

Committee of Adjustment AGENDA

08/2019

August 13, 2019

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 A18/2019P - 241 Farr Street - Lot '2'

1

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. Brian Kuypers Correspondence
6. Melissa and Max Correspondence
7. Niagara Peninsula Conservation Authority
8. Applicant Correspondence

5.2	A19/2019P - 237 Farr Street Lot '3'	25
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	4. Niagara Region Planning & Development Services	
	5. Brian Kuypers Correspondence	
	6. Melissa and Max Correspondence	
	7. Niagara Peninsula Conservation Authority	
	8. Applicant Correspondence	
5.3	A20/2019P - 1146 Maple Street	49
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
5.4	A21/2019P - 594 River Road	57
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	4. Niagara Region Planning & Development Services	
	5. Niagara Peninsula Conservation Authority	

6. Applications for Consent

6.1 B7/2019P - 1146 Maple Street

70

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. Niagara Peninsula Conservation Authority
6. Bell Canada

7. Minutes for Approval

8. Adjournment

August 13, 2019

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

Re: Minor Variance Application A18/2019P
241 Farr Street, Pelham
Concession 14, Part of Lot 17; Part 2 on 59R-16004
Roll No. 2732 010 018 14018

The subject land is located on the east side of Farr Street, lying north of River Road, legally described above and known municipally as 241 Farr Street, in the Town of Pelham.

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The proposed dwelling seeks zoning relief through a minor variance application as follows:

- **Section 7.4 f) "Minimum Side Yard"** seeking 5.5m to the north and south side yard, whereas 9m is required for a dwelling.

Policy Overview

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).

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.

Policy A2.1.2 states the objective of the Official Plan is to make planning decisions that consider the health and integrity of the broader landscape as well as long term cumulative impacts on the ecosystem. Planning decisions should also restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.

Policy B2.1.1 states the purpose of the *Good General Agricultural* designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agriculture. The subject lands, together with the surrounding rural residential neighbourhood were legally created parcels under the former testamentary devise provisions of the *Planning Act*. As a result, the perimeter of this superblock was essentially taken out of agricultural production and converted to rural-residential use. Single detached residential buildings are permitted uses, *as-of-right* in the Official Plan and Zoning By-law, subject to applicable regulations.

The minor variance application was accompanied by a lot Grading Plan which depicts topography, a septic system and drainage patterns.

Pelham Zoning By-law Number 1136 (1987)

The Town Zoning By-law identifies the subject parcel as 'Agricultural' (A).

Section 7.4 Requirements for dwellings

f) Minimum Side Yard 9m Request = 5.5m (north & south)

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 side yard setbacks appears minor in nature because adequate information is now available to qualify the degree of impact this development may generate, particularly upon neighbouring land during storm events.
2. The variance is desirable for the development or use of the land.	Reducing the side yard setbacks is desirable for the lands because it will encourage the dwelling to be located further away from the septic bed, which is a constraint on such a small rural parcel. Although other alternatives could also achieve the same result, such as a reduced front yard setback or a 2-storey dwelling with a smaller footprint, the applicant has opted for reduced side yard setbacks.
3. The variance maintains the general intent and purpose of the Official Plan.	The requested side yard setback application was recently accompanied by a demonstrated need on the basis that the subject zoning provision is not warranted, causes undue hardship, or is otherwise impossible to comply with (Policy E1.5). The policy objectives of A2.1.2 state planning decisions should restrict & regulate land uses which could impact water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands. The Region of Niagara has confirmed a

From the Department of



	private sewage system should be able to be sustainably accommodated and a satisfactory Lot Grading & Drainage Plan is provided illustrating drainage along the lot lines, Town Planning staff are of the opinion the variance does not conflict with the policy objectives of the Official Plan.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Reducing the side yard setbacks to accommodate a wider dwelling maintains the general intent of the Zoning By-law, insofar as adequate spatial separation is maintained between the neighbouring parcels.

Comments

On July 18th 2019, a revised 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:

- Niagara Region Planning & Development Services (August 8, 2019; July 4, 2019)
 - A revised Lot Grading & Drainage Plan was submitted which now shows drainage will be re-directed along the lot lines and the septic system location. The drainage concerns will also be addressed at the time of the septic permit application.
 - No further objections.
- Public Works Department (August 1, 2019; July 3, 2019)
 - Minimum swale slopes shall be 2% in accordance with the Engineering Design Standards.
 - The lot shall have its own independent drainage system to convey overland stormwater without relying on neighbouring properties. The proposed pits at the rear of the lot are not permitted to cross lot lines and must be independent to each lot.
 - An in depth look at the lot grading and drainage is to be conducted at the time the Town is in receipt of the Overall Lot Grading and Drainage Plan. Any and / or all drainage concerns are addressed at that time.
 - If the proposed drainage pits are to act as a French drain, with proper design and installation, then there is no requirement for an outlet. French drains act to slow the overland flow and allow for stormwater to soak into the soil and recharge the ground water table.
 - The applicant must apply for a Driveway Entrance & Culvert Permit(s) prior to gaining driveway access from the Town right-of-way.
 - The applicant must submit a comprehensive Overall Lot Grading & Drainage Plan to the satisfaction of the Director of Public Works.
- Building Department (August 6, 2019; June 27, 2019)
 - Building permit(s) are required prior to construction commencing.

Comments were received from two (2) neighbouring residents which are summarized as follows:

- Are the proposed pits large enough to contain stormwater runoff? Will the pits be shared between lots?
 - Detailed design of the pits will be at building permit stage, and the pits are prohibited to be shared amongst properties unless appropriate approvals are obtained, (i.e. easements).



- Where are the “appropriate drainage outlets”, the Grading Plan references? Will runoff be directed onto adjacent properties? The depression (pond) will be partly covered by the proposed dwelling. Swales and French drains will be insufficient to adequately drain stormwater runoff if the depression is filled-in, this will adversely impact neighbouring properties during storm events.
 - If the pits are properly designed to act as a French drain, then no outlets are required. Drainage shall be conveyed exclusively on the subject land, and not rely on neighbouring properties.
- The water channels that traverse the property are not being maintained on the proposed Grading Plan.
 - This low lying area is not a regulated feature (i.e. tributary) by the NPCA or a Municipal Drain.
- The NPCA may want to provide comment on these properties as it appears within their jurisdiction.
 - The subject lands are located outside of the NPCA’s regulated screening area.
- In regards to the depression (pond) on the subject land, the Site Plan states, “some pooling in extreme conditions”. Neighbours experience perpetual pooling in this location, which increases significantly during heavy precipitation.
 - Historic aerial photography depicts this pond annually.
- Stormwater runoff from the dwelling will impact surrounding properties.
 - Detailed Lot Grading & Drainage Plan will be required along with Regional septic system approval.

Planning Comments

Planning staff note that the property is 0.28 ha (0.7 ac) in land area, is not farmed and is considered to be a vacant rural lot. The subject land is surrounded by:

- North – Rural residential dwelling
- East – Agricultural
- South – Agricultural / Rural residential dwelling
- West – Rural residential dwellings

The Region of Niagara has now provided supportive comments regarding the appropriateness of the minor variance request and the private sewage servicing capabilities of the property.

The owner has provided additional commentary with his resubmission expressing reasons as to why it is not possible to comply with the Zoning By-law. The Site Plan illustrates a 263 m² (2830 ft²) house & garage footprint. It appears the owner wishes to build a wider footprint house to match that of much of the existing houses in the neighbourhood, which are similar in width and to maintain a large rear yard amenity area for the residents and for septic system purposes.

Town Planning staff would normally agree with the applicant’s assessment of Official Plan policy in how development should be compatible with existing neighbourhoods. However, given the context and how this neighbourhood has transformed into a mostly rural residential neighbourhood, despite never being planned for such, it remains an agricultural area and the Official Plan policies emphasize that non-agricultural development must be compatible with the agricultural nature of this area (Policy B2.1.1), not the latest residential development. Therefore, Planning staff are of the opinion the need for a wider footprint on

compatibility grounds is not that compelling. However, we echo the applicant's sentiment about preserving a large rear yard amenity area and open space for septic system purposes as more appropriate rationale.

Due to the supportive Regional comments regarding the site drainage and septic system design information, Town Planning staff are now in a better position to support the minor variance approval.

Planning Staff is of the opinion that the application now meets all four minor variance tests laid out by the *Planning Act*. The application is consistent with Provincial policies, the Regional Official Plan, and conforms to the general intent of the Town's Official Plan.

Consequently, Planning Staff recommend that Application File Number A18/2019P **be approved**, subject to the following conditions,

THAT the applicant,

- Provide a detailed *Lot Grading & Drainage Plan* with the Septic Permit Application and obtain approval of the same, to be issued by the Region of Niagara.

Prepared by,



Curtis Thompson
Planner, B.URPI

Reviewed by,



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

Memorandum

Public Works Department - Engineering

DATE: August 1, 2019
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A18/2019P
241 Farr Street

Public Works has completed a review of the minor variance application A18/2019P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.4 (f) – “Minimum Side Yard” – to permit a north and south side yard of 5.5m whereas the by-law requires 9m, to facilitate the construction of a single detached dwelling and garage.

Public Works has the following **comments and response to public comments**:

- Minimum swale slope shall be 2% in accordance with the Engineering Design Standards
- Each individual lot shall have its own independent drainage system to convey overland storm flows and not rely on neighbouring properties. The proposed pits at the rear of the lot are not permitted to cross property lines and must remain independent to each respective lot.
- An in depth look at lot grading and drainage is to be conducted at the time the Town is in receipt of the overall lot grading and drainage plan. Any and/or all drainage concerns are addressed at this time.
- If the proposed drainage pits are to act as a French drain, with proper design and installation, there is no requirement for an outlet. French drains act to slow the overland flow and allow for it to soak into the soil and recharge the ground water table.

Public Works has the following **conditions**:

- That the applicant obtain approval through a Driveway Entrance and Culvert Permit to construct a new driveway or access way onto Town right-of-way. Installation of all entrances shall be completed in accordance with Town standards prior to consent and the applicant shall bear all costs associated with these works.
- That the applicant submits a comprehensive overall lot grading and drainage plan to demonstrate that drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works.

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development

Date: August 6, 2019

Subject: Building Comments on Applications to the Committee of Adjustment for
Minor Variances – August 13, 2019 hearing. **File A18/2019P**

Comment:

A Building permit will be required.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Sarah Leach

From: Killins, Tanya <tanya.killins@niagararegion.ca>
Sent: Thursday, August 08, 2019 11:08 AM
To: Sarah Leach; Curtis Thompson; Holly Willford
Cc: Boyle, Taylor
Subject: RE: Pelham Notice of Hearing

Please use the following comments below for these REVISED applications; A18 & A19/2019P (241 & 237 Farr Street):

A revised lot grading and drainage plan was submitted with the minor variance application, which now shows drainage will be re-directed along the lot lines. The drainage concerns will also be addressed at the time the septic permit application is submitted. We now have no objections to the minor variance application.

Tanya Killins

Private Sewage System Inspector
Planning & Development Services
Niagara Region
Phone: 905-980-6000 ext. 3358 Toll-free: 1-800-263-7215
www.niagararegion.ca



Please consider the environment before printing this e-mail.

From: Sarah Leach <SLeach@pelham.ca>
Sent: Thursday, August 08, 2019 9:34 AM
To: Curtis Thompson <cthompson@pelham.ca>; Holly Willford <HWillford@pelham.ca>
Subject: FW: Pelham Notice of Hearing

Good afternoon,

Attached, please find my re-circulation email to the Region. This email was sent on July 18th.



Pelham
NIAGARA

Vibrant • Creative • Caring

Sarah Leach
*Administrative Assistant
to the Clerk*
Administration Services

e: sleach@pelham.ca
p: 905.892.2607 x322
pelham.ca

20 Pe
P.O. B
Fonth

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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From: Sarah Leach
Sent: Thursday, July 18, 2019 12:38 PM

From: [Nancy Bozzato](#)
To: [Holly Willford](#)
Cc: [Jason Marr](#); [Curtis Thompson](#)
Subject: FW: Committee of Adjustment Public Hearing July 9
Date: June 24, 2019 10:14:55 AM

Hi Holly

This relates to the C of A files to be considered in July.

Nan

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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From: Brian Kuypers [mailto: [REDACTED]]
Sent: Friday, June 21, 2019 11:47 AM
To: Nancy Bozzato <NBozzato@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
Subject: Committee of Adjustment Public Hearing July 9

Re: Applications for variance at 237 and 241 Farr Street

Thank you for providing Notice of the Public Hearing, along with the Site and Grading plans for the above properties.

My property is located at [REDACTED] Farr St, directly [REDACTED] of the lot at 237 Farr St. Based on my proximity to these sites, I would like the Committee to consider the following points.

1. The plan for 241 Farr St. does not have a location for septic.
 2. The plan for 241 Farr states "some pooling in extreme conditions". In my experience there is always water in this location and increases significantly in extreme conditions.
 3. The lot at 237 also has significant ponding on the south east corner.
 4. The plan for 237 indicates a French Drain will be installed around the perimeter. There is no indication as to where this drain will discharge.
 5. The plans show surface run off will be to front and back. This will have an impact on surrounding properties.
- In summary, there is a considerable amount of water on both these lots and drainage will be critical.

If the committee has any questions or needs further information please contact me at the email or phone number below.

I will attend the meeting on July 9th and would like to be advised of any decisions regarding these 2 properties. Thank you for your consideration.

Sincerely,
Brian Kuypers
[REDACTED] Farr St, Fenwick, L0S1C0
Cell: [REDACTED]
[REDACTED]

Sarah Leach

Subject: FW: minor variances for 237 and 241 Farr St, Pelham

From: M [REDACTED]
Sent: Tuesday, July 30, 2019 8:54 AM
To: Nancy Bozzato <NBozzato@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
Subject: Re: minor variances for 237 and 241 Farr St, Pelham

.... Cont'd

Additionally, both property swales identified are so slight (less than 2%)

- #241 Farr St
0.4%
0.4%
0.5%
0.9%
- #237
only 3 swales, with the majority of water being directed to the back of the property with no outlet
0.4%
0.9%
1.5%

Thanks,
Melissa and Max

From: M [REDACTED]
Sent: July 29, 2019 9:37 PM
To: njbozzato@pelham.ca <njbozzato@pelham.ca>; cthompson@pelham.ca <cthompson@pelham.ca>
Subject: Re: minor variances for 237 and 241 Farr St, Pelham

Please be advised that I am providing further comment on properties in Fenwick, ON L0S 1C0:

- 237 Farr St
- 241 Farr St

My concerns are as follows:

1. There is an existing drainage channel that collects a significant amount of water from the fields. There is an area that pools where the dwelling of 241 Farr St intends to build.
Swales with French drains collecting the water from the property (split system) and draining towards the back of the property away from the road into catchment areas (3 across the back of the 2

properties, 3x3x3) at the back of the property still does not address the water channels that flow from the fields across these properties. Swales/french drains will not be sufficient to drain the flows that come through this channel.

Note that there is no outlet to these 3x3x3 french drain type pits.

Both properties (237 and 241) must have a proper and Permanent drainage plan in place (that will not get filled in over time through landscaping or deciding that they no longer want a drainage channel through their properties). The surrounding neighbours have had issues with drainage and run off.

There is significant water shed from the fields whereby kids skate on the pond in the winter and ducks migrate to this pond.

From speaking with some of my neighbours, I understand that with all of the new development, some of the properties in the area are also having a difficult time with getting septic final sign off.

My concern with the water if not directed properly, could pose a domino effect of water backing onto my property. My property is not built/graded in a way to relieve neighbouring properties of drainage channels.

The water channels as per the revised plans are not maintaining the water channels. They are only attempting to address the water flows on the property.

During significant rain events, properties in the areas that have ponds (with no channels running to them) overflow.

2. I previously provided an attachment that identifies that the NPCA may also want to provide comment to these properties as it appears that this may also be in their jurisdiction or close to. The mapping provided is not an exact representation or legal survey.

3. As well with properties in the area, once houses are built, sometimes properties add small shelters/sheds/etc off the sides of their homes. With the "minor variances" of say #237 requesting a variance of only 3m (in lieu of the required 9m) is still significantly deficient. This has been revised by only 1m from the original plan that I reviewed. Properties #237 and #241 are already undersized compared to the properties in the area.

4. Please identify if the property sizes are large enough to be able to install and sustain a septic system. It is noted that septic systems are also designed and installed according to plans of houses (ie. living accommodations). With the request for variances of property yards, how would an undersized yard be able to accommodate the proposed septic systems?

5. The catchment area that is 3x3x3 is and filled with granular shared by both property #237 and #241. Do the properties not require independent drainage plans that do not rely on eachother?

6. #237 has their proposed septic system where the drainage channel currently exists.

7. #241 has their proposed home and septic system where the current drainage holding pond exists

8. both #237 and #241 property plans appear to affect the current drainage patterns that exist by removing the drainage channel and holding pond that currently functions. Both property plans identify "no negative impact on adjacent properties", and "all run-off to be directed to appropriate outlet". Both of these plans contradict those statements. I reiterate that my property is not designed to relieve neighbouring properties of their drainage channels.

Thanks,

Melissa and Max

From: M

Sent: June 26, 2019 5:20 PM

To: njbozzato@pelham.ca <njbozzato@pelham.ca>; cthompson@pelham.ca <cthompson@pelham.ca>

Subject: minor variances for 237 and 241 Farr St, Pelham

Please see attachment.

Please note that I am providing comment on properties in Fenwick, ON L0S 1C0:

- 237 Farr St
- 241 Farr St

My concerns are as follows:

1. There is an existing drainage channel that collects a significant amount of water from the fields. There is an area that pools where the dwelling of 241 Farr St intends to build.
Swales and small ditches will not be sufficient to drain the flows that come through this channel. Both properties (237 and 241) must have a proper and Permanent drainage plan in place (that will not get filled in over time through landscaping or deciding that they no longer want a drainage channel through their properties). The surrounding neighbours have had issues with drainage and run off. There is significant water shed from the fields whereby kids skate on the pond in the winter and ducks migrate to this pond.
From speaking with some of my neighbours, I understand that with all of the new development, some of the properties in the area are also having a difficult time with getting septic final sign off. My concern with the water if not directed properly, could pose a domino effect of water backing onto my property. My property is not built/graded in a way to relieve neighbouring properties of drainage channels.
2. It appears with the attachment that I provided that the NPCA may also want to provide comment to these properties as it appears that this may also be in their jurisdiction or close to. The mapping provided is not an exact representation or legal survey.
3. As well with properties in the area, once houses are built, sometimes properties add small shelters/sheds/etc off the sides of their homes. With the "minor variances" of say #237 requesting a variance of only 2m (in lieu of the required 9m). That would be more than a minor variance.
4. It is also noted that I see on the variances that #241 does not have a proposed septic plan.

Thank you for your time,

Melissa and Max

Sarah Leach

From: Nancy Bozzato
Sent: Tuesday, July 30, 2019 8:27 AM
To: Holly Willford; Curtis Thompson
Subject: FW: minor variances for 237 and 241 Farr St, Pelham

 <p>Pelham NIAGARA <i>Vibrant • Creative • Caring</i></p>	<p>Nancy Bozzato, Dipl.M.M. <i>Town Clerk</i> Administration Services</p>	<p>e: njbozzato@pelham.ca p: 905.892.2607 x315 pelham.ca</p>	<p>20 Pelham Town Square P.O. Box 400 Fonthill, ON L0S 1E0</p>
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From: M [REDACTED]
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To: Nancy Bozzato <NBozzato@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
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Note that there is no outlet to these 3x3x3 french drain type pits.
Both properties (237 and 241) must have a proper and Permanent drainage plan in place (that will not get filled in over time through landscaping or deciding that they no longer want a drainage channel through their properties). The surrounding neighbours have had issues with drainage and run off.
There is significant water shed from the fields whereby kids skate on the pond in the winter and ducks

migrate to this pond.

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2. I previously provided an attachment that identifies that the NPCA may also want to provide comment to these properties as it appears that this may also be in their jurisdiction or close to. The mapping provided is not an exact representation or legal survey.

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From speaking with some of my neighbours, I understand that with all of the new development, some of the properties in the area are also having a difficult time with getting septic final sign off. My concern with the water if not directed properly, could pose a domino effect of water backing onto my property. My property is not built/graded in a way to relieve neighbouring properties of drainage channels.
2. It appears with the attachment that I provided that the NPCA may also want to provide comment to these properties as it appears that this may also be in their jurisdiction or close to. The mapping provided is not an exact representation or legal survey.
3. As well with properties in the area, once houses are built, sometimes properties add small shelters/sheds/etc off the sides of their homes. With the "minor variances" of say #237 requesting a variance of only 2m (in lieu of the required 9m). That would be more than a minor variance.
4. It is also noted that I see on the variances that #241 does not have a proposed septic plan.

Thank you for your time,

Melissa and Max

Sarah Leach

From: Holly Willford
Sent: Wednesday, July 17, 2019 1:37 PM
To: Holly Willford
Subject: FW: Lots 2 and 3 Farr St Variance applications
Attachments: 245 Farr Street - Lot 1, 2, and 3.pdf

From: Amy Parks [<mailto:aparks@npca.ca>]
Sent: Friday, July 12, 2019 3:43 PM
To: [REDACTED]
Cc: Sarah Mastroianni
Subject: RE: Lot 1 Farr St

Hi [REDACTED]

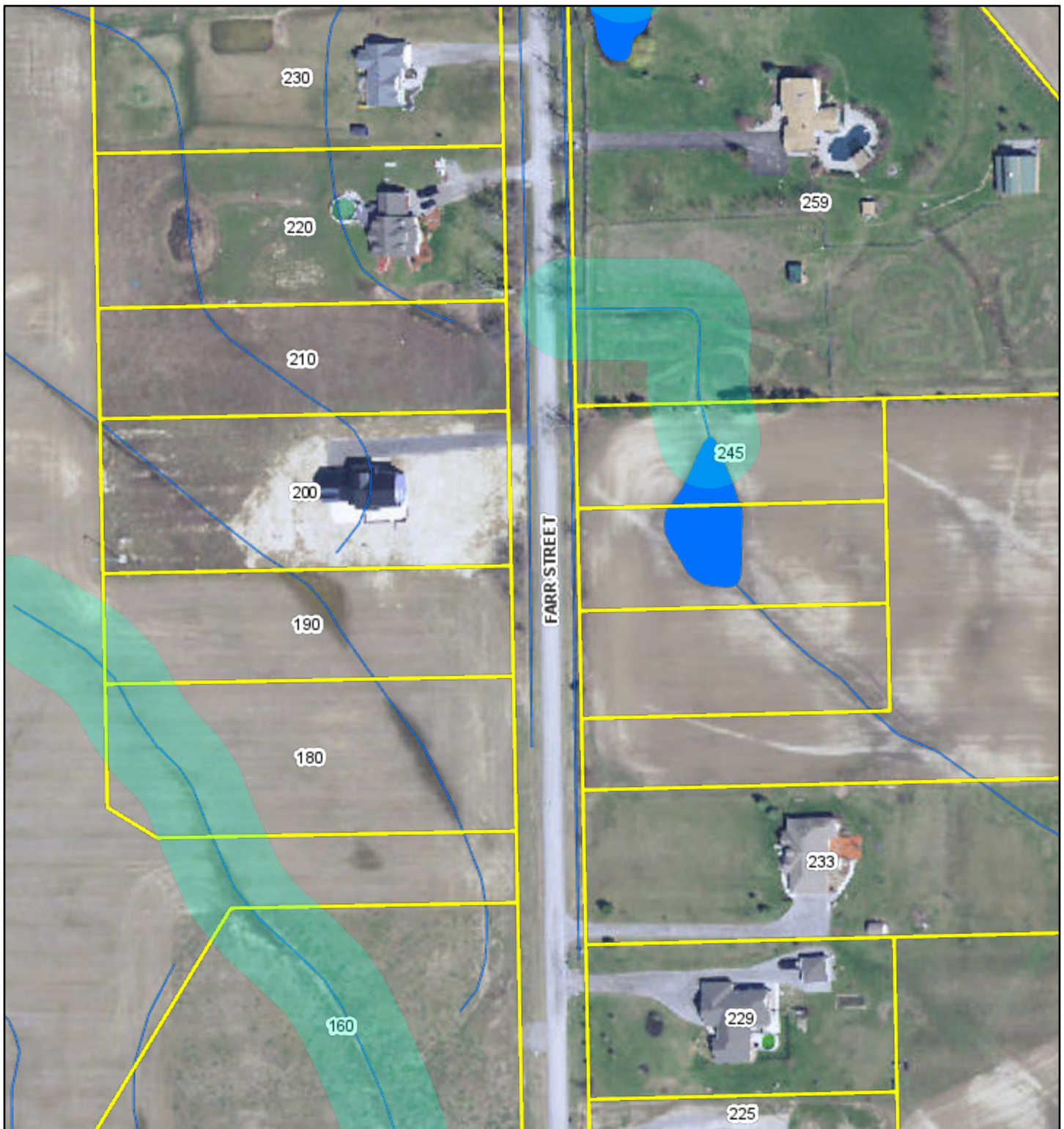
The NPCA does not have any regulated features on Lots 2 and 3. I have attached a map for your reference.

Generally, an email is sufficient to provide to the municipality. Please advise if you would like a formal letter.

Thank you,

Amy Parks
Regulations Officer
Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 273
aparks@npca.ca
www.npca.ca

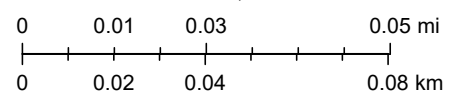
245 Farr Street- Lots 1, 2, 3



7/12/2019, 3:39:53 PM

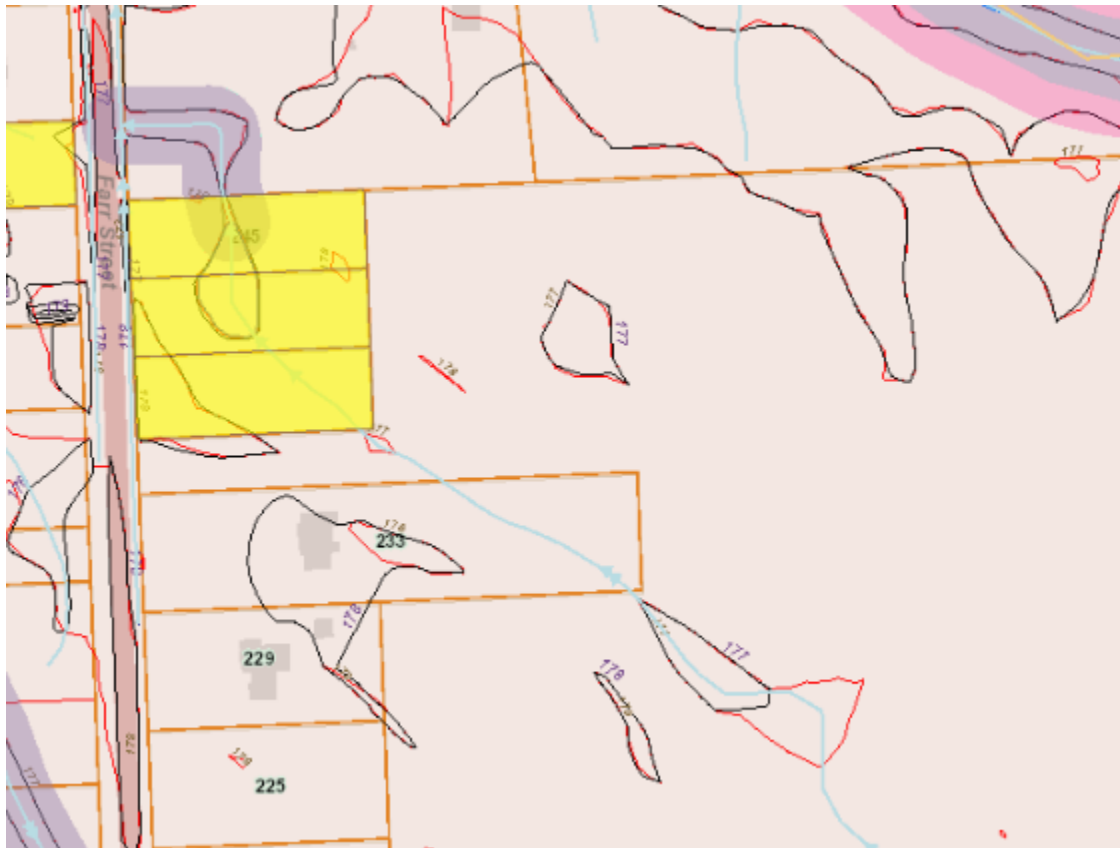
1:2,257

- Roads
- Corporate Watershed Divide NPCA
- NPCA APPROXIMATE REGULATION LANDS
- Assessment Parcels
- 2K Hydrography



Brian Lee, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Basemap (Niagara Atlas)



Yellow indicates minor variance request

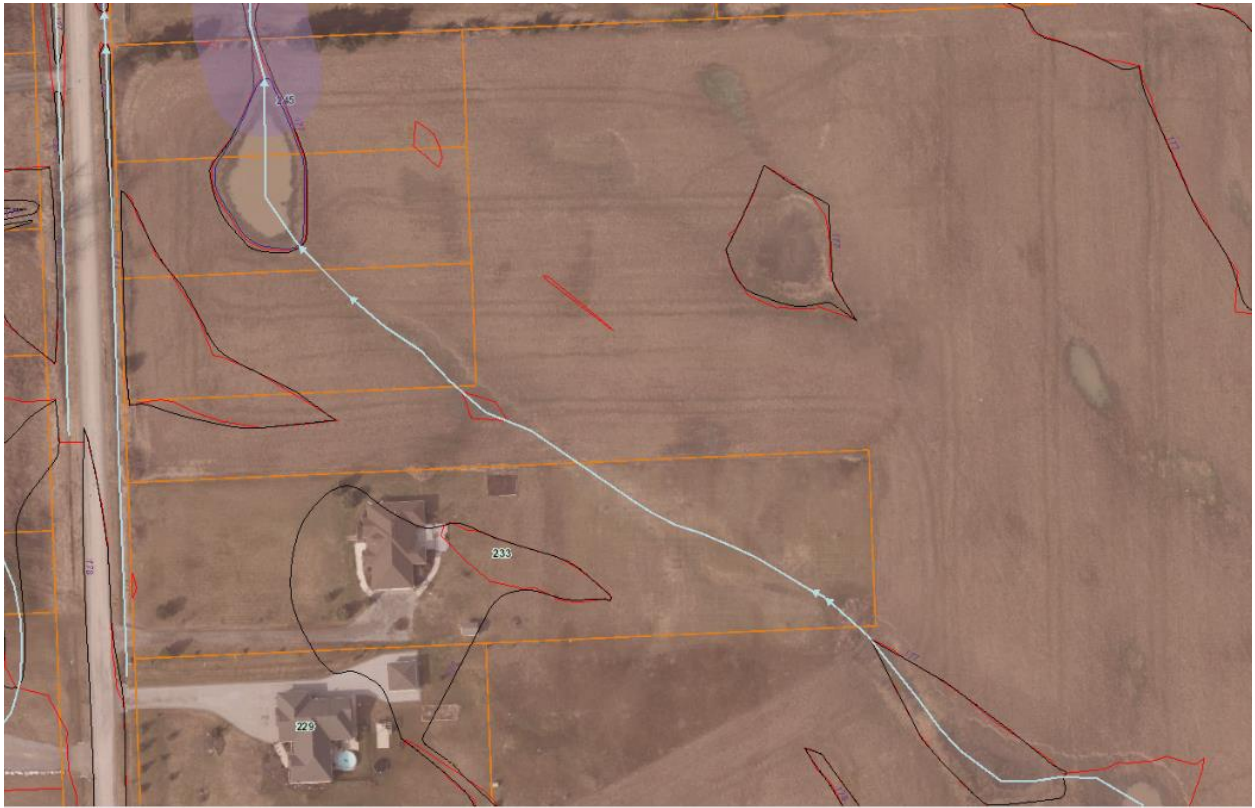
Blue line indicates 2K Hydrology (Surface water inventory)

Orange lines indicate Assessment parcels = ownership parcels

Purple bubble indicates:

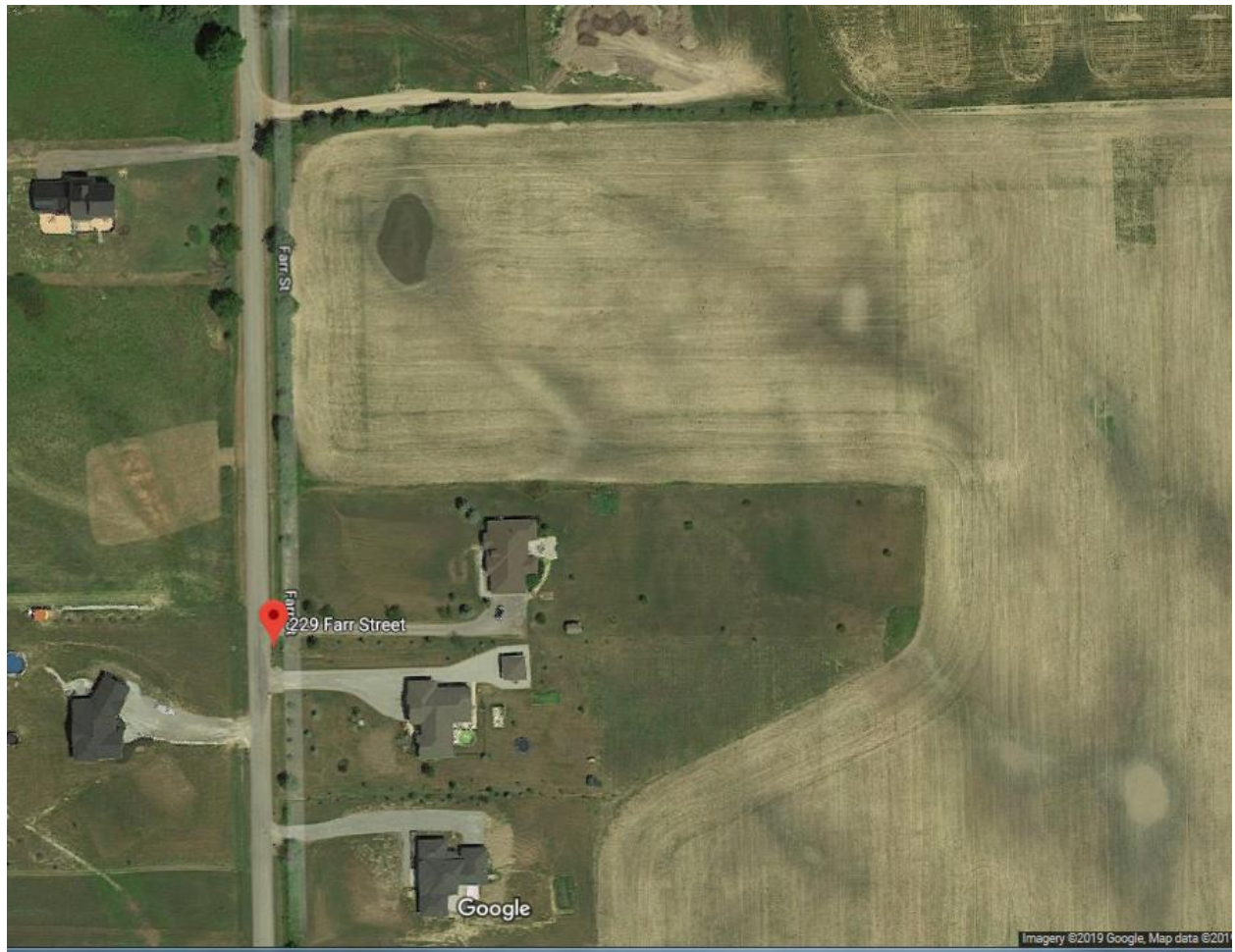
- NPCA Approx. Regulation lands
- Niagara Natural environment information screening layer

2018 Aerial (Niagara Atlas)



Water ponding

2019 Aerial Google Maps



This water holding pond :

- Ducks settle in this area
- Kids skate on this in the winter
-

July 17th, 2019

Curtis Thompson
Planner, Township of Pelham
20 Pelham Town Square
Fonthill, Ontario
L0S 1E0

Re: Lots 2 (241) and 3 (237) Farr Street
Minor Variance application

Curtis,

I am writing this letter with regard to our minor variance applications for both 241 and 237 Farr Street building lots. As you know, we are asking for relief of the current by-law stating that the side yard setbacks for both of these building lots shall be 9 meters.

As you also know, our initial applications for these lots has been revised and our MV date has been pushed to August 13th, 2019. The reason for this re-scheduling was due to the fact that our initial applications packages were incomplete, thus comments from various staff were either negative or inconclusive.

This seemed to be the case with your comments coming from Planning where you advise that 'due to lack of supportive Regional comments' Planning is not in a position to support this minor variance request. Also, through our emails, you mention that based on the lot size and current by-law side yard setbacks, it does not appear that these building lot sizes do not cause undue hardship in the design and building of new homes.

The main reason for today's letter is to voice our thoughts and ideas as to why we feel that these lots were created on a much smaller scale and width then most of the other building lots available in the area, thus they have a much smaller building foot print, which limits the potential home builds to be more narrow and long as opposed to wide and not as deep, which allows more space in the rear yard for septic beds and French drains, etc.

For example, we just applied for a minor variance on lot 1 (245) Farr Street where we were successful in reducing the side yard setbacks from 9m to 4.5m. This again allowed us a wider home, making the rear yard more available for our septic bed. The home we intend to build is 21 meters wide.

Also, we have been building in the Farr Street area for about 5 years now and all of the other homes we have built were a minimum of 24 meters wide. None of the homes were ever within the 12 to 14 meter width that we would currently have to build on 241 and 237 Farr St if our applications were not successful. In fact, most of the new homes being built in the immediate vicinity of our 2 Farr Street lots are all wider than they are narrow. Some examples are 920, 930, 950 and 970 Webber Road.

Due to this, we are just trying to build homes that a) fit into the existing neighbourhood and actually enhance the area, as opposed to building much more narrow homes that do not fit into the area and would raise the eyebrows of current neighbours, and b) build wider homes that allow us to better fit rear yard septic beds and French drains for adequate water drainage.

Lastly, when reading from the Official Plan Policy, section E1.5, there are 4 points they bring up:

- 1) **Conforms with the general intent of the Official Plan.** Our request definitely conforms with the general intent. We are trying to build homes that fit into the current neighbourhood size of homes.
- 2) **Spirit of the intent of the Zoning by-law.** Again, we are just wanting to build single family dwellings, nothing crazy like a 3 storey home.
- 3) **Request is appropriate for the desirable development of the lot.** One way or another, this is a building lot and a home is going to be built on this lot. We feel a wider home allowing for a larger backyard is generally what is already being built on other lots in this area to allow for rear yard septic beds.
- 4) **Request is minor.** We feel the side yard setbacks we are asking for are minor in nature as we are not building a monster home on a small lot, and without any resistance, the same request was just passed on 245 Farr Street.

In summary, the fact is that these are existing lots of record similar to a small estate subdivision, BUT the zoning remains agricultural. This is an unfortunate fact, but it is the reality in which we are trying to function. In the Agricultural zone, the setback requirements are much larger than they generally are for residential zones; in this case 9m for an interior side yard. We are just asking to adjust the side yard setbacks to something more in line with a residential zone that would more accurately reflect the size and shape of these lots and that would fit into the general feel of the area.

I am hoping that this sheds some light in a positive way as to why we are asking for the side yard setbacks on both of these lots to be reduced and supported by yourself and Planning.



August 13, 2019

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

Re: Minor Variance Application A19/2019P
237 Farr Street, Pelham
Concession 14, Part of Lot 17; Part 3 on 59R-16004
Roll No. 2732 010 018 14019

The subject land is located on the east side of Farr Street, lying north of River Road, legally described above and known municipally as 237 Farr Street, in the Town of Pelham.

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The proposed dwelling seeks zoning relief through a minor variance application as follows:

- **Section 7.4 c) "Maximum Lot Coverage"** seeking 12.02%, whereas 10% is required.
- **Section 7.4 f) "Minimum Side Yard"** seeking 3m to the north side yard, whereas 9m is required.
- **Section 7.4 f) "Minimum Side Yard"** seeking 6.3m to the south side yard, whereas 9m is required.

The variances would facilitate the construction of a single detached dwelling.

Policy Overview

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).

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.

Policy A2.1.2 states the objective of the Official Plan is to make planning decisions that consider the health and integrity of the broader landscape as well as long term cumulative impacts on the ecosystem. Planning decisions should also restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.

Policy B2.1.1 states the purpose of the *Good General Agricultural* designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agriculture. The subject lands, together with the surrounding rural residential neighbourhood were legally created parcels under the former testamentary devise provisions of the *Planning Act*. As a result, the perimeter of this superblock was essentially taken out of agricultural production and converted to rural-residential use. Single detached residential buildings are permitted uses, *as-of-right* in the Official Plan and Zoning By-law, subject to applicable regulations.

The minor variance application was accompanied by a lot Grading Plan which depicts topography, a septic system and drainage patterns.

Pelham Zoning By-law Number 1136 (1987)

The Town Zoning By-law identifies the subject parcel as 'Agricultural' (A).

Section 7.4 Requirements for dwellings

f) Maximum Lot Coverage	10%	Request = 12.02%
f) Minimum Side Yard	9 m	Request = 3 m (north)
f) Minimum Side Yard	9 m	Request = 6.3 m (south)

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 side yard setbacks and increasing lot coverage appears minor in nature because adequate information is now available to qualify the degree of impact this development may generate, particularly upon neighbouring land during storm events.
2. The variance is desirable for the development or use of the land.	Reducing the side yard setbacks is desirable for the lands because it will encourage the dwelling to be located further away from the septic bed, which is a constraint on such a small rural parcel. Although other alternatives could also achieve the same result, such as a reduced front yard setback or a 2-storey dwelling with a smaller footprint, the applicant has opted for reduced side yard setbacks.

	Increasing the lot coverage is desirable for the lands because it allows for larger footprint buildings to be erected and offer more design flexibility. No adverse impacts are anticipated on the surrounding lands with appropriate lot grading and drainage measures to be approved at building permit stage.
3. The variance maintains the general intent and purpose of the Official Plan.	The requested side yard setback and lot coverage applications were recently accompanied by a demonstrated need on the basis that the subject zoning provision is not warranted, causes undue hardship, or is otherwise impossible to comply with (Policy E1.5). The policy objectives of A2.1.2 state planning decisions should restrict & regulate land uses which could impact water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands. The Region of Niagara has confirmed a private sewage system should be able to be sustainably accommodated and a satisfactory Lot Grading & Drainage Plan is provided illustrating drainage along the lot lines, Town Planning staff are of the opinion the variance does not conflict with the policy objectives of the Official Plan.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Reducing the side yard setbacks and increasing the lot coverage to accommodate a wider dwelling maintains the general intent of the Zoning By-law, insofar as adequate spatial separation is maintained between the neighbouring parcels.

Comments

On July 18th 2019, a revised 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:

- Niagara Region Planning & Development Services (August 8, 2019; July 4, 2019)
 - A revised Lot Grading & Drainage Plan was submitted which now shows drainage will be re-directed along the lot lines and the septic system location. The drainage concerns will also be addressed at the time of the septic permit application.
 - No further objections.
- Public Works Department (August 1, 2019; July 3, 2019)
 - Minimum swale slopes shall be 2% in accordance with the Engineering Design Standards.
 - The lot shall have its own independent drainage system to convey overland stormwater without relying on neighbouring properties. The proposed pits at the rear of the lot are not permitted to cross lot lines and must be independent to each lot.
 - An in depth look at the lot grading and drainage is to be conducted at the time the Town is in receipt of the Overall Lot Grading and Drainage Plan. Any and / or all drainage concerns are addressed at that time.

- If the proposed drainage pits are to act as a French drain, with proper design and installation, then there is no requirement for an outlet. French drains act to slow the overland flow and allow for stormwater to soak into the soil and recharge the ground water table.
- The applicant must apply for a Driveway Entrance & Culvert Permit(s) prior to gaining driveway access from the Town right-of-way.
- The applicant must submit a comprehensive Overall Lot Grading & Drainage Plan to the satisfaction of the Director of Public Works.
- Building Department (August 6, 2019; June 27, 2019)
 - Building permit(s) are required prior to construction commencing.

Comments were received from two (2) neighbouring residents which are summarized as follows:

- Are the proposed pits large enough to contain stormwater runoff? Will the pits be shared between lots?
 - Detailed design of the pits will be at building permit stage, and the pits are prohibited to be shared amongst properties unless appropriate approvals are obtained, (i.e. easements).
- Where are the “appropriate drainage outlets”, the Grading Plan references? Will runoff be directed onto adjacent properties? The depression (pond) will be partly covered by the proposed dwelling. Swales and French drains will be insufficient to adequately drain stormwater runoff if the depression is filled-in, this will adversely impact neighbouring properties during storm events.
 - If the pits are properly designed to act as a French drain, then no outlets are required. Drainage shall be conveyed exclusively on the subject land, and not rely on neighbouring properties.
- The water channels that traverse the property are not being maintained on the proposed Grading Plan.
 - This low lying area is not a regulated feature (i.e. tributary) by the NPCA or a Municipal Drain.
- The NPCA may want to provide comment on these properties as it appears within their jurisdiction.
 - The subject lands are located outside of the NPCA’s regulated screening area.
- In regards to the depression (pond) on the subject land, the Site Plan states, “some pooling in extreme conditions”. Neighbours experience perpetual pooling in this location, which increases significantly during heavy precipitation.
 - Historic aerial photography depicts this pond annually.
- Stormwater runoff from the dwelling will impact surrounding properties.
 - Detailed Lot Grading & Drainage Plan will be required along with Regional septic system approval.

Planning Comments

Planning staff note that the property is 0.28 ha (0.7 ac) in land area, is not farmed and is considered to be a vacant rural lot. The subject land is surrounded by:

- North – Rural residential dwelling
- East – Agricultural
- South – Agricultural / Rural residential dwelling
- West – Rural residential dwellings

The Region of Niagara has now provided supportive comments regarding the appropriateness of the minor variance requests and the private sewage servicing capabilities of the property.



The owner has provided additional commentary with his resubmission expressing reasons as to why it is not possible to comply with the Zoning By-law. The Site Plan illustrates a 263 m² (2830 ft²) house & garage footprint. It appears the owner wishes to build a wider footprint house to match that of much of the existing houses in the neighbourhood, which are similar in width and to maintain a large rear yard amenity area for the residents and for septic system purposes.

Town Planning staff would normally agree with the applicant's assessment of Official Plan policy in how development should be compatible with existing neighbourhoods. However, given the context and how this neighbourhood has transformed into a mostly rural residential neighbourhood, despite never being planned for such, it remains an agricultural area and the Official Plan policies emphasize that non-agricultural development must be compatible with the agricultural nature of this area (Policy B2.1.1), not the latest residential development. Therefore, Planning staff are of the opinion the need for a wider footprint on *compatibility* grounds is not that compelling. However, we echo the applicant's sentiment about preserving a large rear yard amenity area and open space for septic system purposes as more appropriate rationale.

Due to the supportive Regional comments regarding the site drainage and septic system design information, Town Planning staff are now in a better position to support the minor variance approval.

Planning Staff is of the opinion that the application now meets all four minor variance tests laid out by the *Planning Act*. The application is consistent with Provincial policies, the Regional Official Plan, and conforms to the general intent of the Town's Official Plan.

Consequently, Planning Staff recommend that Application File Number A19/2019P **be approved**, subject to the following conditions,

THAT the applicant,

- Provide a detailed *Lot Grading & Drainage Plan* with the Septic Permit Application and obtain approval of the same, to be issued by the Region of Niagara.

Prepared by,



Curtis Thompson

Planner, B.URPI

Reviewed by,



Barb Wiens, MCIP, RPP

Director/ Community Planning & Development



Memorandum

Public Works Department - Engineering

DATE: August 1, 2019
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A19/2019P
237 Farr Street

Public Works has completed a review of the minor variance application A19/2019P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.4 (c) – “Maximum Lot Coverage” – to permit a maximum lot coverage of 12.02% whereas the by-law permits 10%.
- Section 7.4 (f) – “Minimum Side Yard” – to permit a north side yard of 3.0m and south side yard of 6.3m whereas the by-law requires 9m, to facilitate the construction of a single detached dwelling and garage.

Public Works has the following **comments and response to public comments**:

- Minimum swale slope shall be 2% in accordance with the Engineering Design Standards
- Each individual lot shall have its own independent drainage system to convey overland storm flows and not rely on neighbouring properties. The proposed pits at the rear of the lot are not permitted to cross property lines and must remain independent to each respective lot.
- An in depth look at lot grading and drainage is to be conducted at the time the Town is in receipt of the overall lot grading and drainage plan. Any and/or all drainage concerns are addressed at this time.
- If the proposed drainage pits are to act as a French drain, with proper design and installation there is no requirement for an outlet. French drains act to slow

the overland flow and allow for it to soak into the soil and recharge the ground water table.

- Driveways must be located a minimum of (one) 1 meter off property line. The proposed driveway location would not be permitted at time of Driveway Entrance and Culvert Permit Application.
- A swale will be required along the south side yard property line.

Public Works has the following **conditions**:

- That the applicant obtain approval through a Driveway Entrance and Culvert Permit to construct a new driveway or access way onto Town right-of-way. Installation of all entrances shall be completed in accordance with Town standards prior to consent and the applicant shall bear all costs associated with these works.
- That the applicant submits a comprehensive overall lot grading and drainage plan to demonstrate that drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works.

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development

Date: August 6, 2019

Subject: Building Comments on Applications to the Committee of Adjustment for
Minor Variances – August 13, 2019 hearing. **File A19/2019P**

Comment:

A Building permit will be required. An Entrance permit from Public works may be required for the proposed driveway.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Sarah Leach

From: Killins, Tanya <tanya.killins@niagararegion.ca>
Sent: Thursday, August 08, 2019 11:08 AM
To: Sarah Leach; Curtis Thompson; Holly Willford
Cc: Boyle, Taylor
Subject: RE: Pelham Notice of Hearing

Please use the following comments below for these REVISED applications; A18 & A19/2019P (241 & 237 Farr Street):

A revised lot grading and drainage plan was submitted with the minor variance application, which now shows drainage will be re-directed along the lot lines. The drainage concerns will also be addressed at the time the septic permit application is submitted. We now have no objections to the minor variance application.

Tanya Killins

Private Sewage System Inspector
Planning & Development Services
Niagara Region
Phone: 905-980-6000 ext. 3358 Toll-free: 1-800-263-7215
www.niagararegion.ca



Please consider the environment before printing this e-mail.

From: Sarah Leach <SLeach@pelham.ca>
Sent: Thursday, August 08, 2019 9:34 AM
To: Curtis Thompson <cthompson@pelham.ca>; Holly Willford <HWillford@pelham.ca>
Subject: FW: Pelham Notice of Hearing

Good afternoon,

Attached, please find my re-circulation email to the Region. This email was sent on July 18th.



Sarah Leach
*Administrative Assistant
to the Clerk*
Administration Services

e: sleach@pelham.ca
p: 905.892.2607 x322
pelham.ca

20 Pe
P.O. B
Fonth

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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From: Sarah Leach
Sent: Thursday, July 18, 2019 12:38 PM

From: [Nancy Bozzato](#)
To: [Holly Willford](#)
Cc: [Jason Marr](#); [Curtis Thompson](#)
Subject: FW: Committee of Adjustment Public Hearing July 9
Date: June 24, 2019 10:14:55 AM

Hi Holly

This relates to the C of A files to be considered in July.

Nan

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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From: Brian Kuypers [mailto: [REDACTED]]
Sent: Friday, June 21, 2019 11:47 AM
To: Nancy Bozzato <NBozzato@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
Subject: Committee of Adjustment Public Hearing July 9

Re: Applications for variance at 237 and 241 Farr Street

Thank you for providing Notice of the Public Hearing, along with the Site and Grading plans for the above properties.

My property is located at [REDACTED] Farr St, directly [REDACTED] of the lot at 237 Farr St. Based on my proximity to these sites, I would like the Committee to consider the following points.

1. The plan for 241 Farr St. does not have a location for septic.
 2. The plan for 241 Farr states "some pooling in extreme conditions". In my experience there is always water in this location and increases significantly in extreme conditions.
 3. The lot at 237 also has significant ponding on the south east corner.
 4. The plan for 237 indicates a French Drain will be installed around the perimeter. There is no indication as to where this drain will discharge.
 5. The plans show surface run off will be to front and back. This will have an impact on surrounding properties.
- In summary, there is a considerable amount of water on both these lots and drainage will be critical.

If the committee has any questions or needs further information please contact me at the email or phone number below.

I will attend the meeting on July 9th and would like to be advised of any decisions regarding these 2 properties. Thank you for your consideration.

Sincerely,
Brian Kuypers
[REDACTED] Farr St, Fenwick, L0S1C0
Cell: [REDACTED]
[REDACTED]

Sarah Leach

Subject: FW: minor variances for 237 and 241 Farr St, Pelham

From: M [REDACTED]
Sent: Tuesday, July 30, 2019 8:54 AM
To: Nancy Bozzato <NBozzato@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
Subject: Re: minor variances for 237 and 241 Farr St, Pelham

.... Cont'd

Additionally, both property swales identified are so slight (less than 2%)

- #241 Farr St
 - 0.4%
 - 0.4%
 - 0.5%
 - 0.9%
- #237
 - only 3 swales, with the majority of water being directed to the back of the property with no outlet
 - 0.4%
 - 0.9%
 - 1.5%

Thanks,
Melissa and Max

From: M [REDACTED]
Sent: July 29, 2019 9:37 PM
To: njbozzato@pelham.ca <njbozzato@pelham.ca>; cthompson@pelham.ca <cthompson@pelham.ca>
Subject: Re: minor variances for 237 and 241 Farr St, Pelham

Please be advised that I am providing further comment on properties in Fenwick, ON L0S 1C0:

- 237 Farr St
- 241 Farr St

My concerns are as follows:

1. There is an existing drainage channel that collects a significant amount of water from the fields. There is an area that pools where the dwelling of 241 Farr St intends to build.
Swales with French drains collecting the water from the property (split system) and draining towards the back of the property away from the road into catchment areas (3 across the back of the 2

properties, 3x3x3) at the back of the property still does not address the water channels that flow from the fields across these properties. Swales/french drains will not be sufficient to drain the flows that come through this channel.

Note that there is no outlet to these 3x3x3 french drain type pits.

Both properties (237 and 241) must have a proper and Permanent drainage plan in place (that will not get filled in over time through landscaping or deciding that they no longer want a drainage channel through their properties). The surrounding neighbours have had issues with drainage and run off.

There is significant water shed from the fields whereby kids skate on the pond in the winter and ducks migrate to this pond.

From speaking with some of my neighbours, I understand that with all of the new development, some of the properties in the area are also having a difficult time with getting septic final sign off.

My concern with the water if not directed properly, could pose a domino effect of water backing onto my property. My property is not built/graded in a way to relieve neighbouring properties of drainage channels.

The water channels as per the revised plans are not maintaining the water channels. They are only attempting to address the water flows on the property.

During significant rain events, properties in the areas that have ponds (with no channels running to them) overflow.

2. I previously provided an attachment that identifies that the NPCA may also want to provide comment to these properties as it appears that this may also be in their jurisdiction or close to. The mapping provided is not an exact representation or legal survey.

3. As well with properties in the area, once houses are built, sometimes properties add small shelters/sheds/etc off the sides of their homes. With the "minor variances" of say #237 requesting a variance of only 3m (in lieu of the required 9m) is still significantly deficient. This has been revised by only 1m from the original plan that I reviewed. Properties #237 and #241 are already undersized compared to the properties in the area.

4. Please identify if the property sizes are large enough to be able to install and sustain a septic system. It is noted that septic systems are also designed and installed according to plans of houses (ie. living accommodations). With the request for variances of property yards, how would an undersized yard be able to accommodate the proposed septic systems?

5. The catchment area that is 3x3x3 is and filled with granular shared by both property #237 and #241. Do the properties not require independent drainage plans that do not rely on eachother?

6. #237 has their proposed septic system where the drainage channel currently exists.

7. #241 has their proposed home and septic system where the current drainage holding pond exists

8. both #237 and #241 property plans appear to affect the current drainage patterns that exist by removing the drainage channel and holding pond that currently functions. Both property plans identify "no negative impact on adjacent properties", and "all run-off to be directed to appropriate outlet". Both of these plans contradict those statements. I reiterate that my property is not designed to relieve neighbouring properties of their drainage channels.

Thanks,

Melissa and Max

From: M

Sent: June 26, 2019 5:20 PM

To: njbozzato@pelham.ca <njbozzato@pelham.ca>; cthompson@pelham.ca <cthompson@pelham.ca>

Subject: minor variances for 237 and 241 Farr St, Pelham

Please see attachment.

Please note that I am providing comment on properties in Fenwick, ON L0S 1C0:

- 237 Farr St
- 241 Farr St

My concerns are as follows:

1. There is an existing drainage channel that collects a significant amount of water from the fields. There is an area that pools where the dwelling of 241 Farr St intends to build.
Swales and small ditches will not be sufficient to drain the flows that come through this channel. Both properties (237 and 241) must have a proper and Permanent drainage plan in place (that will not get filled in over time through landscaping or deciding that they no longer want a drainage channel through their properties). The surrounding neighbours have had issues with drainage and run off. There is significant water shed from the fields whereby kids skate on the pond in the winter and ducks migrate to this pond.
From speaking with some of my neighbours, I understand that with all of the new development, some of the properties in the area are also having a difficult time with getting septic final sign off. My concern with the water if not directed properly, could pose a domino effect of water backing onto my property. My property is not built/graded in a way to relieve neighbouring properties of drainage channels.
2. It appears with the attachment that I provided that the NPCA may also want to provide comment to these properties as it appears that this may also be in their jurisdiction or close to. The mapping provided is not an exact representation or legal survey.
3. As well with properties in the area, once houses are built, sometimes properties add small shelters/sheds/etc off the sides of their homes. With the "minor variances" of say #237 requesting a variance of only 2m (in lieu of the required 9m). That would be more than a minor variance.
4. It is also noted that I see on the variances that #241 does not have a proposed septic plan.

Thank you for your time,

Melissa and Max

Sarah Leach

From: Nancy Bozzato
Sent: Tuesday, July 30, 2019 8:27 AM
To: Holly Willford; Curtis Thompson
Subject: FW: minor variances for 237 and 241 Farr St, Pelham

 Pelham NIAGARA <i>Vibrant • Creative • Caring</i>	Nancy Bozzato, Dipl.M.M. <i>Town Clerk</i> Administration Services	e: njbozzato@pelham.ca p: 905.892.2607 x315 pelham.ca	20 Pelham Town Square P.O. Box 400 Fonthill, ON L0S 1E0
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TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

From: M [REDACTED]
Sent: Monday, July 29, 2019 9:38 PM
To: Nancy Bozzato <NBozzato@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
Subject: Re: minor variances for 237 and 241 Farr St, Pelham

Please be advised that I am providing further comment on properties in Fenwick, ON L0S 1C0:

- 237 Farr St
- 241 Farr St

My concerns are as follows:

1. There is an existing drainage channel that collects a significant amount of water from the fields. There is an area that pools where the dwelling of 241 Farr St intends to build.
Swales with French drains collecting the water from the property (split system) and draining towards the back of the property away from the road into catchment areas (3 across the back of the 2 properties, 3x3x3) at the back of the property still does not address the water channels that flow from the fields across these properties. Swales/french drains will not be sufficient to drain the flows that come through this channel.
Note that there is no outlet to these 3x3x3 french drain type pits.
Both properties (237 and 241) must have a proper and Permanent drainage plan in place (that will not get filled in over time through landscaping or deciding that they no longer want a drainage channel through their properties). The surrounding neighbours have had issues with drainage and run off.
There is significant water shed from the fields whereby kids skate on the pond in the winter and ducks

migrate to this pond.

From speaking with some of my neighbours, I understand that with all of the new development, some of the properties in the area are also having a difficult time with getting septic final sign off.

My concern with the water if not directed properly, could pose a domino effect of water backing onto my property. My property is not built/graded in a way to relieve neighbouring properties of drainage channels.

The water channels as per the revised plans are not maintaining the water channels. They are only attempting to address the water flows on the property.

During significant rain events, properties in the areas that have ponds (with no channels running to them) overflow.

2. I previously provided an attachment that identifies that the NPCA may also want to provide comment to these properties as it appears that this may also be in their jurisdiction or close to. The mapping provided is not an exact representation or legal survey.

3. As well with properties in the area, once houses are built, sometimes properties add small shelters/sheds/etc off the sides of their homes. With the "minor variances" of say #237 requesting a variance of only 3m (in lieu of the required 9m) is still significantly deficient. This has been revised by only 1m from the original plan that I reviewed. Properties #237 and #241 are already undersized compared to the properties in the area.

4. Please identify if the property sizes are large enough to be able to install and sustain a septic system. It is noted that septic systems are also designed and installed according to plans of houses (ie. living accommodations). With the request for variances of property yards, how would an undersized yard be able to accommodate the proposed septic systems?

5. The catchment area that is 3x3x3 is and filled with granular shared by both property #237 and #241. Do the properties not require independent drainage plans that do not rely on each other?

6. #237 has their proposed septic system where the drainage channel currently exists.

7. #241 has their proposed home and septic system where the current drainage holding pond exists

8. both #237 and #241 property plans appear to affect the current drainage patterns that exist by removing the drainage channel and holding pond that currently functions. Both property plans identify "no negative impact on adjacent properties", and "all run-off to be directed to appropriate outlet". Both of these plans contradict those statements. I reiterate that my property is not designed to relieve neighbouring properties of their drainage channels.

Thanks,
Melissa and Max

From: M

Sent: June 26, 2019 5:20 PM

To: njbozzato@pelham.ca <njbozzato@pelham.ca>; cthompson@pelham.ca <cthompson@pelham.ca>

Subject: minor variances for 237 and 241 Farr St, Pelham

Please see attachment.

Please note that I am providing comment on properties in Fenwick, ON L0S 1C0:

- 237 Farr St
- 241 Farr St

My concerns are as follows:

1. There is an existing drainage channel that collects a significant amount of water from the fields. There is an area that pools where the dwelling of 241 Farr St intends to build.
Swales and small ditches will not be sufficient to drain the flows that come through this channel. Both properties (237 and 241) must have a proper and Permanent drainage plan in place (that will not get filled in over time through landscaping or deciding that they no longer want a drainage channel through their properties). The surrounding neighbours have had issues with drainage and run off. There is significant water shed from the fields whereby kids skate on the pond in the winter and ducks migrate to this pond.
From speaking with some of my neighbours, I understand that with all of the new development, some of the properties in the area are also having a difficult time with getting septic final sign off. My concern with the water if not directed properly, could pose a domino effect of water backing onto my property. My property is not built/graded in a way to relieve neighbouring properties of drainage channels.
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3. As well with properties in the area, once houses are built, sometimes properties add small shelters/sheds/etc off the sides of their homes. With the "minor variances" of say #237 requesting a variance of only 2m (in lieu of the required 9m). That would be more than a minor variance.
4. It is also noted that I see on the variances that #241 does not have a proposed septic plan.

Thank you for your time,

Melissa and Max

Sarah Leach

From: Holly Willford
Sent: Wednesday, July 17, 2019 1:37 PM
To: Holly Willford
Subject: FW: Lots 2 and 3 Farr St Variance applications
Attachments: 245 Farr Street - Lot 1, 2, and 3.pdf

From: Amy Parks [<mailto:aparks@npca.ca>]
Sent: Friday, July 12, 2019 3:43 PM
To: [REDACTED]
Cc: Sarah Mastroianni
Subject: RE: Lot 1 Farr St

Hi [REDACTED]

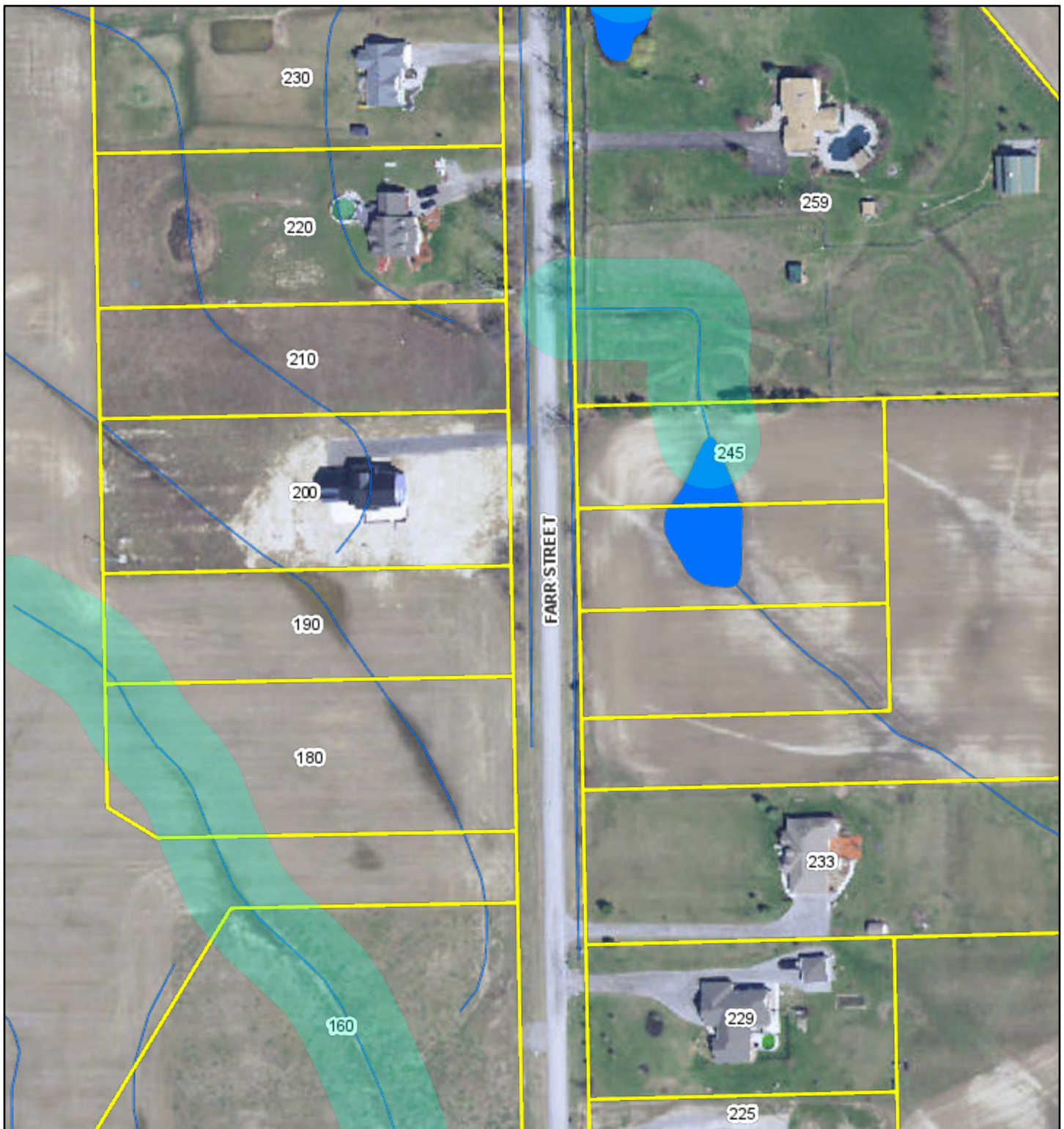
The NPCA does not have any regulated features on Lots 2 and 3. I have attached a map for your reference.

Generally, an email is sufficient to provide to the municipality. Please advise if you would like a formal letter.

Thank you,

Amy Parks
Regulations Officer
Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 273
aparks@npca.ca
www.npca.ca

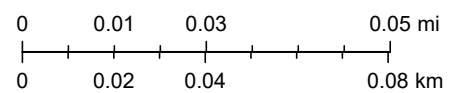
245 Farr Street- Lots 1, 2, 3



7/12/2019, 3:39:53 PM

1:2,257

- Roads
- Corporate Watershed Divide NPCA
- NPCA APPROXIMATE REGULATION LANDS
- Assessment Parcels
- 2K Hydrography



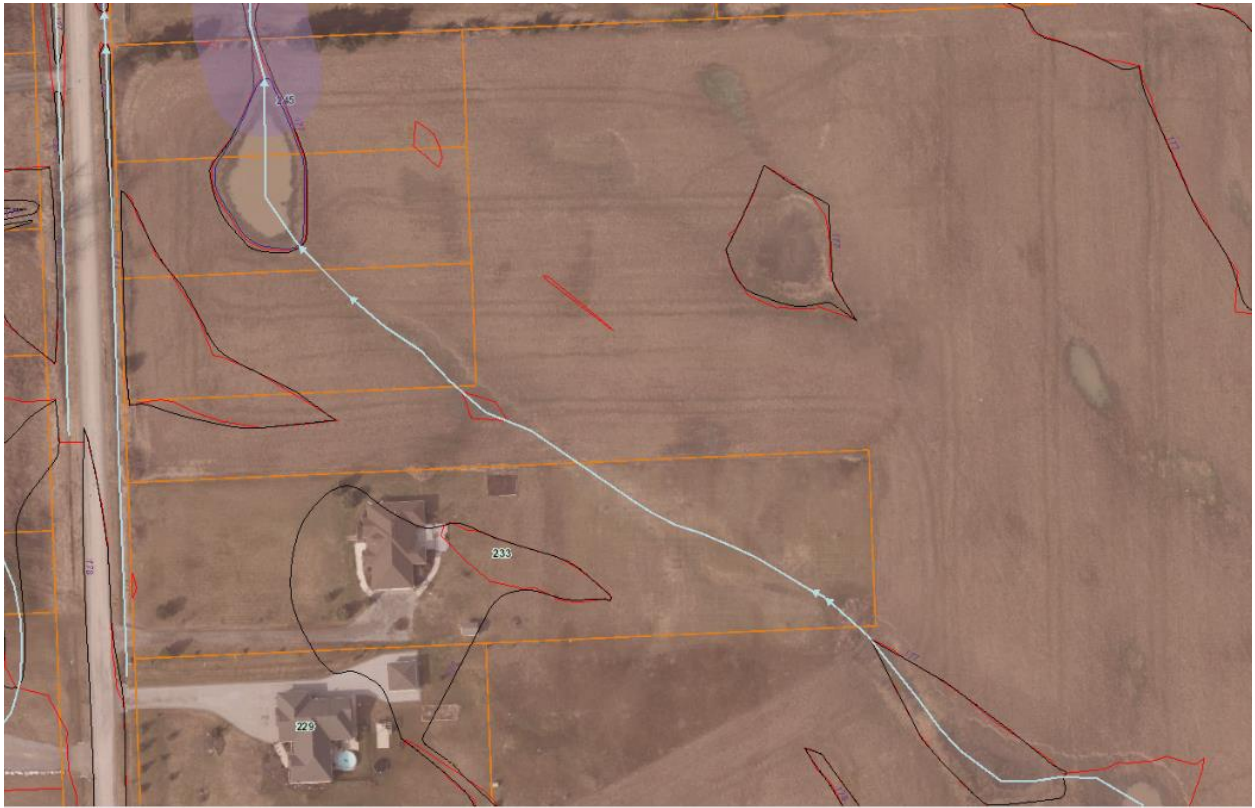
Brian Lee, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Blue line indicates 2K Hydrology (Surface water inventory)

Orange lines indicate Assessment parcels = ownership parcels

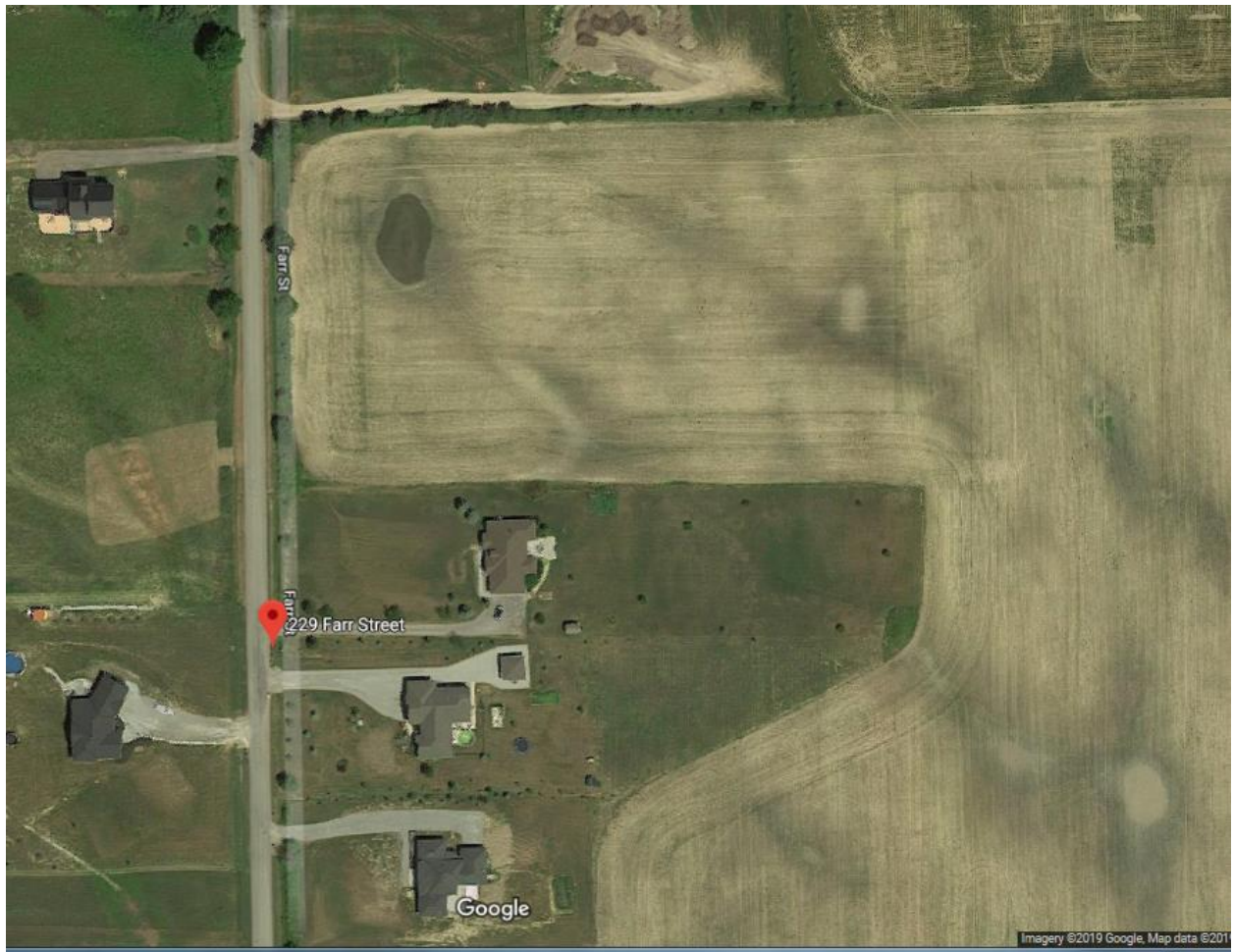
- NPCA Approx. Regulation lands
- Niagara Natural environment information screening layer

2018 Aerial (Niagara Atlas)



Water ponding

2019 Aerial Google Maps



This water holding pond :

- Ducks settle in this area
- Kids skate on this in the winter
-

July 17th, 2019

Curtis Thompson
Planner, Township of Pelham
20 Pelham Town Square
Fonthill, Ontario
L0S 1E0

Re: Lots 2 (241) and 3 (237) Farr Street
Minor Variance application

Curtis,

I am writing this letter with regard to our minor variance applications for both 241 and 237 Farr Street building lots. As you know, we are asking for relief of the current by-law stating that the side yard setbacks for both of these building lots shall be 9 meters.

As you also know, our initial applications for these lots has been revised and our MV date has been pushed to August 13th, 2019. The reason for this re-scheduling was due to the fact that our initial applications packages were incomplete, thus comments from various staff were either negative or inconclusive.

This seemed to be the case with your comments coming from Planning where you advise that 'due to lack of supportive Regional comments' Planning is not in a position to support this minor variance request. Also, through our emails, you mention that based on the lot size and current by-law side yard setbacks, it does not appear that these building lot sizes do not cause undue hardship in the design and building of new homes.

The main reason for today's letter is to voice our thoughts and ideas as to why we feel that these lots were created on a much smaller scale and width then most of the other building lots available in the area, thus they have a much smaller building foot print, which limits the potential home builds to be more narrow and long as opposed to wide and not as deep, which allows more space in the rear yard for septic beds and French drains, etc.

For example, we just applied for a minor variance on lot 1 (245) Farr Street where we were successful in reducing the side yard setbacks from 9m to 4.5m. This again allowed us a wider home, making the rear yard more available for our septic bed. The home we intend to build is 21 meters wide.

Also, we have been building in the Farr Street area for about 5 years now and all of the other homes we have built were a minimum of 24 meters wide. None of the homes were ever within the 12 to 14 meter width that we would currently have to build on 241 and 237 Farr St if our applications were not successful. In fact, most of the new homes being built in the immediate vicinity of our 2 Farr Street lots are all wider than they are narrow. Some examples are 920, 930, 950 and 970 Webber Road.

Due to this, we are just trying to build homes that a) fit into the existing neighbourhood and actually enhance the area, as opposed to building much more narrow homes that do not fit into the area and would raise the eyebrows of current neighbours, and b) build wider homes that allow us to better fit rear yard septic beds and French drains for adequate water drainage.

Lastly, when reading from the Official Plan Policy, section E1.5, there are 4 points they bring up:

- 1) **Conforms with the general intent of the Official Plan.** Our request definitely conforms with the general intent. We are trying to build homes that fit into the current neighbourhood size of homes.
- 2) **Spirit of the intent of the Zoning by-law.** Again, we are just wanting to build single family dwellings, nothing crazy like a 3 storey home.
- 3) **Request is appropriate for the desirable development of the lot.** One way or another, this is a building lot and a home is going to be built on this lot. We feel a wider home allowing for a larger backyard is generally what is already being built on other lots in this area to allow for rear yard septic beds.
- 4) **Request is minor.** We feel the side yard setbacks we are asking for are minor in nature as we are not building a monster home on a small lot, and without any resistance, the same request was just passed on 245 Farr Street.

In summary, the fact is that these are existing lots of record similar to a small estate subdivision, BUT the zoning remains agricultural. This is an unfortunate fact, but it is the reality in which we are trying to function. In the Agricultural zone, the setback requirements are much larger than they generally are for residential zones; in this case 9m for an interior side yard. We are just asking to adjust the side yard setbacks to something more in line with a residential zone that would more accurately reflect the size and shape of these lots and that would fit into the general feel of the area.

I am hoping that this sheds some light in a positive way as to why we are asking for the side yard setbacks on both of these lots to be reduced and supported by yourself and Planning.



Memorandum

Public Works Department - Engineering

DATE: August 1, 2019
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A20/2019P
1146 Maple Street

Public Works has completed a review of the minor variance application A20/2019P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 9.2 (b) – “Minimum Lot Frontage” – to permit a minimum lot frontage of 17m whereas 18m is required.

Public Works has no comments.

August 13, 2019

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

Re: Minor Variance Application A20/2019P
1146 Maple Street, Pelham
Registered Plan 703, Part of Lot 8
Roll No. 2732 010 015 16100

The subject land, (Part 2 on sketch) has 17.207 m of frontage on the west side of Maple Street, lying north of Canboro Road, known municipally as 1146 Maple Street, in the Town of Pelham.

The subject land is zoned 'Residential Village 1' (RV1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 9.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 17 m, whereas 18 m is required;

Note – This application is being considered concurrently with consent to sever application file B7/2019P.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

The proposed boundary adjustment seeks to preserve a culturally significant barn (accessory building) by adjusting the existing lot line which intersects the barn. The boundary adjustment application will preserve the right to build one new residential dwelling on an existing lot of record, which helps increase housing supply and achieving intensification targets. Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, avoids adverse impacts to provincial interest, public health, safety and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Growth Plan for the Greater Golden Horseshoe (GGH) (2019)

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 2.2.2 Managing Growth – Population will be accommodated by:

- a) Directing a significant portion of new growth to the *built-up* areas of the community via intensification
- b) Focusing intensification in intensification areas
- g) Planning for a balance of housing in communities to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling
- h) Encouraging towns to develop as *complete communities* with easy access to local stores and services
- j) Directing growth to settlement areas that offer municipal water and wastewater systems

The subject property is within walking distance to Downtown Fenwick, an elementary school and institutional uses. The proposal would facilitate the preservation of an older vintage, culturally significant barn while still allowing for the construction of one single detached house on what is currently a large, existing residential lot of record (2030 m²). The additional dwelling unit provides for improved efficiencies in land use and infrastructure capacities. Increasing the number of dwelling units helps maintain infrastructure / municipal assets by generating property tax that is used for the maintenance of public infrastructure and public service



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.C.2.1 states the municipality will develop and implement through their local Official Plan, policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

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 designated the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fenwick and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 Residential Intensification – states while intensification opportunities will be encouraged, proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood they are proposed. This consent application is for a boundary adjustment, and not for the creation of a new lot. Planning staff note that Maple Street in this area is characterized by more traditional homes with short front yard setbacks. Based on the current applicable zoning, the new dwelling could be located with a deep front yard setback, thereby diminishing the character of this part of Fenwick. At this time, the Town has limited mechanisms available to ensure the new dwelling is located generally in alignment with the neighbouring homes, as this is desirable for the streetscape. Planning staff encourage the applicant, or subsequent builder to be mindful of, and respect the neighbourhood character as the Official Plan policies express.

Policy B1.1.3 a) notes how Schedules A2 identifies a number of candidate areas for residential intensification within the Village of Fenwick. This does not preclude consideration for other sites within the *Urban Living Area* designation provided they abut an arterial or collector road.

Policy B1.1.3 b) states intensification proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed.

Policy D5.2.2 Boundary Adjustments – states consents may be permitted for the purpose of correcting conveyances or for enlarging existing lots, provided no new building lot is created. The Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

The site is generally located within an identified potential intensification area and it is located on a collector



road which is also ± 100 m from an arterial road intersection. The property is within walking distance to Downtown Fenwick, elementary schools and other institutional uses. Regarding Policy D5.2.2, no new lot is being created and the boundary adjustment will facilitate the preservation of an existing accessory building and also bring the use into zoning compliance.

Pelham Zoning By-law Number 1136 (1987), as amended

The subject land is zoned 'Residential Village 1' (RV1) according to the Zoning By-law.

Section 9.2 Regulations for dwellings permitted in the RV1 zone

b) Minimum Lot Frontage 18 m Request- 17 m

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.	The proposed reduced lot frontage of 17 m is minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province. The proposed lot frontage can still comfortably accommodate a new dwelling without adversely impacting neighbouring lands.
2. The variance is desirable for the development or use of the land.	Reducing the minimum lot frontage to 17 m is desirable for the subject land because it will recognize the frontage shortfall and give legal status to develop the existing adjacent lot (Part 2) for residential infill use. The narrower frontage will also help preserve the existing barn (accessory building) located at 1146 Maple Street (Part 1 & 3) by ensuring it remains wholly on one parcel.
3. The variance maintains the general intent and purpose of the Official Plan.	The proposed reduction in lot frontage maintains the general intent of the Official Plan because it will help preserve an existing character barn on Parts 1 & 3 while still facilitating gentle <i>intensification</i> and increase housing supply within the <i>delineated built-boundary</i> where underutilized land otherwise stood.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed lot frontage reduction is less than what is required by By-law but still includes a satisfactory frontage for access purposes and for maintaining / legalizing the existing barn on Parts 1 & 3 as the Zoning By-law was intended. Legalizing the narrower frontage will not obstruct the ability to develop a new house on Part 2 which was already an existing vacant lot of record.

On August 17th 2019, 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 (August 6, 2019)
 - No comments.
- Public Works Department (August 1, 2019)



- No comments.

No public comments have been received at this time.

Planning Comments

Planning staff have reviewed the Planning Justification Report submitted by Upper Canada Consultants dated June 2019, and agree with its commentary.

A pre-consult was held with the applicant(s) of the property and staff from the Town on May 2nd, 2019 to discuss the future development.

The subject lands are located on the west side of Maple Street, lying north of Canboro Road and is surrounded by:

- North –Single detached residential
- East – Single detached residential / Significant Woodland (further east)
- South – Single detached residential
- West – Agricultural

Planning staff note the immediate neighbourhood consists of a more traditional character with older vintage residential homes and just over 100m to the south is Downtown Fenwick.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, cultural heritage preservation and making more efficient use of the existing urban lands, where suitable to do so. The proposed variance should not negatively impact the surrounding neighbourhood with regards to land use compatibility, traffic, privacy and storm water runoff.

Planning staff are concerned that the future dwelling on Part 2 could be located far back on the lot from Maple Street and not align with the existing homes, by exercising a deep front yard setback. This has happened further north on Maple Street and in some other areas, the issues are two-fold. First, the desirable streetscape and built character of the neighbourhood is disrupted, and the deep rear yards which are also designated *Urban* in the Official Plan, are compromised should they be subject to future development applications. Unfortunately, the mechanisms to ensure building and streetscape alignment, are quite limited as the Zoning By-law doesn't require a maximum front yard setback, but also because the subject land has a very deep lot, the standard rear yard setback will have no effect on ensuring the future home is positioned relatively close to Maple Street, as is desired by staff. Therefore, Planning staff highly recommend the applicant, or the future home builder orient the dwelling in a respectful, and compatible position that reflects the character of Downtown Fenwick.

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 Town Official Plan and Zoning By-law.

The authorization of the following recommended minor variances is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A20/2019P **be approved**, subject to Consent File B7/2019P being approved.



Prepared by,



Curtis Thompson
Planner, B.URPI

Approved by,



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

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development

Date: August 6, 2019

Subject: Building Comments on Applications to the Committee of Adjustment for
Minor Variances – August 13, 2019 hearing. **File A20/2019P**

Comment:

Building department offers no comment at this time.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

August 13, 2019

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

Re: Minor Variance Application A21/2019P
954 River Road, Pelham
Concession 14, Part of Lot 11
Roll No. 2732 030 017 17300

The subject land is located on the south side of River Road, lying east of Cream Street, legally described above and known municipally as 954 River Road, in the Town of Pelham.

The subject land is zoned 'Agricultural' (A) to the north, and 'Hazard' (H) to the south, in accordance with Pelham Zoning By-law 1136 (1987), as amended. The proposed accessory building (detached garage) requires zoning relief through a minor variance application as follows:

- **Section 7.4 d) "Minimum Front Yard"** seeking 6.4m, whereas 13m is permitted;
- **Section 7.7 a) "Max (Accessory) Lot Coverage"** seeking 6.3%, whereas 1% is permitted;
- **Section 7.7 a) "Max (Overall) Lot Coverage"** seeking 13%, whereas 10% is permitted; and
- **Section 7.7 d) "Max (Accessory) Building Height"** seeking 7m, whereas 3.7m is permitted.

Policy Overview

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).

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Good General Agricultural Area' to the north and 'Environmental Conservation Area' to the south.

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.

Policy B2.1.1 states the purpose of the *Good General Agricultural* designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agriculture. The subject lands, are surrounded by several rural residential lots. Accessory buildings (i.e. garages) that serve legal residential dwellings are permitted uses, *as-of-right* in the Official Plan and Zoning By-law, subject to any applicable performance standards and applicable policy.

Pelham Zoning By-law Number 1136 (1987)

The Town Zoning By-law identifies the subject parcel as 'Agricultural' (A) to the north, and 'Hazard' (H) to the south. The Hazard zone prohibits accessory residential buildings. It is not known whether the delineation of the Hazard zone was originally meant to reflect the regulated Floodplain extent, or the stable Top-of-Bank, regardless, the Zoning classification does not accurately reflect the current mapping data available. However, the Zoning By-law is law, and the Zoning Schedule depicts the proposed garage as being partially within the Hazard zone. As a result, the proposed location is not permitted and the applicant will either need to further reduce the front yard setback or reduce the depth of the building footprint.

Section 7.4 Requirements for Dwellings

d) Minimum Front Yard 13 m Request = 6.4 m

Section 7.7 Requirements for buildings and structures accessory to dwellings

a) Maximum (Accessory) Lot Coverage 1% Request = 6.3%
 a) Maximum (Overall) Lot Coverage 10% Request = 13%
 d) Maximum (Accessory) Height 3.7 m Request = 7 m

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.	The requested variances together, as proposed, may not be minor in nature because insufficient information exists to evaluate whether the garage will be safely located away from the steep slope and to minimize any adverse impacts to the regulated hazard lands.
2. The variance is desirable for the development or use of the land.	The requested variances together, as proposed may not be desirable for the use of the land because it could facilitate an unsafe building condition whereby the proposed garage is located to close, or within the stable top-of-bank, and the construction activities may compromise the integrity of the slope.
3. The variance maintains the general intent and purpose of the Official Plan.	The proposed use of a building accessory to a single detached house is permitted in the 'Good General Agricultural' designation of the Official Plan and the policy does permit uses which are compatible with agriculture. The increase in accessory building height will not compromise the objective of the Official Plan. Increasing the accessory building lot coverage will not impede the private servicing capacity of the septic system and does not raise any issues with Official Plan policies.

	<p>However, permitting the increase of lot coverages may impact the safety of the property and adjacent lands given the steep hazard lands.</p> <p>The variances are not appropriate given the lack of information which is needed to evaluate the proposal against the Town Official Plan policies.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variances do not meet the purpose of the Zoning By-law because the proposed location of the accessory building is prohibited in the Hazard zone. Thus, evaluating the relief request for building height and front yard is premature at this point because these provisions are likely to change and not applicable given the current proposal.

Comments

On July 17th 2019, 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 (August 1, 2019)
 - No comments.
- Building Department (August 6, 2019)
 - A building permit is required, prior to construction commencing.
- Niagara Region Planning & Development Services (August 1, 2019)
 - Supportive of waiving the requirement for a Natural Heritage Evaluation / EIS, including the establishment of a 30 m VPZ (Vegetation Protection Zone) as there does not appear to be an alternative location for the garage given the parcel size.
 - Development should not be permitted within 15 m of the riverbank. It is also critical that appropriate sediment and erosion controls be installed around the building footprint and maintained during construction. Additional vegetation plantings (native shrub / tree species) along the riverbank are encouraged in keeping with the policy requirement.
 - No records for the existing legal non-conforming, in-ground leaching bed style septic system were found. No visible defects were found at the time of our inspection. The septic tank is located between the proposed garage and existing house. The proposed garage meets setback requirements to the septic system, and provided there is no plumbing or living space included in the garage, Regional Private Sewage Systems staff have no objections.
 - Regional Planning staff have no objection, see conditions.
- Niagara Peninsula Conservation Authority (July 31, 2019)
 - Based on a site visit, a floodplain elevation of 174.81m and mapping, the proposed garage appears to be located outside of the floodplain hazard.

- During a site visit, it was confirmed that the topography can be defined as a potential hazard land versus a regulated valley slope. This is because the angle of the slope is less than 3(h):1(V).
- The NPCA's Hazard Land policies apply to this proposal. A Geotechnical Engineer is required to confirm that the proposed activities will not have any impact on the stability of the existing slope over the long term. It must be demonstrated that all hazards and risks associated with the site have been addressed to the satisfaction of the Geotechnical Engineer and the NPCA prior to the NPCA supporting development.
- Recommend deferral, until such time that a Geotechnical Study has been reviewed and approved by the NPCA.
- An NPCA Work Permit will be required prior to the issuance of any building permits.

No public comments have been received.

Planning Comments

Planning staff note that the property is 0.19 ha (0.47 ac) in land area, is not farmed and is considered to be a rural residential lot. The proposed location of the garage can be seen in Figure 1. The subject land is surrounded by:

- North – Agricultural
- East – Rural residential dwellings
- South – Welland River
- West – Rural residential dwellings

Figure 1: (Left) View of property from River Road. (Right) View of location of proposed garage as seen near the Welland River.



Increasing the maximum lot coverages and the balance of requested zoning relief (height limit increase & reduce front yard) without adequate geotechnical information on the integrity of the stable top-of-bank could adversely impact the subject land and potentially neighbouring buildings which are all in relatively close proximity to the proposed garage and metres away from the Welland River floodplain.

The property falls within the NPCA advisory floodplain mapping area but the proposed garage is located outside of the floodplain extent. The stable Top-of-Slope does traverse the property, and it is not yet known whether

the proposed garage will be located at a safe distance to ensure no long term impact to the slope. The septic system is located at the required distance from the proposed garage.

The applicant has been advised that a Geotechnical Study is required prior to NPCA and Town Planning staff offering support on the minor variance applications. Town Planning staff have also identified that the proposed garage is partly located within the Hazard zone, which prohibits the accessory building use. Town staff require the garage to be located outside of the Hazard (H) zone, and wholly within the Agricultural (A) zone. This can be achieved either by shrinking the building footprint, or requesting a shorter front yard setback to reorient the building closer to River Road. This should also aid in the geotechnical analysis and construction phase.

Planning Staff is of the opinion that the application does not meet all of the four minor variance tests laid out by the *Planning Act*, at the time. The application is inconsistent with Provincial policies, the Regional Official Plan, and does not conform to the general intent of the Town's Official Plan and Zoning By-law.

Consequently, Planning Staff recommend that Application File Number **A21/2019P be deferred**, until such time as NPCA staff can provide supportive comments based on their approval requirements and the applicant demonstrates that all four tests under the *Planning Act* are met, **or alternatively be refused**.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,



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

Memorandum

Public Works Department - Engineering

DATE: August 1, 2019
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A21/2019P
594 River Road

Public Works has completed a review of the minor variance application A21/2019P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.4 (d) – “Minimum Front Yard” – to permit a front yard of 6.4m whereas the by-law requires 13m.
- Section 7.7 (a) – “Maximum Lot Coverage (Accessory)” – to permit a maximum lot coverage of an accessory building of 6.3% whereas the by-law permits 1%.
- Section 7.7 (a) – “Maximum Lot Coverage (Overall)” – to permit a maximum overall lot coverage of 13% whereas the by-law permits 10%.
- Section 7.7 (d) – “Maximum Accessory Building Height” – to permit a maximum accessory building height of 7m whereas the by-law permits 3.7m.

Public Works has no comments.

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development

Date: August 6, 2019

Subject: Building Comments on Applications to the Committee of Adjustment for
Minor Variances – August 13, 2019 hearing. **File A21/2019P**

Comment:

A building permit is required.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Curtis Thompson

From: Holly Willford
Sent: July 15, 2019 11:41 AM
To: Curtis Thompson
Subject: FW: 594 River Road - Proposed Garage
Attachments: Approved Dwg..pdf; PSS-19-131 (594 River Road, Pelham) Special Request - Garage.pdf

FYI – Region does not need to be circulated for A21/2019P re septic



Holly Willford, B.A.
Deputy Clerk
Administration Services

e: hwillford@pelham.ca
p: 905.892.2607 x320
pelham.ca

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From: Noort, Justin [<mailto:Justin.Noort@niagararegion.ca>]
Sent: July 10, 2019 9:09 AM
To: Holly Willford <HWillford@pelham.ca>
Subject: 594 River Road - Proposed Garage

Hello Holly,


As discussed, Regional Private Sewage System Staff will not be requiring a fee for a the proposed garage for the above noted address. Recently Mr. [REDACTED] made a Special Request application through the Niagara Region concerning the proposed garage. Attached are Regional Private Sewage System Staff's comments and an approved drawing concerning the garage. You will only receive theses comments electronically if a hard copy is required please let us know.

If you have any further questions please ask.

Respectfully,
Justin Noort, C.E.T.

Inspector, Private Sewage Systems, BCIN. 110513
Niagara Region Planning and Development Services
(905) 980-6000 ext 3671

June 19, 2019


594 River Road
Welland, ON
L3B 5N6

Dear Mr. :

**Special Request Inspection Application for Proposed Garage
594 River Road, Town of Pelham
Regional File: R.02.02.06.PSS-19-131**

Our Department has inspected the above-mentioned property and reviewed your proposal to construct a 32'x36' single detached garage at the northwest corner of the property. The property currently has a single residential dwelling.

No records for the existing sewage system servicing the dwelling were found. The existing septic tank is located to the west of the house, and east of the proposed garage, and is connected to a legal, non-conforming, in-ground leaching bed located between the house and the creek. No visible defects were found at the time of our inspection.

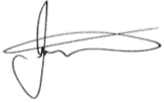
The detached garage is proposed to be located at the northwest corner of the property, west of the dwelling, and is shown to not encroach on the existing sewage system. No additional plumbing is proposed for the garage. There is not enough usable land for a replacement tank and tile bed system on the property. The only replacement option to service the site when the existing septic system fails would be a holding tank, which will limit any future changes to the dwelling.

Therefore, since the proposed garage meets with the setback requirements to the sewage system, and provided there is no plumbing or living space included, we would have no objections to the application.

These comments are provided specifically to address consideration of on-site sewage systems regulated by the Building Code and do not address any planning applications for this property from a Provincial and Regional planning perspective. Future planning or development applications will require the associated private sewage disposal system fees.

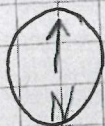
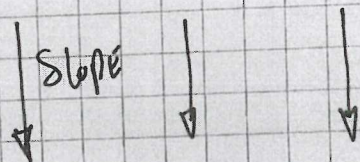
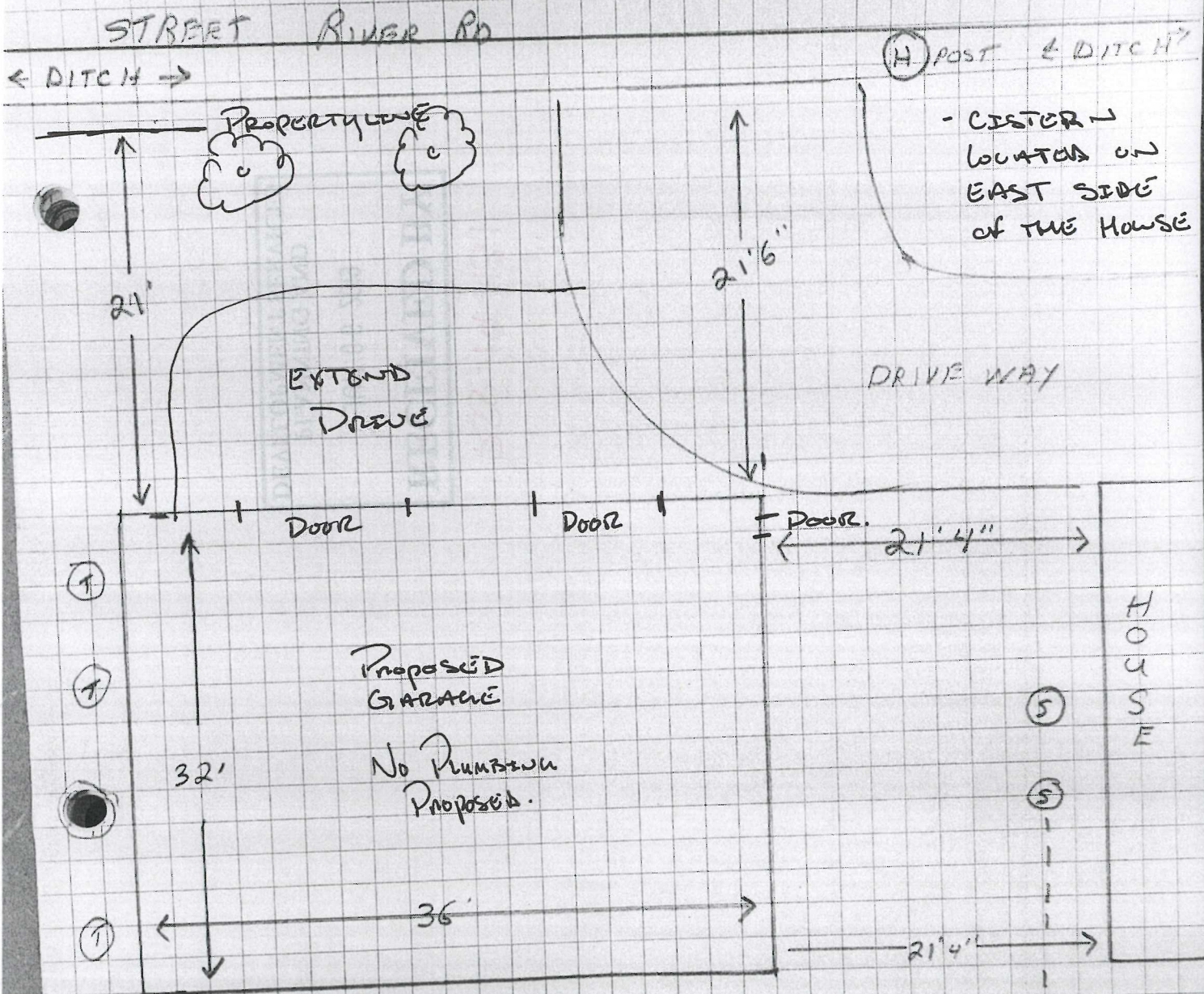
If you have any questions or require any further information, please contact this office at 905-685-4225, extension 3671.

Respectfully,

A handwritten signature in black ink, appearing to read 'Justin Noort', with a stylized flourish at the end.

Justin Noort
Inspector, Private Sewage Systems

c: Phill Lambert, P.Eng., Director of Infrastructure Planning & Development Engineering,
Planning and Development Services, Niagara Region
Town of Pelham, CBO, Building Department



APPROVED
The Regional Municipality of Niagara

JUN 19 2019

PLANNING AND
DEVELOPMENT SERVICES

WELLAND RIVER

July 31, 2019

Our File No.: PLMV201900574

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

Subject: Application for Minor Variance, (A21/2019)
CON 14 PT LOT 11
594 River Road Pelham ON L3B5N6

Further to our review of this file, the following is offered for your information.

This application has been made to vary several of the Town's existing zoning by-law provisions to permit the construction of an accessory building (detached garage) at the above noted property.

The subject property backs on to the Welland River. NPCA mapping indicates the property is impacted by a steep slope and flood hazard associated with this section of the River. As such, development of this property will be subject to the NPCA's current Regulations and Land Use Policies. The comments below are offered in that context.

In accordance with NPCA policies, no new development or site alterations are permitted within a flood hazard. The floodplain elevation at this property is 174.81m. After reviewing our mapping, the proposed site plan and confirming the location of the garage during a site visit by NPCA staff, the location of the proposed works appear to not be impacted by the floodplain hazard.

During a recent site visit by NPCA staff, it was also confirmed that the topography of the property is such that the lands can be defined as a potential hazard land versus a regulated valley slope. This is because the angle of the slope is less than 3(h):1(v). Authority objectives when reviewing applications and proposals on lots adjacent to steeper slopes would pertain to minimizing soil erosion and sedimentation, protecting life and property from the potential for slope stability problems, and ensuring that the natural integrity of the valley slope is maintained over the long term.

In light of the above, the NPCA's Hazard Land policies apply to this proposal. These policies require that a Geotechnical Engineer confirm the proposed activities will not have any impact on the stability of the existing slope over the long term. It must be demonstrated that all hazards and risks associated with the site have been addressed to the satisfaction of the Geotechnical Engineer and the NPCA prior to the NPCA supporting development. As this information was not provided with this application, **this is required prior to the NPCA supporting this application.**

NPCA Hazard Land Policies are also consistent with Section 3.1, *Natural Hazards* of the Provincial Policy Statement of which the NPCA also has a responsibility to provide comments on with respect to the review of Planning Applications. Specifically, Section 3.1.7 permits development on a hazardous site where it is demonstrated that the effects and risk to public safety are minor and could be mitigated.

Given that the recommendations/findings of the Geotechnical Study have the potential to change or alter the proposed plans which may change the scope of this application, the NPCA recommends that this **application be deferred** until such time that a Geotechnical Study has been reviewed and approved by the NPCA.

Lastly, as the proposed works fall within the NPCA's regulated lands, a Work Permit from this office will be required prior to the issuance of any building permits from the Town.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,



Sarah Mastroianni,
Watershed Planner
(905) 788-3135, ext. 249

cc: Curtis Thompson, Planner, Town of Pelham
Amy Parks, Regulations Officer, NPCA

Sarah Leach

From: Holly Willford
Sent: Friday, August 02, 2019 9:36 AM
To: Sarah Leach
Subject: FW: Consent Application B7/2019 - 1146 Maple Street

Comments for Committee of Adjustment

From: Earl, Lindsay [mailto:lindsay.earl@niagararegion.ca]
Sent: July 31, 2019 2:37 PM
To: Nancy Bozzato <NBozzato@pelham.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>
Cc: Development Planning Applications <devtplanningapplications@niagararegion.ca>; Curtis Thompson <CThompson@pelham.ca>; Holly Willford <HWillford@pelham.ca>; Sarah Leach <SLeach@pelham.ca>
Subject: RE: Consent Application B7/2019 - 1146 Maple Street

Thanks for the information Nancy!

The Region is satisfied that no Regional or Provincial interests will be compromised by this application, therefore the Region does not have any concern and will not be providing comments. We will return the cheque to the applicant.

Trusting this information is satisfactory, please feel free to contact our office should you have any further questions in this matter.

Regards,

Lindsay Earl, MES, MCIP, RPP
Senior Development Planner
Planning and Development Services
Regional Municipality of Niagara
Phone: 905-685-4225 ext. 3387
Toll Free: 1-800-263-7215
Fax: 905-687-8056

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From: Nancy Bozzato <NBozzato@pelham.ca>
Sent: Wednesday, July 31, 2019 11:39 AM
To: Busnello, Pat <pat.busnello@niagararegion.ca>
Cc: Earl, Lindsay <lindsay.earl@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Curtis Thompson <cthompson@pelham.ca>; Holly Willford

Sarah Leach

From: Sarah Leach
Sent: Wednesday, July 17, 2019 4:34 PM
To: Holly Willford; Curtis Thompson
Subject: FW: 905-19-296 - Consent Application B7-2019P - 1146 Maple Street

Please see comments below.



Sarah Leach
*Administrative Assistant
to the Clerk*
Administration Services

e: sleach@pelham.ca
p: 905.892.2607 x322
pelham.ca

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From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Wednesday, July 17, 2019 3:01 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Gordon, Carrie <carrie.gordon@bell.ca>
Subject: 905-19-296 - Consent Application B7-2019P - 1146 Maple Street

Good afternoon Sarah,

Bell Canada has no concerns with Application for Consent B7-2019P regarding 1146 Maple Street.

Thank you,

Charleyne Hall
on behalf of Carrie Gordon



Right of Way Associate
140 Bayfield Street, Floor 2, Barrie ON L4M 3B1
T: 705-722-2264 Toll Free: 1-888-646-4817

Memorandum

Public Works Department - Engineering

DATE: August 1, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File B7/2019P
1146 Maple Street

We have completed the review of the consent application B7/2019P for consent to convey 426.9 square meters of land (Part 3) to be added to the abutting property to the north (Part 1) to be used as part of the building area for a two storey barn. Part 2 is to be retained for building lot. Minor Variance application A20/2019P is being considered concurrently.

Upon this review, Public Works has the following proposed **conditions**:

1. That the applicant ensures that all lots are serviced with individual 20 mm water service and 125 mm sanitary sewer lateral in accordance with Town of Pelham standards. Installation of any missing services will require Permits obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine if the services are in satisfactory condition prior to connection. The provision of all services shall be completed through a Temporary Works Permit prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).
2. That the applicant submits a drawing that indicates the location of the individual water service and sanitary lateral for all lots to confirm no existing water or sanitary services branch from or through the proposed lots to other lands, and from or through the

remaining parcel to other lands. Locate cards for all lots shall be submitted after the installation of new services.

3. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works or his designate.
4. That the applicant obtain approval through a Driveway Entrance and Culvert Permit from the Public Works Department for the installation of an entrance for all new lots in accordance with Town standards. Installation of entrances shall be completed in accordance with Town standards prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).

August 13, 2019

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

Re: Consent Application B7/2019P
1146 Maple Street, Pelham
Registered Plan 703, Part of Lot 8
Roll No. 2732 010 015 16100

The subject land, (Part 3 on sketch) has 4.67 m of frontage on the west side of Maple Street, lying north of Canboro Road, known municipally as 1146 Maple Street, in the Town of Pelham.

Application is made for consent to convey 426.9 m² of land (Part 3) to merge with the abutting land (Part 1) for the continued use of a barn and single detached dwelling. Part 2 is being retained for a future residential building lot.

Note – This application is being considered concurrently with minor variance application file A20/2019P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 51 (24) states that when considering the division of land, regard shall be had to the health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and among other things to,

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The proposed boundary adjustment seeks to preserve an existing barn which is of an older, historic structure and is currently being used as an accessory building to the existing house. The boundary adjustment will help legalize an existing legal non-conforming structure while helping to maintain the Town's cultural heritage while still allowing for the new residential development to the south. Notwithstanding the decrease in lot size, there is virtually no impact on lot geometry. There is also no impact on the environment, schools or municipal services as the lot already exists and municipal water and sanitary sewers already front the property.

Provincial Policy Statement (PPS), 2014

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

The proposed boundary adjustment seeks to preserve a culturally significant barn (accessory building) by adjusting the existing lot line which intersects the barn. The boundary adjustment application will preserve the right to build one new residential dwelling on an existing lot of record, which helps increase housing supply and achieving intensification targets. Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, avoids adverse impacts to provincial interest, public health, safety and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Growth Plan for the Greater Golden Horseshoe (GGH) (2019)

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 2.2.2 Managing Growth – Population will be accommodated by:

- a) Directing a significant portion of new growth to the *built-up* areas of the community via intensification
- b) Focusing intensification in intensification areas
- g) Planning for a balance of housing in communities to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling
- h) Encouraging towns to develop as *complete communities* with easy access to local stores and services
- j) Directing growth to settlement areas that offer municipal water and wastewater systems

The subject property is within walking distance to Downtown Fenwick, an elementary school and institutional uses. The proposal would facilitate the preservation of an older vintage, culturally significant barn while still allowing for the construction of one single detached house on what is currently a large, existing residential lot of record (2030 m²). The additional dwelling unit provides for improved efficiencies in land use and infrastructure capacities. Increasing the number of dwelling units helps maintain infrastructure / municipal assets by generating property tax that is used for the maintenance of public infrastructure and public service 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.C.2.1 states the municipality will develop and implement through their local Official Plan, policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

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 designated the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fenwick and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 Residential Intensification – states while intensification opportunities will be encouraged,



proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood they are proposed. This consent application is for a boundary adjustment, and not for the creation of a new lot. Planning staff note that Maple Street in this area is characterized by more traditional homes with short front yard setbacks. Based on the current applicable zoning, the new dwelling could be located with a deep front yard setback, thereby diminishing the character of this part of Fenwick. At this time, the Town has limited mechanisms available to ensure the new dwelling is located generally in alignment with the neighbouring homes, as this is desirable for the streetscape. Planning staff encourage the applicant, or subsequent builder to be mindful of, and respect the neighbourhood character as the Official Plan policies express.

Policy B1.1.3 a) notes how Schedules A2 identifies a number of candidate areas for residential intensification within the Village of Fenwick. This does not preclude consideration for other sites within the *Urban Living Area* designation provided they abut an arterial or collector road.

Policy B1.1.3 b) states intensification proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed.

Policy D5.2.1 states that for any consent application, the Committee of Adjustment shall be satisfied that (among other things) the proposed lot:

- a) Fronts on and will be directly accessed by a public road;
✓ Unchanged.
- b) Will not cause a traffic hazard;
✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
✓ Intent is being maintained and compliance sought concurrently (A20/2019).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
✓ Unchanged.
- e) Will not have a negative impact on the drainage patterns in the area;
✓ Confirmed as condition of approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
✓ The land to the rear (west) is designated for urban development and in the future may be subject to future infill development applications. The land is already fragmented by the deep lotting fabric of the subject lands; therefore, this application is not adversely impacting the future developability of the rear lands than already exists.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
✓ No issue.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
✓ No issue from Region in accordance with Memorandum of Understanding.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - Not applicable.

Policy D5.2.2 Boundary Adjustments – states consents may be permitted for the purpose of correcting conveyances or for enlarging existing lots, provided no new building lot is created. The Committee of

Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

The site is generally located within an identified potential intensification area and it is located on a collector road which is also ± 100 m from an arterial road intersection. The property is within walking distance to Downtown Fenwick, elementary schools and other institutional uses. Regarding Policy D5.2.2, no new lot is being created and the boundary adjustment will facilitate the preservation of an existing accessory building and also bring the use into zoning compliance.

Pelham Zoning By-law Number 1136 (1987), as amended

The subject land is zoned 'Residential Village 1' (RV1) according to the Zoning By-law. The permitted uses include one single detached dwelling, accessory uses and home occupations. The resulting parcel configuration will result in zoning compliance for the existing barn (accessory building) which currently crosses a property line, and the reduced lot frontage of Part 2 is being addressed through minor variance application A20/2019.

Agency and Public Comments

On August 17th 2019, 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 (August 6, 2019)
 - No comments.
- Public Works Department (August 1, 2019)
 - See conditions.
- Bell Canada (July 17, 2019)
 - No concerns.

No public comments have been received at this time.

Planning Comments

Planning staff have reviewed the Planning Justification Report submitted by Upper Canada Consultants dated June 2019, and agree with its commentary.

A pre-consult was held with the applicant(s) of the property and staff from the Town on May 2nd, 2019 to discuss the future development.

The subject lands are located on the west side of Maple Street, lying north of Canboro Road and is surrounded by:

- North –Single detached residential
- East – Single detached residential / Significant Woodland (further east)



- South – Single detached residential
- West – Agricultural

Planning staff note the immediate neighbourhood consists of a more traditional character with older vintage residential homes and just over 100m to the south is Downtown Fenwick.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, cultural heritage preservation and making more efficient use of the existing urban lands, where suitable to do so. The proposed variance should not negatively impact the surrounding neighbourhood with regards to land use compatibility, traffic, privacy and storm water runoff.

Planning staff are concerned that the future dwelling on Part 2 could be located far back on the lot from Maple Street and not align with the existing homes, by exercising a deep front yard setback. This has happened further north on Maple Street and in some other areas, the issues are two-fold. First, the desirable streetscape and built character of the neighbourhood is disrupted, and the deep rear yards which are also designated *Urban* in the Official Plan, are compromised should they be subject to future development applications. Unfortunately, the mechanisms to ensure building and streetscape alignment, are quite limited as the Zoning By-law doesn't require a maximum front yard setback, but also because the subject land has a very deep lot, the standard rear yard setback will have no effect on ensuring the future home is positioned relatively close to Maple Street, as is desired by staff. Therefore, Planning staff highly recommend the applicant, or the future home builder orient the dwelling in a respectful, and compatible position that reflects the character of Downtown Fenwick.

Planning Staff is of the opinion that the consent application meets the applicable policy 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 Town Official Plan and Zoning By-law.

Planning staff recommend that the consent known as file B7/2019P **BE GRANTED** subject to the following conditions:

THAT the applicant,

- Merge Part 1 with Part 3.
- Ensures both lots are services with individual 20 mm Ø water service and 125 mm Ø sanitary sewer laterals in accordance with Town standards. Installation of any missing services will require Temporary Works Permits obtained through the Public Works department. If existing services are proposed for reconnection, such services shall be inspected by Town staff to ensure satisfactory condition prior to connection. Temporary Works Permit(s) will be required and the applicant shall bear all costs associated with these works.
- Submit a drawing indicating the location of the individual water service and sanitary lateral for both lots to confirm no services branch from, or through the proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for both lots shall be submitted after service installation.
- Submits a comprehensive Lot Grading & Drainage Plan for both parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works.
- Obtain approval for a Driveway Entrance & Culvert Permit from the Public Works department, in accordance with Town standards. The applicant shall bear all costs associated with these works.

From the Department of



**Community Planning
& Development**

- Provide the Secretary-Treasurer with a registerable 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.
- Provide the final certification fee of \$387, 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.

Prepared by,



Curtis Thompson
Planner, B.URPI

Approved by,



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



To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development

Date: August 6, 2019

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents – August 13, 2019 hearing. **File B7/2019P**

Comment:

Building department offers no comment at this time.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development