yard catch basin be required, a 3m easement in favour of the Town will be required.
4. That all necessary building permits be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

## 5.5 A11/2017P - Jere Brown

### Purpose of the Application:

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

1. Section 13.2(b) to decrease Minimum Lot Frontage to 15.93 metres whereas 19 metres is required.
2. Section 13.2(c) to increase maximum Lot Coverage 40% whereas 30% is required.

3. Section 13.2(e) to decrease minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required.

**Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Town of Pelham Fire & By-law Services

**Applicant comments:**

Mr. Heikoop made a Power Point Presentation to support the Applications.

**Public comments:**

Gordon Marasco, Emily Lane, commented that his backyard is at the top right hand-side of the subject property. Mr. Marasco is not opposed to the developments but the traffic flow is extreme in that area and he suggested there is a need to conduct a traffic study.

**Member comments:**

There were no comments from the members.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from the following:**

1. **Section 13.2(b) to decrease Minimum Lot Frontage to 15.93 metres whereas 19 metres is required.**
2. **Section 13.2(c) to increase maximum Lot Coverage 40% whereas 30% is required.**
3. **Section 13.2(e) to decrease minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required, is hereby: GRANTED**

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

1. **The variance is minor in nature given that most of the neighbourhood is characterized by single detached residential use.**
2. **The general purpose and intent of the Zoning By-Law is maintained in that it provides adequate frontage for access**

**purposes.**

- 3. The intent of the Official Plan is maintained in that it helps facilitate the development of a continuous street frontage.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will provide compatible residential infill use as well as flexibility regarding future dwellings.**
- 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 all necessary building permits be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.**
- 2. That should a rear yard catch basin be required, a 3m easement in favour of the Town will be required.**
- 3. That the applicant receive final approval of Consent Files B10/2017P, B11/2017P and B12/2017P.**

**Carried**

## **5.6 A12/2017P - Jere Brown**

### **Purpose of the Application:**

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

- 1. Section 13.2(b) to decrease minimum Lot Frontage to 15.93 metres whereas 19 metres is required.**
- 2. Section 13.2(c) to increase the maximum Lot Coverage to 40% whereas 30% is required.**
- 3. Section 13.2(e) to decrease the minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required.**

### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Town of Pelham Fire & By-law Services

**Applicant Comments:**

Mr. Heikoop made a Power Point Presentation to support the Applications.

**Public comments:**

Gordon Marasco, Emily Lane, commented that his backyard is at the top right hand-side of the subject property. Mr. Marasco is not opposed to the developments but the traffic flow is extreme in that area and he suggested there is a need to conduct a traffic study.

**Member comments:**

There were no comments from the members.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from the following:**

1. **Section 13.2(b) to decrease minimum Lot Frontage to 15.93 metres whereas 19 metres is required.**
2. **Section 13.2(c) to increase the maximum Lot Coverage to 40% whereas 30% is required.**
3. **Section 13.2(e) to decrease the minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required, is hereby: GRANTED**

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

1. **The variance is minor in nature given that most of the neighbourhood is characterized by single detached residential use.**
2. **The general purpose and intent of the Zoning By-Law is maintained in that it provides adequate frontage for access purposes.**
3. **The intent of the Official Plan is maintained in that it helps facilitate the development of a continuous street frontage.**
4. **The proposal is desirable for the appropriate development and/or use of the land in that it will provide compatible residential infill use as well as flexibility regarding future dwellings.**
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 all necessary building permits be obtained prior to construction commencing for the new accessory building, to the satisfaction of the Town of Pelham Chief Building Official.**
- 2. That should a rear yard catch basin be required, a 3m easement in favour of the Town will be required.**
- 3. That the applicant receive final approval of Consent Files B10/2017P, B11/2017P and B12/2017P.**

**Carried**

**5.7 A13/2017P - Jere Brown**

**Purpose of the Application:**

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

1. Section 13.2(b) to decrease minimum Lot Frontage to 16.90 metres whereas 20 metres is required.
2. Section 13.2(c) to increase the maximum Lot Coverage to 40% whereas 30% is required.
3. Section 13.2(e) to decrease the minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required.
4. Section 13.2(f) to decrease minimum Exterior Side Yard to 3 metres whereas 5 metres is required.

**Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Town of Pelham Fire & By-law Services

### **Applicant Comments:**

Mr. Heikoop made a Power Point Presentation to support the Applications.

### **Public comments:**

Gordon Marasco, Emily Lane, commented that his backyard is at the top right hand-side of the subject property. Mr. Marasco is not opposed to the developments but the traffic flow is extreme in that area and he suggested there is a need to conduct a traffic study.

### **Member comments:**

There were no comments from the members.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from the following:**

- 1. Section 13.2(b) to decrease minimum Lot Frontage to 16.90 metres whereas 20 metres is required.**
- 2. Section 13.2(c) to increase the maximum Lot Coverage to 40% whereas 30% is required.**
- 3. Section 13.2(e) to decrease the minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required.**
- 4. Section 13.2(f) to decrease minimum Exterior Side Yard to 3 metres whereas 5 metres is required, is hereby: GRANTED**

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

- 1. The variance is minor in nature given that most of the neighbourhood is characterized by single detached residential use.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that it provides adequate frontage for access purposes.**
- 3. The intent of the Official Plan is maintained in that it helps facilitate the development of a continuous street frontage.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will provide compatible residential infill use as well as flexibility regarding future dwellings.**
- 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 all necessary building permits be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.**
- 2. That should a rear yard catch basin be required, a 3m easement in favour of the Town will be required.**
- 3. That the applicant receive final approval of Consent Files B10/2017P, B11/2017P and B12/2017P.**

**Carried**

## **6. Applications for Consent**

### **6.1 B10/2017P - Jere Brown**

#### **Purpose of the Application:**

Application is made for consent to convey 801.37 square metres of land, shown as Part 2 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street. Existing buildings on the property are to be removed.

#### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

#### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department

No comments were offered from the agent.

No comments were received from the public.

No comments were offered from the members.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application is made for consent to convey 801.37 square metres of land, shown as Part 2 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street, is hereby:**

**GRANTED**



**This decision is based on the following reasons:**

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and with conditions fulfilled, 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 applicant is aware that all necessary building permits/approvals must be obtained prior to any construction commencing to the satisfaction of the Town of Pelham Chief Building Official.**
- 4. 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.**

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

- 1. That all necessary minor variance applications obtain final approval to the satisfaction of the Director of Community Planning & Development.**
- 2. That the applicant conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**
- 3. That the applicant provides the outstanding balance (for 1053 Pelham Street) from the existing Front-Ending Agreement of the amount of \$28,750 which shall be considered payment in full for files B10/2017P, B11/2017P and B12/2017P to the satisfaction of the Director of Public Works.**
- 4. That the applicant obtain approval from Council to lift the existing 0.3m (one foot) reserve along Homestead Boulevard.**
- 5. That the applicant submits a comprehensive overall lot grading & drainage plan for the subject and remnant parcels to demonstrate that drainage neither relies nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works.**
- 6. That the applicant obtain approval of Entrance Permits for the installation of driveways for all proposed lots in accordance with Town standards. The installation of all entrances shall be completed prior to consent and the applicant shall bear all costs associated with these works.**
- 7. That the applicant ensures that all lots will be serviced with individual water services, sanitary sewer and storm sewer laterals to Town standards by obtaining a Temporary Works Application permit through the Public Works Department and to the satisfaction of the**

**Director of Public Works. The plan must show all proposed services to ensure that all services are contained within their respective lot. The plan shall also detail the location of each new driveway. The applicant shall bear all costs associated with servicing the lot from the main to the building.**

**8. That application for consent, files B10/2017P, B11/2017P and B12/2017P receive final certification of the Secretary-Treasurer concurrently.**

**9. 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.**

**10. 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.**

**Carried**

## **6.2 B11/2017P - Jere Brown**

### **Purpose of the Application:**

Application is made for consent to convey 801.37 square metres of land, shown as Part 3 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street.

### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department

No comments were offered from the agent.

No comments were received from the public.

No comments were offered from the members.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application is made for consent to convey 801.37 square metres of land, shown as Part 3 on the drawing submitted, for single family**

**residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street, is hereby:  
GRANTED**

**This decision is based on the following reasons:**

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and with conditions fulfilled, 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 applicant is aware that all necessary building permits/approvals must be obtained prior to any construction commencing to the satisfaction of the Town of Pelham Chief Building Official.**
- 4. 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.**

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

- 1. That all necessary minor variance applications obtain final approval to the satisfaction of the Director of Community Planning & Development.**
- 2. That the applicant conducts an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**
- 3. That the applicant provides the outstanding balance (for 1053 Pelham Street) from the existing Front-Ending Agreement of the amount of \$28,750 which shall be considered payment in full for files B10/2017P, B11/2017P and B12/2017P to the satisfaction of the Director of Public Works.**
- 4. That the applicant obtains approval from Council to lift the existing 0.3m reserve along Homestead Boulevard.**
- 5. That the applicant submits a comprehensive overall lot grading & drainage plan for the subject parcels and remnant to demonstrate that drainage neither relies nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works.**
- 6. That the applicant obtains approval of Entrance Permits for the installation of driveways for all proposed lots in accordance with Town standards to the satisfaction of the Director of Public Works. The installation of all entrances shall be completed prior to consent**

and the applicant shall bear all costs associated with these works.

7. That the applicant ensures that all lots will be serviced with individual water services, sanitary sewer and storm sewer laterals to Town standards by obtaining a Temporary Works Application permit through the Public Works Department and to the satisfaction of the Director of Public Works. The plan must show all proposed services to ensure that all services are contained within their respective lot. The plan shall also detail the location of each new driveway. The applicant shall bear all costs associated with servicing the lot from the main to the building.

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 application for consent, files B10/2017P, B11/2017P and B12/2017P receive final certification of the Secretary-Treasurer concurrently.

10. 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.

Carried

### 6.3 B12/2017P - Jere Brown

#### **Purpose of the Application:**

Application is made for consent to convey 850.22 square metres of land, shown as Part 4 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street.

#### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

#### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department

No comments were offered from the agent.

No comments were received from the public.

No comments were offered from the members.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application is made for consent to convey 850.22 square metres of land, shown as Part 4 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street, is hereby:  
GRANTED**

**This decision is based on the following reasons:**

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and with conditions fulfilled, 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 applicant is aware that all necessary building permits/approvals must be obtained prior to any construction commencing to the satisfaction of the Town of Pelham Chief Building Official.**
- 4. 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.**

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

- 1. That all necessary minor variance applications obtain final approval to the satisfaction of the Director of Director of Community Planning & Development.**
- 2. That the applicant conducts an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**
- 3. That the applicant provides the outstanding balance (for 1053 Pelham Street) from the existing Front-Ending Agreement of the amount of \$28,750 which shall be considered payment in full for files B10/2017P, B11/2017P and B12/2017P to the satisfaction of the Director of Public Works.**
- 4. That the applicant obtains approval from Council to lift the existing 0.3m reserve along Homestead Boulevard.**

5. That the applicant submits a comprehensive overall lot grading & drainage plan for the subject parcels and remnant to demonstrate that drainage neither relies nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works.
6. That the applicant obtains approval of Entrance Permits for the installation of driveways for all proposed lots in accordance with Town standards to the satisfaction of the Director of Public Works. The installation of all entrances shall be completed prior to consent and the applicant shall bear all costs associated with these works.
7. That the applicant ensures that all lots will be serviced with individual water services, sanitary sewer and storm sewer laterals to Town standards by obtaining a Temporary Works Application permit through the Public Works Department and to the satisfaction of the Director of Public Works. The plan must show all proposed services to ensure that all services are contained within their respective lot. The plan shall also detail the location of each new driveway. The applicant shall bear all costs associated with servicing the lot from the main to the building.
8. That application for consent, files B10/2017P, B11/2017P and B12/2017P receive final certification of the Secretary-Treasurer concurrently.
9. 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.
10. 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.

**Carried**

## **7. Minutes for Approval**

### **7.1 Committee of adjustment Minutes**

#### **7.1.1 Minutes, March 7, 2017**

**Moved By Brian DiMartile  
Seconded By Wayne Lockey  
THAT the Minutes of the Committee of Adjustment Hearing,  
March 7, 2017, be approved.**

**Carried**

**8. Adjournment**

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment  
Hearing be adjourned at 5:41 p.m. until the next regular meeting scheduled  
for May 2, 2017 at 4:00 pm.**

**Carried**

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Wayne Lockey, Chair

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Secretary-Treasurer, Nancy J. Bozzato