

## Committee of Adjustment AGENDA

CoA-12/2017

December 5, 2017

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 A33-2017P - Colonnade 1440 Inc. 1
    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 & By-law Department
  - 5.2 File A34-2017P - Niagara Pines Development Ltd. 8
    1. Town of Pelham Planning Department
    2. Town of Pelham Building Department
    3. Town of Pelham Fire & By-law Department
    4. Town of Pelham Public Works Department

<b>5.3</b>	<b>File A35-2017P - Terry Anne Matthews</b>	<b>16</b>
	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 & By-law Department	
	5. Region Comments	
<b>5.4</b>	<b>File A36-2017P - Homes by Antonio Ltd.</b>	<b>27</b>
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works Department	
	4. Town of Pelham Fire & By-law Department	
	5. Region Comments	
	6. NPCA Comments	
	7. Doug & Tara Hargreaves	
	8. Ted Bowman	
<b>6.</b>	<b>Applications for Consent</b>	
<b>7.</b>	<b>Minutes for Approval</b>	<b>44</b>
	CoA-07/2017 - Committee of Adjustment Hearing Minutes, July 11, 2017	
<b>8.</b>	<b>Adjournment</b>	

December 5, 2017

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

**Re: Minor Variance Application A33/2017P (Colonnade 1440 Inc.)  
1440 Pelham Street, Pelham  
Plan Temperance V, Part of Lots 1-4, RP 59R-72, Part 1, NP 715  
Roll No. 2732 030 005 03700**

The subject land is located on the west side of Pelham Street, lying south of Highway 20 (RR 20), known municipally as 1440 Pelham Street and legally as Temperanceville Plan Part of Lots 1-4, RP 59R-72, Part 1, Now Plan 715 in the Town of Pelham.

The subject land is zoned 'General Commercial' (GC) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The applicant requests relief from:

- **Section 19.3(a) "Maximum gross floor area (GFA) used for residential"** to permit 70% of the GFA whereas 50% is required;

Relief is sought to facilitate the construction of a 2 & 3-storey residential addition above an existing commercial building which is partly 1-storey (to the south) and 2-storey (to the north). The addition consists of twelve (12) residential units completing a 4-storey mixed-use building.

### **Applicable Planning Policies**

#### Provincial Policy Statement (PPS), 2014

The subject parcel is located in the '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.

Policy 1.1.3.2 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
  1. Efficiently use land and resources;
  2. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the

availability of suitable existing infrastructure and public service facilities.

Growth Plan for the Greater Golden Horseshoe (GGH) (2017)

This Plan informs decision-making regarding growth management and environmental protection in the GGH. The subject parcel is located within a 'Settlement Area' according to the Growth Plan.

Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing municipal water / wastewater systems; and
  - iii. can support the achievement of complete communities.

The subject site is located Downtown and is within walking distance to schools, public / private amenities and shopping facilities.

Regional Official Plan (Consolidated, August 2014)

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

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.G.8.1 states *Built-Up Areas* will be the focus of residential intensification and redevelopment.

Pelham Official Plan, 2014

The local Official Plan designates the subject land as 'Downtown'.

B1.2.3 states the intent of the 'Downtown' designation is to accommodate a diverse mix of commercial, residential, cultural and social uses. In Downtown Fonthill specifically, this Plan envisions more housing opportunities.

New development in Downtown Fonthill will promote mixed use building and integrate residential uses all of which is to be accessible and/or linked to existing public spaces.

Pelham Zoning By-law No. 1136 (1987), as amended

Section 19.3 Regulations for Residential Uses

a) Maximum gross floor area (GFA) used for dwelling units	Maximum-	50%	Request-	70%
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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.	<p>a) Increasing the GFA for residential apartments from 50% to 70% is minor overall because ample commercial space exists at this property. Also, ground level commercial space is to be maintained.</p> <p>Increasing the residential housing stock Downtown is important to ensure the long term vitality of commercial businesses and institutions, as well as helping to diversify Downtown land uses.</p>
2. The variance is desirable for the development or use of the land.	<p>a) Increasing the residential GFA balance of 1440 Pelham Street is desirable for the property because it provides enduring resiliency in terms of managing rental income and vacancies. Further, allowing for a more stable supply of residents Downtown will support current &amp; future businesses.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>a) Increasing the residential GFA balance maintains the purpose of the Official Plan because it will help diversify the land use mix and add housing supply Downtown.</p> <p>Physically, the variance will allow for the built form to extend up to the north and south lot lines, overhanging the driveway accesses. This does two things, it helps extend the downtown streetwall by providing continuity and framing the public realm while also offering more design options of articulation and building character.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>a) The proposed increase of the residential GFA does not compromise the general intent of the Zoning By-law because commercial space is maximized at-grade, notwithstanding the driveway accesses.</p>

On November 3<sup>rd</sup> 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:

- Building Department (November 22, 2017)
  - All necessary permits are required prior to construction commencing.
- Public Works Department (November 17, 2017)
  - No comments.



No public comments were received at the time of this writing.

## Planning Comments

Planning staff are rather familiar with the property, the proposed development and understand the neighbourhood context. A Planning Justification Report was submitted in support of the application by Better Neighbourhoods Inc. dated October, 9<sup>th</sup> 2017 and staff agrees with the report's commentary.

1440 Pelham Street was the subject of previous minor variance applications:

- A6/2014 – Granted: Reduce parking from 48 to 45 spaces
- A7/2016 – Granted: Reduce; loading spaces, loading space access width, parking, parking aisle width and landscaped amenity area.

A pre-consultation meeting was held with the owner and staff from the Town on March 17<sup>th</sup>, 2016 to discuss the original redevelopment. However, since this meeting and the previous Committee of Adjustment applications, the proposal has changed, thus triggering a new request. Though a formal pre-consultation was not held to discuss this minor variance, staff have met with the applicants to discuss the redesign.

Planning staff understand the proposal to be an ideal application of current planning and development goals outlined by upper levels of government and local Town policies dealing with appropriate intensification, redevelopment and land use diversification. The proposal will add housing supply to Downtown Fonthill, enhance the streetscape, and increase the property's value and thus, tax productivity while making more efficient use of an existing lot on a fully serviced public street.

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 complies with the general intent of the Pelham 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 A33/2017P **be approved**.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



**File:** A33/2017P

November 22, 2017

**Address:** 1440 Pelham St., Pelham

**Owner:** Colonnade 1440 Inc.,

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

## Judy Sheppard

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**From:** William Underwood  
**Sent:** Tuesday, November 07, 2017 8:57 AM  
**To:** Nancy Bozzato; Judy Sheppard  
**Cc:** Bob Lymburner  
**Subject:** By-Law Varinaces

Hi Nancy and Judy,

Fire has no comments for Files A33, 35, 36/2017P

Regards,

Will



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

**e: [wunderwood@pelham.ca](mailto:wunderwood@pelham.ca)**  
**p: 905.892.2607 x202**  
**c: 905.327.0402**  
**[pelham.ca](http://pelham.ca)**

177 Highway 2  
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## **Memorandum**

### **Public Works Department - Engineering**

**DATE:** November 17, 2017  
**TO:** Shannon Larocque, Planner  
**CC:** Nancy J. Bozzato , Clerk; Judy Sheppard, Deputy Clerk; Andrea Clemencio, Director of Public Works & Utilities  
**FROM:** Xenia Pasiecznik, Engineering Technologist  
**RE:** File A33/2017P  
1440 Pelham Street

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Public Works has completed a review of the minor variance application A33/2017P for relief of Pelham Zoning By-Law 1136(1987). The application is made to seek relief from the following 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 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.

Public Works has no comments.

December 5, 2017

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

**Re: Minor Variance Application A34/2017P (Niagara Pines)  
2 Longspur Circle, Pelham  
Lot 12, Plan M11  
Roll No. 2732 030 011 11312**

The subject land is located on the northwest corner of Longspur Circle and Cross Hill Road, being Lot 12 in Plan M11 and known municipally as 2 Longspur Circle 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 (e) "Minimum Interior Side Yard"** seeking 1.2m whereas 1.8m is required.
- **Section 13.2 (f) "Minimum Exterior Side Yard"** seeking 3m whereas 5m is required.

Proposal is to rebuild a 2-storey single detached residential dwelling with an attached garage.

### **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

- |                               |      |                |
|-------------------------------|------|----------------|
| e) Minimum Interior Side Yard | 1.8m | Request = 1.2m |
| f) Minimum Exterior Side Yard | 5m   | Request = 3m   |

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?	<p>e) The reduction of the interior side yard setback is minor overall given the neighbourhood context and consistency with the Ontario Building Code, no adverse impacts are anticipated.</p> <p>f) The reduction of the exterior side yard setback is minor overall (subject to conditions) because the dwelling helps to frame &amp; define the street edge and contributes positively to the public realm. If the design of the south façade is not altered, then the variance would have an adverse impact on the public realm and cannot be supported. See Planning comments below.</p>
2. Is the variance desirable for the development or use of the land?	<p>e) The reduction of the interior side yard is desirable for the property because it allows for more design flexibility while preserving rear yard open space for recreational or private amenity purposes.</p> <p>f) Likewise, (subject to conditions) reducing the exterior side yard setback is desirable for the property because of design options to improve the south façade (e.g. wrap around porches) and the preservation of rear yard amenity space. If the elevation plan is not altered to provide a more active south façade then the variance is not desirable for the development of the land. See Planning comments below.</p>
3. Does the variance maintain the general intent and purpose of the Official Plan?	<p>e) The variance of the interior side yard setback maintains the intent of the Official Plan because the neighbourhood character of the area is not compromised by inappropriate building orientation and siting.</p> <p>f) The reduction of the exterior side yard setback (subject to conditions) does not compromise the general intent of the Official Plan because the community character is enhanced, the use is permitted, and no adverse impacts will be felt by neighbours.</p>

From the Department of



	The variances are appropriate given the site's urban residential context and meet the general intent of the Official Plan policies.
4. Does the variance maintain the general intent and purpose of the Zoning By-law?	<p>e) The variance of the interior side yard setback maintains the intent of the Zoning By-law because the deviation of 60cm leaves adequate spatial separation for drainage purposes / maintenance of the exterior walls.</p> <p>f) The reduction of the exterior side yard setback maintains the intent of the Zoning By-law (subject to conditions) because the built form will not pose any proximate dangers to vehicle traffic while also providing an opportunity to positively reinforce the public realm by framing the streetscape with an active building façade.</p>

On October 19<sup>th</sup> 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 (November 24, 2017)
  - That no hard surface be permitted along the north side of the property, adjacent to the garage, as to allow for proper drainage of the property.
- Building Department (October 23, 2017)
  - All necessary permits are required prior to construction commencing, including the demolition permit for the existing dwelling.
- Fire & By-law Services Department (October 18, 2017)
  - No comments.

No comments from the public were received.

### Planning Comments

The subject land is located on the northwest corner of Longspur Circle and Cross Hill Road, and is surrounded by single detached residential housing on all sides (Figure 1). Planning staff note that the corner lot is 1021m<sup>2</sup> (0.25 acres) in land area.

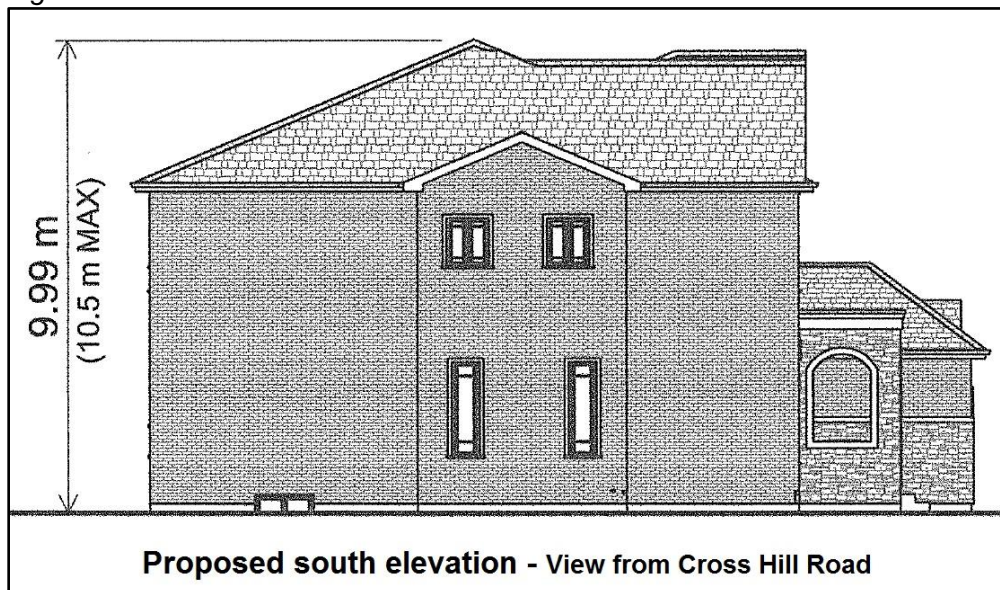
*Figure 1: 2 Longspur Circle (vacant site)*



Regarding the proposed reduction to the northerly interior side yard, adequate spatial separation is maintained between the neighbour for storm water runoff (subject to ground cover) and maintenance access.

Regarding the proposed reduction to the exterior side yard setback, Planning staff is prepared to recommend approval of this variance only if appropriate urban design treatments are integrated on the south façade. Given the location at this intersection and the proposed exposure onto the public realm, positively reinforcing the streetscape by means of an active building façade are even more critical. The Elevation Plan submitted by the applicant (Figure 2) depicts a two-storey dwelling with minimal design consideration given to the south façade. The predominantly solid brick wall offers two (2) slender windows centrally located along the south façade.

Figure 2:



Active building façades and friendly urban design is commonly achieved by providing any combination or all of the following building elements:

- Exterior doorway
  - Together with a porch / wraparound porch
- Windows / bay windows
  - Preferably with active living spaces (E.g. kitchen / living room)

- Architectural details
  - (E.g. dormers, balconies etc.)

Therefore, reducing the interior and exterior side yard setbacks will not negatively affect the neighbourhood as adequate spatial separation is maintained and if subject to appropriate urban design treatments on the south building façade, the development will enhance the streetscape.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the *Planning Act*, only if there are changes made to the south building façade. If design changes are not addressed, the exterior side yard setback variance is not minor in nature, desirable for the land and does not meet the intent of the Official Plan or Zoning By-law and Planning staff do not recommend approval. Otherwise, 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 A34/2017P **be approved**, subject to the following conditions:

**THAT** the applicant

- Redesign the south façade elevation 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.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director/ Community Planning & Development

**File:** A34/2017P

October 23, 2017

**Address:** 2 Longspur Circle, Pelham

**Owner:** Niagara Pines Developments Ltd.,

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing, including the demolition permit for the existing dwelling.

Belinda Menard  
Building Intake/Plans Examiner  
Community Planning & Development

## Judy Sheppard

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**From:** William Underwood  
**Sent:** Wednesday, October 18, 2017 11:20 AM  
**To:** Nancy Bozzato  
**Cc:** Judy Sheppard  
**Subject:** By-law varinace A34

Hi Nancy,

Fire has no comments for File A34/2017P – 2 Longspur Circle

Regards,

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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## **Memorandum**

### **Public Works Department - Engineering**

DATE: November 24, 2017  
TO: Curtis Thompson, Planner  
CC: Nancy J. Bozzato , Clerk; Judy Sheppard, Deputy Clerk; Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matt Sferrazza, Engineering Technologist  
RE: File A34/2017P  
2 Longspur Circle

---

Public Works has completed a review of the minor variance application A34/2017P. The application is made to seek relief from the following sections:

- Minimum Interior Side Yard – Seeking 1.2m whereas 1.8m is required
- Minimum Exterior Side Yard – Seeking 3.0m whereas 5m is required

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

Public Works has the following suggested comments:

- That no hard surface be permitted along the north side of the property, adjacent to the garage, as to allow for proper drainage of the property.

December 5, 2017

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

**Re: Minor Variance Application A35/2017P (Matthews)**  
**281 Canboro Road, Pelham**  
**Part of Lot 5, Concession 8**  
**Roll No. 2732 020 010 14000**

The subject land is located on the north side of Canboro Road, lying east of Effingham Street, being Part of Lot 5, Concession 8 and known municipally as 281 Canboro Road 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 7.4 (c) "Maximum Lot Coverage"** seeking 12.5% whereas 10% is required.
- **Section 7.4 (d) "Minimum Front Yard"** seeking 6.9m whereas 13m is required.
- **Section 7.4 (f) "Minimum Side Yard"** seeking 3m whereas 9m is required.
- **Section 7.7 (a) "Maximum Accessory Lot Coverage"** seeking 4% whereas 1% is required.

Proposal is to construct a detached accessory building, an attached covered front porch and attached garage.

### **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 as a 'Hamlet' within the *Protected Countryside*.

Section 3.4.4 states that Hamlets are subject to the policies of the Growth Plan and continue to be governed by official plans and are not subject to the policies of this Plan, save for the policies of sections,

- 3.1.5 – Agri-food Network
- 3.2.3 – Water Resource System Policies

- 3.2.6 – External Connections
- 3.3 – Parkland, Open Space and Trail Policies
- 3.4.2 – General Settlement Area Policies

Niagara Region 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 B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

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

Section 7.4 Regulations for dwellings permitted in the A zone

- |                         |     |                 |
|-------------------------|-----|-----------------|
| c) Maximum Lot Coverage | 10% | Request = 12.5% |
| d) Minimum Front Yard   | 13m | Request = 6.9m  |
| e) Minimum Side Yard    | 9m  | Request = 3m    |

Section 7.7 Regulations for buildings accessory to dwellings permitted in the A zone

- |                                   |    |              |
|-----------------------------------|----|--------------|
| a) Maximum Accessory Lot Coverage | 1% | Request = 4% |
|-----------------------------------|----|--------------|

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?	<p>c) The increase of maximum overall lot coverage is minor in nature because adequate open space remains available for drainage, recreation and a reserve septic system location.</p> <p>d) The reduction of the front yard setback is minor overall (subject to conditions) because the building mass is consistent with the neighbourhood and positively contributes to the streetscape regarding urban design.</p> <p>e) The reduction of the easterly side yard setback is minor overall given the neighbourhood context, consistency with the Ontario Building Code and no adverse impacts are anticipated</p> <p>a) The proposed accessory lot coverage of 4% is a response to the challenge of meeting the 1% requirement in 'Agricultural' zones for smaller rural residential lots. Despite the small parcel size, the variance can be accommodated with minimal impact and no adverse impacts are anticipated.</p>
2. Is the variance desirable for the development or use of	c) Increasing the maximum overall lot coverage to 12.5% is desirable for the land given the smaller rural residential lot size which otherwise acts as a major constraint.

From the Department of



<p>the land?</p>	<p>d) Reducing the front yard setback and bringing the building footprint closer to the street will be desirable for the property as it will facilitate the construction of a garage which currently does not exist.</p> <p>e) The reduction of the easterly side yard is desirable for the property because it allows for more design flexibility while helping to preserve rear yard open space for recreational purposes, drainage and septic area.</p> <p>a) The proposed accessory lot coverage of 4% is desirable for the use of the land given the small size of the rural lot which makes siting a detached accessory building challenging with rigid specifications, the relief will offer some flexibility in terms of property usage and thus, desirability.</p>
<p>3. Does the variance maintain the general intent and purpose of the Official Plan?</p>	<p>c) The variance to increase overall lot coverage maintains the intent of the Official Plan because the purpose of the Specialty Agricultural designation is to implement the Greenbelt Plan and protect and advance the interests of Agriculture. The variances will not detract from the agricultural viability of the area as this property is an existing rural residential use.</p> <p>d) The variance to reduce the front yard setback (subject to conditions) maintains the intent of the Official Plan because the neighbourhood character of the area is not compromised by inappropriate building orientation and siting.</p> <p>e) The reduction of the easterly side yard setback does not compromise the general intent of the Official Plan because the community character is maintained, the use is permitted, and no adverse impacts will be felt by neighbours.</p> <p>a) The proposed accessory lot coverage maintains the general intent of the Official Plan in that no negative impacts will be created for any natural heritage feature or neighbouring properties.</p> <p>The variances are appropriate given the site's rural residential context and meet the general intent of the Official Plan policies.</p>
<p>4. Does the variance maintain the general intent and purpose of the Zoning By-law?</p>	<p>c) Increasing the overall lot coverage by the requested amount does not compromise the general intent of the Zoning By-law as there is adequate landscaped open space reserved.</p> <p>d) Reducing the front yard setback maintains the intent of the Zoning By-law because one (1) parking space is required either in a private garage or carport under Section 6.16. Currently no garage exists on the property and the variance will actually provide compliance in this respect.</p>

	<p>e) The variance of the easterly side yard setback maintains the intent of the Zoning By-law because the deviation leaves adequate spatial separation for drainage purposes, maintenance of the exterior walls and privacy buffer.</p> <p>a) Increasing the maximum accessory building lot coverage maintains the general intent of the Zoning By-law in that adequate open space remains and will not bother the existing septic field and storm water runoff will be required to be contained on the property as per Town standards.</p>
--	--

On November 3<sup>rd</sup> 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 (November 17, 2017)
  - See conditions.
- Building Department (November 22, 2017)
  - All necessary permits are required prior to construction commencing.
- Niagara Region Planning and Development Services (November 23, 2017)
  - {See appendix}
  - The septic tank was not exposed upon our inspection and there is no record available for the existing sewage system. Given lack of information, the Region cannot confirm the proposed structures will meet the Ontario Building Code setback requirements.
  - More details are required.
  - Cannot approve of the application at this time.

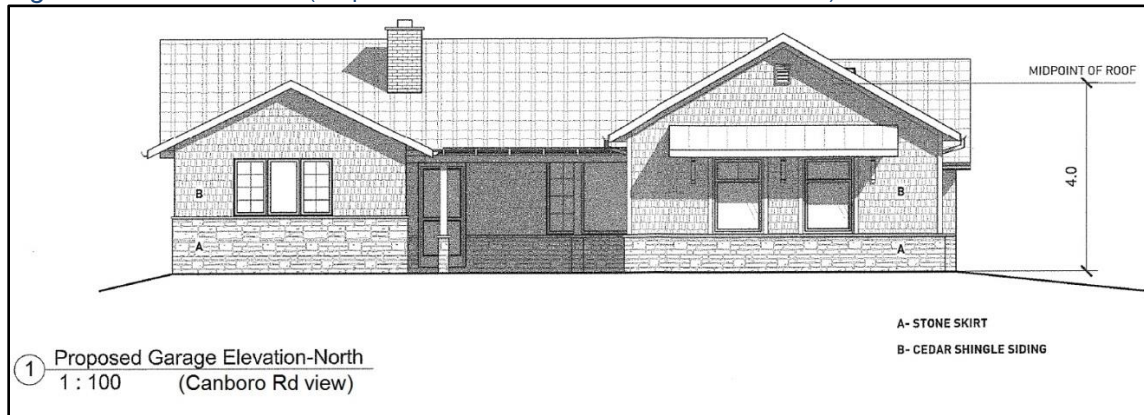
No comments from the public were received.

### Planning Comments

The subject land is located on the north side of Canboro Road lying east of Effingham Street in Ridgeville. The property is surrounded by the following:

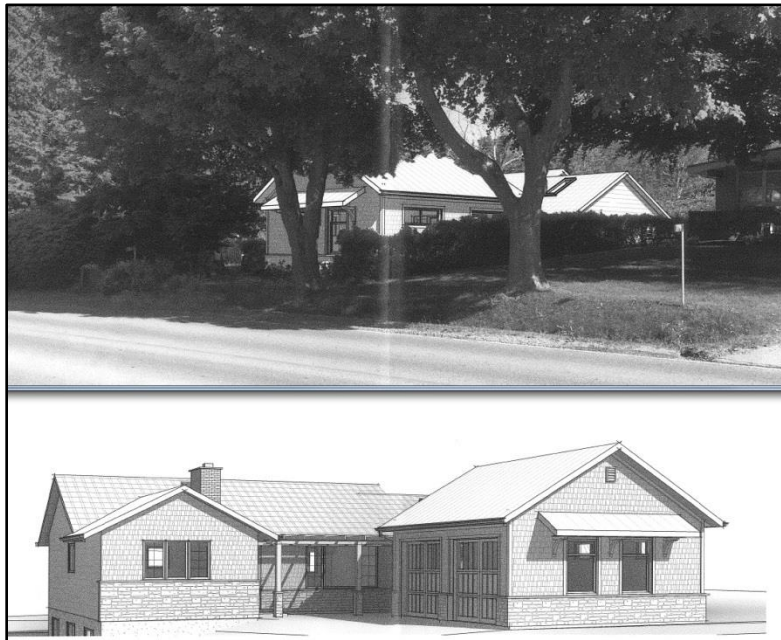
- North – Agricultural
- East – Rural residential
- South – Auto, truck & industrial repair business
- West – Rural residential

Figure 1: 281 Canboro Rd (Proposed elevation as seen from Canboro Road)



Regarding the proposed reduction to the easterly side yard setback, adequate spatial separation is maintained between the neighbour for storm water runoff and maintenance access. The elevations also include two slender windows which help to improve the view from the east without compromising ground level privacy.

Figure 2: 281 Canboro Rd – Perspective Renderings from Canboro Rd



Regarding the proposed reduction to the front yard setback, Planning staff is prepared to recommend approval of this variance only if the building permit issuance honours the appropriate exterior design treatments illustrated on the submitted plans for the attached garage. Given the increased building exposure onto the public realm, positively reinforcing the streetscape by means of an active building façade is important. The Elevation Plan and various perspective renderings submitted with the application (Figure 2) depicts an attached garage addition with two bay doors facing west, two windows plus a canopy facing south and two slender

windows facing east. It should be noted that the proposed front yard building footprint is consistent with the Ridgeville neighbourhood.

Therefore, reducing the front and easterly side yard setbacks will not negatively affect the neighbourhood as adequate spatial separation is maintained and if subject to appropriate urban design treatments on the south façade, the development will enhance the streetscape.

Regarding the proposed increase of overall & accessory building lot coverages, the impact is

foreseen to be minimal given the remaining open space available to serve drainage needs, amenity area and future septic system demands. It is noted that the Region of Niagara was not able to inspect the septic system. Therefore, Planning staff recommend that as a condition of approval, the applicant obtain approval from the Region regarding septic system compliance prior to building permit approval.

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 Pelham 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 A35/2017P **be approved**, subject to the following conditions:

**THAT** the applicant

- Obtain approval from the Niagara Region Private Sewage Systems division for septic system compliance prior to building permit application.
- Submit and obtain all appropriate building permits 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.
- Obtain a Temporary Works Permit for the review and approval of the proposed second driveway access. Please note that curb stops cannot be located in or underneath a driveway.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director/ Community Planning & Development

**File:** A35/2017P

November 22, 2017

**Address:** 281 Canboro Rd., Pelham

**Owner:** Terry Anne Matthews

**Agent:** Todd Barber

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:** November 17, 2017  
**TO:** Shannon Larocque, Senior Planner  
**CC:** Nancy J. Bozzato , Clerk; Judy Sheppard, Deputy Clerk; Andrea Clemencio, Director of Public Works & Utilities  
**FROM:** Xenia Pasiecznik, Engineering Technologist  
**RE:** File A35/2017P  
281 Canboro Road

---

Public Works has completed a review of the minor variance application A35/2017P. The application is made to seek relief from the following sections:

- Maximum Overall Lot Coverage – seeking 12.5% whereas 10% is allowed
- Minimum Side Yard – seeking 3 meters whereas 9 meters is required
- Minimum Front Yard – seeking 6.9 meters whereas 13 meters is required
- Accessory Lot Coverage – seeking 4% whereas 1% is allowed

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

Public Works is requesting the submission of a Temporary Works Permit Application for the review and approval of the new proposed driveway location. Please note that curb stops cannot be located in and/or under a driveway.

## Judy Sheppard

---

**From:** William Underwood  
**Sent:** Tuesday, November 07, 2017 8:57 AM  
**To:** Nancy Bozzato; Judy Sheppard  
**Cc:** Bob Lymburner  
**Subject:** By-Law Varinaces

Hi Nancy and Judy,

Fire has no comments for Files A33, 35, 36/2017P

Regards,

Will



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

**e: [wunderwood@pelham.ca](mailto:wunderwood@pelham.ca)**  
**p: 905.892.2607 x202**  
**c: 905.327.0402**  
**[pelham.ca](http://pelham.ca)**

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**Via Email Only**

November 23, 2017

Our File: MV 17-064

Nancy Bozzato  
Town Clerk/Secretary-Treasurer  
Town of Pelham  
20 Pelham Town Square P.O.Box 400  
Fonthill Ontario  
L0S 1E0

Dear Ms. Bozzato,

**Re: Application for Minor Variance**  
**Applicant: Terry Anne Mathews**  
**Location: 281 Canboro Rd, Town of Pelham**  
**Town File: A35/2017P**

---

Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the Town in its consideration of this application.

**Private Sewage System Review**

Our Private Sewage Systems inspections staff has inspected the above-mentioned property and wish to provide the following comments.

There are several new structures proposed for this property, including a detached garage, accessory building, in-ground pool and patio area. The septic tank was not exposed upon our inspection and there is no record available for the existing sewage system servicing the property. Since the exact location and size of the sewage system are unknown, we cannot confirm that the newly proposed structures (accessory building, pool, patio) will meet with the Ontario Building Code minimum setback requirements from the sewage system (1.5 m to the tank and 5 metres to the tile bed). It was also noted at the time of our inspection that an above ground swimming pool is currently on-site and may be encroaching on the existing sewage system. More details are also required concerning the square footage of the proposed 3 season room in order to be able to approve of the additional living space with the continued use of the existing sewage system.

Therefore, our department cannot approve of the minor variance application at this time. In order to approve of the proposed structures, the septic tank would need to be uncovered and the corners of the tile bed exposed to verify that the location of the accessory building, pool and patio will meet the minimum setback requirements. It is noted that there is usable area available on the property (to the

north) for the installation of a replacement sewage system that would meet with current Building Code requirements.

Yours truly,

A handwritten signature in black ink that reads "C Wood". The signature is written in a cursive style with a large, looped "C" and a distinct "W".

Caitlin Wood  
Private Sewage Systems Inspector

C: Justin Noort, C.E.T, Development Approvals Technician

December 5, 2017

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

**Re: Minor Variance Application A36/2017P (Homes by Antonio Ltd.)  
NA  
Part of Lot 18, Concession 10 in the Town of Pelham  
Roll No. 2732 010 016 15201**

The subject land is located on the southwest corner of Canboro Road and Farr Street, being Part of Lot 18, Concession 10 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 6.14 a) whereas no dwelling on any adjacent lot shall be located within 300m of a livestock operation, to reduce the minimum distance separation to 86.24m of any livestock operation.**

The variance is requested to facilitate the construction of a single detached dwelling on an existing lot of record.

### **Applicable Planning Policies**

#### Provincial Policy Statement (PPS), 2014

The PPS designates the subject land as within a 'Prime Agricultural Area', which shall be protected for long-term use as agriculture. 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).

*Minimum distance separation formulae* were developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

*Rural land and prime agricultural area* policies require that Minimum Distance Separation (MDS) formulae be applied for new land uses, and new or expanding livestock facilities.

#### Greenbelt Plan, 2017

Policies surrounding MDS are similar to those of the PPS (2014).

### The Minimum Distance Separation (MDS) Document – Publication 853

The Ministry of Agriculture, Food & Rural Affairs (OMAFRA) issued the MDS Document in order to assist municipalities, farmers and consultants in implementing MDS as part of planning and development applications.

- Implementation Guideline No. 7 – Application of MDS for building permits on existing lots
  - While municipalities have the option to exempt buildings proposed through building permit applications on *lots* which exist prior to March 1, 2017, they are strongly discouraged from exempting these applications.
  - If local exemptions are supported for building permits on existing *lots*, a municipality shall adopt provisions in their comprehensive zoning by-law which clearly state the details for such exemptions. Examples of such provisions may include, but are not limited to, those which only require MDS I setback for building permit applications:
    - On existing *lots* which are vacant;
    - On existing *lots*, but where the MDS I setback cannot be met, then through a planning application, allow a *dwelling* provided that it be located as far as possible from the existing livestock facility;
    - On lots which exist prior to a specific date (e.g. March 1, 2017 or the date of adoption of a comprehensive zoning by-law);
    - On existing *lots* that are in a particular land use zone or designation;
    - On existing *lots* that are above or below a certain size threshold; or
    - For certain types of buildings (e.g. dwellings).
  
- Implementation Guideline No. 43 – Reducing MDS setbacks
  - MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document.
  - If deemed appropriate by a municipality, the processes by which a reduction to MDS I may be considered could include a minor variance to the local zoning by-law provisions, a site specific zoning by-law amendment or an official plan amendment introducing a site specific policy area.

Town staff understand there may be few, existing vacant lots of record (such as this) remaining within the Town of Pelham that would conflict with MDS policies.

### Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as ‘Good General Agricultural Area’.

Policy 5.B.6 states single dwellings are permitted on existing lots of record, provided they were zoned for such as of December 16, 2004.

### Pelham Official Plan, 2014

The local Official Plan designates the subject parcel as ‘Good General Agricultural’. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

### Pelham Zoning By-law Number 1136 (1987)

The Zoning By-law identifies the subject parcel as ‘Agricultural’ (A). The permitted uses (among others) include:



- a) Agricultural uses including greenhouses;
- c) One single detached dwelling on one lot;
- g) Uses, buildings and structures accessory to the foregoing permitted uses.

**Section 6.14 New development in or adjacent to an agricultural (A) zone**

No residential use shall be established after the date of passing of this By-law adjacent to a livestock facility and conversely no new / enlargement of an existing livestock building shall be established adjacent to one of the foregoing non-farm uses, except in accordance with the following setback requirements.

- a) No non-farm use including a residential use accessory to a permitted adjacent agricultural use shall be established adjacent to a livestock building within a distance determined by the MDS formula.  
Notwithstanding any of the above, no dwelling on any adjacent lot shall be located within 300m of a livestock operation, except as a dwelling on a lot existing at the date of passing of this By-law shall only comply with the MDS requirements.

The application requests relief from Section 6.14 a) to reduce the MDS requirement from 300m to 86.24m to allow for the construction of a dwelling on an existing lot of record that was created prior to the Zoning By-law being approved.

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 MDS requirement is minor overall given the lack of nuisance complaints with several existing dwellings in close proximity and the prevailing west winds directing odour from the nearby livestock operation to the east. Also, given the presence of other nearby residential uses that predated this proposal, no negative impacts are anticipated.
2. The variance is desirable for the development or use of the land.	The variance would be desirable as 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. It is noted that the lot is currently vacant, and too small for a traditional independent cash crop operation.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance maintains the general intent of the Official Plan because it would permit the construction of a single detached dwelling which is a permitted use on existing lots of record.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Reducing the MDS requirement to 86.24m from a required 300m does not compromise the intent of the Zoning By-law because sufficient spatial separation is maintained between the existing and proposed use. Paired with a prevailing westerly wind and the lack of odour nuisance complaints, there has not been an issue with neighbouring residences, also within close proximity to the existing livestock operation.

On November 3<sup>rd</sup> 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 (November 17, 2017)
  - {See conditions & Appendix for comments}
- Building Department (November 22, 2017)
  - All necessary permits are required prior to construction commencing.
- Niagara Peninsula Conservation Authority (November 6, 2017)
  - No comments.
- Niagara Region Planning and Development Services (November 21, 2017)
  - {See Appendix for full comments}
  - There appears to be limited usable land available on the lot for the installation of a sewage system.
    - A detailed design plan for a Class 4 sewage system must be submitted to our Department for approval.

Public Comments:

- Doug / Tara Hargreaves (November 8, 2017)  
Objects to the relief of the MDS requirement because the by-law was enacted to protect the business of farming and nearby residents.
  - Staff agree, although, the MDS policies of the Province deal specifically with nuisance via unpleasant odour and not necessarily '*normal farm practices*', as defined in the Farming & Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances.
  - Moreover, the parcel is an existing lot of record which is not afforded many alternative options given the small lot area, lack of abutting properties to justify a merger and restrictive permitted land uses under the scope of the Greenbelt Plan, Niagara Regional Official Plan, Pelham Official Plan and Pelham Zoning By-law.  
The barn opposite the proposed house (presumably 919 Canboro) is limited to only farming.
    - Not necessarily, the barn may be used for other permitted uses in accordance with the Agricultural (A) zone under Section 7.
- Ted Bowman (November 16, 2017)  
Objects to the application on the basis that his own property will be subject to future complaints with regards to animals, noise, stored manure, etc.
  - Complaints rendered as a result of *normal farm practices* as defined in the Farming & Food Production Protection Act, 1998 would be dealt with via the Normal Farm Practices Protection Board (NFPPB).
  - Town staff are not aware of any nuisance complaints in this location.  
Why would the Town allow a dwelling within 75' of a railway?
    - The Town would not allow this. Section 6.21 of the Zoning By-law states no residential dwelling is permitted to be built within 23m (75.46') of an active railway right-of-way.  
The lot contains rare tree species planted by the previous owner that are under protection by the NPCA.
      - The NPCA has no *Regulation Lands* on this property but does have a *Planning Permit Screening* layer on-site. The NPCA had no issues with the proposal.



## Planning Comments

Planning staff note the property is 0.5ha (1.3ac) in area, is not farmed, and is a legally created, vacant lot of record, created as a result of the Canadian Pacific (CP) railway corridor. A site visit was conducted by Planning Staff to note the conditions of the property and surrounding area. Numerous rural-residential lots exist to the west and east, as well as agricultural farmland in all directions, intersected by the CP railway and Farr Street at Canboro Road. The livestock facility which is the reason for the MDS requirement can be seen in Figure 1.



*Figure 1: Farr Street looking north to Canboro Road. (Subject land on left)*

A row of coniferous trees line the northern limits of the CP railway corridor. Potential exists for new trees to be linearly planted along the north lot line of the subject property, parallel to Canboro Road to act as an additional buffer.

The Town is unaware of any previous odour complaints in the area around the existing livestock operation. Also, due to the prevailing westerly

winds, any odour impacts should continue to be minimal as the dwelling lie to the south of the livestock facilities.

The authorized agent submitted a supporting rationale letter outlining the circumstances around his client's minor variance for MDS relief in the context of this neighbourhood. Principally, the letter points out the volume of existing residential dwellings located within the current MDS radius, the lack of historical issues and noted the discernable harmony in this area.

Staff recognize that, in other areas of the Town some conflict has arisen from new residents moving into existing dwellings next door to existing livestock operations. In some cases, these dwellings would not have been permitted under current MDS policies. However, in this case, given the proliferation of already existing residential neighbours well within the MDS radii, this would pose a similar challenge for any proposed expansion of the present livestock facilities (Figure 2). MDS II formulae would be triggered under a proposed livestock facility expansion, and similarly, a minor variance for zoning relief may be applied for. Further, the proposed conditions below include that of a Development Agreement which would include a clause that the owner acknowledges his / her property is located within a calculated MDS radius and they may experience unpleasant odours from time to time.

Figure 2: Subject livestock facility at 919 Canboro Rd



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 Pelham 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 A36/2017P be **approved**, subject to the following conditions:

**THAT**

- Obtain approval from the Niagara Region Private Sewage Systems division for septic system compliance prior to building permit application.
- The applicant shall enter into a Development Agreement with the Town for the purposes of developing the lot to include:
  - Obtaining an Entrance Permit from the Public Works Department for the installation of a driveway / culvert, as applicable, in accordance with Town standards.

- 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 formulae & the Town’s Zoning By-law Minimum Distance Separation spatial requirement and that they may potentially, from time to time, experience unpleasant odours from an existing adjacent livestock operation.”
- All necessary building permits be obtained prior to construction commencing.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

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

**File:** A36/2017P

November 22, 2017

**Address:** Part Lot 18, Concession 10., Pelham

**Owner:** Homes by Antonio Ltd.,

**Agent:** J. Patrick Maloney

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:** November 17, 2017  
**TO:** Shannon Larocque, Planner  
**CC:** Nancy J. Bozzato , Clerk; Judy Sheppard, Deputy Clerk; Andrea Clemencio, Director of Public Works & Utilities  
**FROM:** Xenia Pasiecznik, Engineering Technologist  
**RE:** File A36/2017P  
Part Lot 18, Concession 10 (Canboro & Farr Street)

---

Public Works has completed a review of the minor variance application A36/2017P for relief of Pelham Zoning By-Law 1136(1987) section 6.14 – “New Development in or Adjacent to an Agricultural A Zone or Special Rural SR Zone” for a minimum distance separation (MDS) to allow a distance of 86.24 meters from a barn on an adjacent property whereas 300 meters is required.

Relief is sought to facilitate construction of a detached single family dwelling.

Public Works is requesting the submission of an Entrance & Culvert Permit Application for the review and approval of the proposed driveway location prior to issuing a building permit. Please note that the driveway must be located off of Canboro Road and not Farr Street.

## Judy Sheppard

---

**From:** William Underwood  
**Sent:** Tuesday, November 07, 2017 8:57 AM  
**To:** Nancy Bozzato; Judy Sheppard  
**Cc:** Bob Lymburner  
**Subject:** By-Law Varinaces

Hi Nancy and Judy,

Fire has no comments for Files A33, 35, 36/2017P

Regards,

Will



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

**e: wunderwood@pelham.ca**  
**p: 905.892.2607 x202**  
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**Via Email Only**

November 21, 2017

Our File: MV-17-063

Nancy J. Bozzato  
Secretary-Treasurer, Committee of Adjustment/Town Clerk  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill ON L0S 1E0

Dear Ms. Bozzato

**Re: Application for Minor Variance**  
**Applicant: Homes by Antonio LTD.**  
**Location: (Part Lot 18, Concession 10) Canboro Road, Pelham**  
**Town File: A36/2017P**

---

Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the Town in its consideration of this application.


The subject land is zoned Agricultural "A" in accordance with Pelham Zoning By-law 1136(1987), as amended. Relief is sought from Section 6.14 "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. Relief is sought to facilitate construction of a detached single family dwelling.

**Private Sewage System Review**

Private Sewage System staff have inspected the property and reviewed the application to construct a single family dwelling. There appears to be limited usable land available on the lot for the installation of a sewage system.

Therefore, our department cannot approve of the application as submitted. If you wish to proceed with this application, a detailed design plan for a Class 4 sewage system must be submitted to our Department for approval.

Sincerely,



---

Andrew Fetter, BCIN #102471  
Private Sewage System Inspector  
Planning and Development Services

c: Justin Noort, Development Approvals Technician, Development Services Division  
Phill Lambert, P.Eng., Associate Director, Infrastructure Planning & Development Engineering



## Judy Sheppard

---

**From:** Sarah Mastroianni <smastroianni@npca.ca>  
**Sent:** Monday, November 06, 2017 8:49 AM  
**To:** Judy Sheppard  
**Subject:** RE: File A36-2017P - Minor Variance Application for Homes by Antonio Ltd., Pelham

Hi Judy,

The NPCA has no issues with this proposal.

Thank you.

**Sarah Mastroianni**  
**Watershed Planner**  
*Niagara Peninsula Conservation Authority*  
*250 Thorold Road West, 3rd Floor*  
*Welland, Ontario L3C 3W2*  
*Phone: 905 788 3135 (ext. 249)*  
*Fax: 905 788 1121*  
*email: [smastroianni@npca.ca](mailto:smastroianni@npca.ca)*

---

**From:** Judy Sheppard [<mailto:JSheppard@pelham.ca>]  
**Sent:** Friday, November 03, 2017 12:07 PM  
**To:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Subject:** File A36-2017P - Minor Variance Application for Homes by Antonio Ltd., Pelham

Hi Sarah,

Please see the attached Minor Variance Application – File A36/2017P to be heard on December 5<sup>th</sup>, 2017. We did not have a pre-consultation for this application but we are sending this to you. Please advise if you will require the fee and if so, we will collect it and send it along.

Thanks,  
Judy Sheppard

	<b>Judy Sheppard</b> Deputy Clerk Administration Services	<b>e: <a href="mailto:jsheppard@pelham.ca">jsheppard@pelham.ca</a></b> <b>p: 905.892.2607 x320</b> <b><a href="http://pelham.ca">pelham.ca</a></b>	20 Pelham Town Square P.O. Box 400 Fonthill, ON L0S 1E0
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### TOWN OF PELHAM CONFIDENTIALITY NOTICE

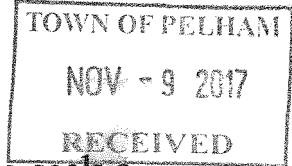
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Town of Pelham Committee of Adjustment  
20 Pelham Town Square  
Fonthaill, Ont

Nov. 8, 2017



Subject: File A36/2017P. Application by Homes by Antonio Ltd. to seek a relief from Section 6.14 of the zoning bylaw.

We object to the granting of such a relief in this request. This bylaw was enacted so as to protect the “business of farming” from the encroachment of residential homes to within a specified distance from buildings housing farm animals. As we know, farm animals, their byproducts, the noise and the storage of animals and byproducts can give off a strong and offensive odour. This bylaw is meant to keep homes a safe distance from such farming businesses for the protection of the residents.

It was also enacted to protect the farming community from unnecessary complaints from their residential neighbours regarding farming operations.

Everyone in the Town of Pelham has read the news over the past several years regarding Town of Pelham residents complaining about small farms in our community with cattle. They complain about the noise, smell and worry about their safety if such animals escape. They move to the country and then expect everyone around to change so they can enjoy what they perceive as “quaint country living”.

This particular application is requesting relief from the 300 metre distance. This request is not a minor variance, it is 3 1/2 times closer than the bylaw allows. We can see using common sense if someone needed several metres to assist in accommodating a residence but this is not at all reasonable or acceptable.

The farm across from the proposed house has large acreage and is situated on greenbelt land so is limited to farming and only farming. It was a former dairy farm and the barn and was built to accommodate a large herd of animals.

The proposed location of the new house could put a portion of the house within 300 metres of our barn at 931 Canboro Rd. But as we said earlier, several metres is reasonable.

The company that purchased this piece of property either failed to do their homework or are hoping that the town caves to their request.

The bylaw is there to protect the livelihood of farmers and farms and the application must be denied.

Respectfully.

A handwritten signature in cursive script, appearing to read "Doug Hargreaves".

Doug & Tara Hargreaves

Delivered by hand

November 16, 2017.

Town of Pelham Planning Department,  
Town Centre Square,  
Fonthill, ON

Re: File A36 2017P Homes by Antonio

Dear Sir or Madame:

I am the landowner at [REDACTED] Canboro Road in Fenwick, ON. Thank you for your notice on November 3, 2017 in regards to the above noted minor variance.

I am objecting to this application on the basis that property owned by myself will be subjected to future complaints with regards to animals, noise, stored manure, etc. This variance does not qualify as a minor variance as the home proposed will be within 85 meters of our barn, when 300 meters is the distance separation needed between residential properties and farm properties.

I would recommend that the Town of Pelham advise the property owner that application is not granted. Ours is a green belt area, this parcel of property is green belt as well. Residential properties need to be in residential areas. The Town has had numerous complaints from residential home owners about the farming community. This is a rural area and we wish to keep it rural. I believe the land in question is designated as agricultural. Why would the Town of Pelham allow a home to be built on a small agricultural lot with a railway track less than 75 feet from the back of the property? This lot also contains rare tree species planted by the previous owner that are under protection by the Niagara Conservation Authority, these trees cannot be removed for building purposes.

Please register my objection to this submission.

Sincerely,

[REDACTED]

Ted Bowman

[REDACTED] Canboro Road

Fenwick, ON

L0S 1C0

[REDACTED]

**Meeting #:** CoA-07/2017  
**Date:** Tuesday, July 11, 2017  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
 20 Pelham Town Square, Fonthill

**Members Present** James Federico  
 Brian DiMartile  
 Donald Cook  
**Members Absent** Wayne Lockey  
 John Klassen  
**Staff Present** Nancy Bozzato  
 Judy Sheppard

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair James Federico called the meeting to order at approximately 4:14 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 received for withdrawals or adjournments.

5. **Applications for Minor Variance**

- 5.1 **File A22/2017P - Steven & Anna Groen**

Purpose of Application

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 7.4 (a) "Minimum Lot Frontage" to permit a frontage of 5.72

metres whereas 46 metres is required. The owner will acquire Parts 5 and 7, fronting on Cream Street as part of concurrent consent applications, together with rights-of-way for ingress and egress over Parts 2, 3, and 4. (B18/2017P, B19/2017P and B20/2017P).

#### Representation

Steven Groen, 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 Public Works Department
4. Town of Pelham Fire Department
5. NPCA Comments

#### Applicant's Comments

No comments.

#### Public Comments

No comments.

#### Members Comments

No comments.

#### **Moved By Donald Cook**

#### **Seconded By Brian DiMartile**

**Application for relief of Section 7.4(a) – Minimum Lot Frontage is requested to permit a frontage of 5.72 metres whereas 46 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 lands are unaltered and no negative impacts on adjacent uses are anticipated.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that the frontage reduction is less than what is required but is satisfactory for driveway access which is accomplished through reciprocal rights-of-ways.**
- 3. The intent of the Official Plan is maintained in that it will help correct a previous unfortunate circumstance by reconfiguring open space to facilitate a shared road access to Cream Street.**

4. The proposal is desirable for the appropriate development and/or use of the land in that it will recognize the frontage shortfall and give legal status to develop a land locked parcel.
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 concurrent Consent Applications B18/2017P, B19/2017P, B20/2017P and Minor Variance Application A23/2017P obtain final approval.

**Carried**

## **5.2 File A23/2017P - Trevor & Kristine Sider**

### Purpose of Application

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 7.4(a) - Minimum Lot Frontage to permit a frontage of 5.72 metres whereas 46 metres is required. The owner will acquire Part 4, fronting on Cream Street, as part of concurrent consent applications, together with rights-of-way for ingress and egress over Parts 2, 3, and 5 (B18/2017P, B19/2017P and B20/2017P).

### Representation

Trevor Sider, registered owner, appeared on behalf of this application.

### Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham Fire Department
5. NPCA Comments



Applicant's comments  
No comments.

Public comments  
No comments.

Members comments  
No comments.

**Moved By Donald Cook  
Seconded By Brian DiMartile  
Application for relief of Section 7.4(a) – Minimum Lot Frontage is requested to permit a frontage of 5.72 metres whereas 46 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 lands are unaltered and no negative impacts on adjacent uses are anticipated.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that the frontage reduction is less than what is required but is satisfactory for driveway access which is accomplished through reciprocal rights-of-ways.**
- 3. The intent of the Official Plan is maintained in that it will help correct a previous unfortunate circumstance by reconfiguring open space to facilitate a shared road access to Cream Street.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will recognize the frontage shortfall and give legal status to develop a land locked parcel, and increases the value of the land.**
- 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 condition:**

- 1. That concurrent Consent Applications B18/2017P, B19/2017P, B20/2017P and Minor Variance Application A22/2017P obtain final approval.**

**5.3 File A24/2017P - Joseph Prantera, Alexander Louws, and Heather Prantera**

Purpose of Application

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 7.4(e) "Minimum Exterior Side Yard" seeking 7.8m whereas 8m is required

Section 7.4(f) "Minimum Side Yard" seeking 6.4m whereas 9m is required

Section 7.4(g) "Minimum Rear Yard" seeking 1.82m whereas 15m is required.

Representation

Alexander Louws, registered owner, appeared on behalf of this application.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham Fire & By-law Services
5. Niagara Peninsula Conservation Authority
6. Niagara Region

Applicant's comments

No comments.

Public comments

No comments.

Members comments

No comments.

**Moved By Brian DiMartile**

**Seconded By Donald Cook**

**Application for relief of the following:**

**Section 7.4(e) – Minimum Exterior Side Yard – seeking 7.8 metres whereas 8 metres is required is hereby: GRANTED**

**Section 7.4(f) – Minimum Side Yard – seeking 6.4 metres whereas 9 metres is required is hereby: GRANTED**

**Section 7.4(g) – Minimum Rear Yard – seeking 1.82 metres whereas 15 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 application conforms to the neighbourhood and provides adequate parking and does not pose any negative impacts on the abutting neighbours.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that adequate separation is maintained for drainage.**
- 3. The intent of the Official Plan is maintained in that it does not compromise the agricultural character of the area and will not negatively impact neighbouring properties.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it provides flexibility for house designs on a very small lot and maximizes the amenity area to the west.**
- 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 condition:**

- 1. That the Applicant must obtain a sewage system permit to accommodate a new Level IV sewage treatment system for the addition, to the satisfaction of the Director of Niagara Region Planning and Development Services and the Niagara Peninsula Conservation Authority, and that written documentation be provided to the Town Chief Building Official prior to issuance of a building permit.**
- 2. That all necessary permits be obtained prior to construction commencing, to the satisfaction of the Official Building Inspector.**

**Carried**

#### **5.4 File A25/2017P - Matthew Moncrieff & Louise Daurio**

##### Purpose of Application

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 7.7 (b) "Minimum Side & Rear Yard" to allow a 1.22 metres easterly side yard setback whereas 3 metres is required, to facilitate the construction of a detached garage.

##### Representation

Louise Daurio, registered owner, appeared on behalf of this application.

##### Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham
5. Niagara Peninsula Conservation Authority

##### Applicant's comments

Ms. Daurio requested that the Committee members give consideration to removing the condition that is recommended by the Planning Staff which is to relocate the proposed accessory building in order to maintain a 3 metre setback between the nearest corner of the dwelling and that of the proposed detached garage for rear yard access and to maintain the required 1.5 meter setback to the septic tank and 5 metres to the septic bed.

Ms. Daurio presented two pictures of when the septic system was professionally installed and advised that this area is already accessible for maintenance and commented that there is a wooded area on the back of the deck and they are hoping to enjoy the rear yard without having to relocate the deck.

##### Public comments

No comments.

Members comments

The Committee Members unanimously agreed to support the Region's concerns with regard to access.

**Moved By Donald Cook**

**Seconded By Brian DiMartile**

**Application for relief from Section 7.7 (b) – Minimum Side Yard & Rear Yard seeking 1.22 metres whereas 3 metres is required to facilitate construction of a detached garage, is hereby: GRANTED**

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

- 1. The variance is minor in nature in that sufficient distance still separates the lot line and can accommodate drainage.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that some spatial separation is maintained for drainage purposes and maintenance of the exterior walls.**
- 3. The intent of the Official Plan is maintained in that rural aesthetics are maintained with no negative impacts to neighbours as drainage must be contained on site and greater distance buffers the proposed garage from the Greenbelt Natural Heritage Systems to the west.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will allow for greater use of the existing rear yard amenity space.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

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

- 1. Prior to issuance of a building permit, that the Applicant confirm in writing that the proposed building is relocated in order to maintain a 3 metre setback between the nearest corner of the dwelling and that of the proposed detached garage for rear yard access and to maintain the required 1.5 metre setback to the septic tank and 5 metre to the septic bed, to the satisfaction of the Director of Community Planning and Development.**
- 2. That all necessary building permits be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.**

**6. Applications for Consent**

**6.1 File B18/2017P - Gary & Meredith Groen**

Purpose of Application

Application is made for consent to partial discharge of mortgage and to convey 1287m<sup>2</sup> (Part 4) of land to merge with the abutting lot to the west (Part 6), subject to a right-of-way in perpetuity to benefit of Parts 5, 7 & 8. Application is also made for consent to convey a right-of-way in perpetuity over Parts 2 and 3, to the benefit of Parts 4, 5, 6, 7 & 8 for use as a shared driveway for ingress and egress purposes. Parts 1, 2 & 3 are to be retained for continued use of the dwelling known municipally as 770 Cream Street.

This application is being considered concurrently with Minor Variance Files: A22/2017P & A23/2017P, and Consent Files: B19/2017P and B20/2017P.

Representation

Gary Groen, registered owner, appeared on behalf of this application.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Niagara Peninsula Conservation Authority

Applicant's comments

No comments.

Public comments

No comments.

Members comments

No comments.

**Moved By Brian DiMartile**

**Seconded By Donald Cook**

**Application for consent to partial discharge of mortgage and to convey 1,287 square metres (Part 4) of land, being Part 12, Concession 11, Town of Pelham, subject to a right-of-way in perpetuity to the benefit of Parts 5, 7 and 8. Application is also made for consent to convey a right-of-way in perpetuity over Parts 2 and 3, to the benefit of Parts 4, 5, 6, 7 and 8 for use as a shared driveway for ingress and egress purposes. Parts 1, 2, & 3 are to be retained for continued use of the dwelling known municipally as 770 Cream 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 complies with the Town's Zoning By-law.**
- 2. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 3. 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.**
- 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. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 53(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the west (Part 6 on the preliminary sketch) the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel.**
- 2. That the applicant obtains the appropriate Niagara Peninsula Conservation Authority (NPCA) Work Permit(s) prior to any on-site works commencing for the installation of the driveway, to the satisfaction of NPCA.**
- 3. That the applicant re-register the existing easement onto the**

severed parcels for Parts 4 & 5 because Parts 4 & 5 cross an existing easement in favour of the Town, for the use of the turn-around-bulb, to the satisfaction of the Director of Public Works. The applicant shall bear all costs associated with these works.

4. That the applicant submit and receive an approved Driveway Entrance and Culvert Permit, issued through the Public Works Department for the installation / modification of the existing entrance, to the satisfaction of the Director of Public Works. As this access is being proposed to be shared, it will be required that it is constructed wide enough to allow for unimpeded two-way traffic movement. The applicant shall bear all costs associated with these works.

5. That the applicant sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit, to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.

6. That application for Consent, files B19/2017P & B20/2017P receive final certification of the Secretary-Treasurer concurrently.

7. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel and the consolidated parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

8. 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

#### 6.4 B21/2017P - 4 High Street Inc.

##### Purpose of Application

Application is made for consent to convey 4249m<sup>2</sup> of land (Part 1) to create a new lot for residential development. Part 2, known municipally as 1022 Pelham Street, is to be retained for continued commercial use.

##### Representation

Christian Venditti, authorized agent, appeared on behalf of this application.

##### Correspondence Received

1. Town of Pelham



2. Town of Pelham Building Department
3. Town of Pelham Public Works Department

Applicant's comments  
No comments.

Public comments

Mr. Murrey Downie requested that the Committee members consider imposing two conditions on the application, as follows:

1. That the owner properly maintain the property; and
2. That the Town be authorized to have access to the back of the property in order to cut the grass, until the lot is developed.

Members comments

Member Federico advised Mr. Downie that the Committee of Adjustment has no mandate to deal with property maintenance concerns therefore, the Committee does not have the authority to impose such conditions.

Ms. Bozzato, Town Clerk / Secretary-Treasure reiterated Mr. Federico's comment in that property maintenance is not a type of condition that can be imposed by the Committee of Adjustment. A consent condition is one that the Applicant has one year to meet. Ms. Bozzatio advised Mr. Downie that he is welcome to address his concern through the Property Standards By-law by contacting the Town of Pelham By-law Officer.

No other comments were received from the members.

**Moved By Donald Cook**

**Seconded By Brian DiMartile**

**Application for consent to convey 4,249 square metres of land, shown as Part 1 on the drawing submitted, to create a new lot for Semi-detached Residential use, Part 2, being part of Lot 1, Concession 10, in the Town of Pelham, 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 complies with the Town's Zoning By-law.**

2. No objections to this proposal were received from commenting agencies or neighbouring property owners.
3. 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.
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 the applicant submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
2. That the applicant sign the Town of Pelham's standard Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.
3. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
4. That the final certification fee of \$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

## 8. Adjournment

Moved By Donald Cook

Seconded By Brian DiMartile

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for August 1, 2017 at 4:00 pm.

Carried

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James Federico, Chair

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Secretary-Treasurer, Nancy J. Bozzato