

Committee of Adjustment AGENDA

CofA 1/2020

January 14, 2020

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 A28/2019P - 20 Alan Crescent (Part 1)

1

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Public Comments - Please refer to file B11/2019P - 20 Alan Crescent
5. Upper Canada Consultants Presentation - Please refer to file B11/2019P - 20 Alan Crescent

5.2 A29/2019P - 20 Alan Crescent (Part 2)

19

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Public Comments - Please refer to file B11/2019P - 20 Alan Crescent
5. Upper Canada Consultants Presentation - Please refer to file B11/2019P - 20 Alan Crescent

6. Applications for Consent

6.1 B9/2019P - 711 Quaker Road

34

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Bell Canada
5. Dave Robertson Comments

6.2 B10/2019P - 717 Quaker Road

44

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Town of Pelham Tax Department
4. Niagara Region

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Bell Canada
5. Foster Zanutto Comments
6. Robert Jansen Comments
8. Sheila Boyle and Frieder Honig Comments
7. Keith and Deborah Powell Comments
8. Tito De Concilys Comments
9. Franz Tauss and Edda Tauss Comments
10. Kerry Black Comments and pictures
11. Ellie Stefaniuk Comments
12. Deborah and Randy Crysler Comments
13. David Reid Comments
14. Ted and Angeline Galotta Comments
15. Ernie and Charlotte Chiola Comments
16. Paula and Rob Berketo Comments
17. Peggy and Roger Barnsely Comments
18. Yolanda Bostock Comments
19. Jeff Kerr Comments
20. Jim Marando Comments
21. Jackie Oblak Comments
22. Diane Belanger Comments
23. Graeme Potts Comments
24. Upper Canada Consultants Presentation

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Bell Canada
5. Ken Shugart Comments
6. Dave Robertson Comments
7. Stan and Petra Pazour Comments

7. Minutes for Approval

8. Adjournment

January 14, 2020

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

Re: Minor Variance Application A28/2019P
20 Alan Crescent, Pelham
Lot 18, Plan 721
Roll No. 2732 030 005 09900

The subject parcel, shown as Part 1 on the attached sketch, has 14.2 m of frontage on the southwest corner of Elizabeth Drive and Alan Crescent, legally described above, in the Town of Pelham.

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

- **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 432 m², whereas 700 m² is required.
- **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 14.2 m, whereas 19 m is required.
- **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot frontage of 45 %, whereas 30 % is required.
- **Section 13.2 (d) "Minimum Front Yard"** to permit a front yard of 5 m, whereas 7.7m is required.
- **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.2m, whereas 1.8m is required.

The two (2) variances (minimum lot area & lot frontage) are required to legalize the proposed lot and facilitate the severance approval while the other three (3) variances are merely desired by the applicant.

Note: Files A29/2019P & B11/2019P are being considered concurrently.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2014)

The Provincial Policy Statement (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.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Settlement Area' according to the 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 1.1.3.3 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.

The Niagara Region Official Plan prescribes an annual residential intensification rate of 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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 minor variance application has been submitted to seek relief from some zoning provisions in order to legalize the proposed lot within the R1 zone regulations and to accommodate certain site-specific provisions for a future dwelling.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential, therefore an Assessment and Ministry Clearance is required as a condition of approval.

The proposed development seeks to increase the residential housing supply within the *Urban Settlement Area* boundary of Fontheil by adding one additional dwelling unit. 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 (2019)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

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

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

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

- iii. can support the achievement of complete communities.

Complete Communities are defined as mixed-use neighbourhoods or other areas within a Town that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and *public service facilities*. *Complete communities* may take different shapes and forms appropriate for their contexts.

Policy 2.2.2 Delineated built-up areas – states that when the next *municipal comprehensive review* is approved and in effect, the applicable minimum intensification for Niagara is 50% of all residential development annually. Until that time, the Region's current annual minimum intensification target is 15% for the Town of Pelham.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood. Single detached dwellings are also the only permitted use under the R1 zone of the current Zoning By-law (1987).

The subject lands are located less than 1000 metres from Downtown Fonthill, various other commercial uses along Highway 20 West and three public elementary schools. This places it within the realm of the desirable '10-minute' walking-shed neighbourhood. The local public high school is also only about 2 km west of the subject lands which can be travelled by bicycle in 10 minutes.

The proposal will facilitate the construction of one new single detached dwelling on a fairly large (1269 m²) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Village of Fonthill. The proposed dwelling will also help contribute towards the municipal property tax base which helps towards maintaining linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

Regional Official Plan (Consolidated August 2014)

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

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

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

Regional staff did not object, nor request to be circulated the proposed applications as the development aligns with Provincial and Regional policies.

The proposed minor variance conforms to the Regional Official Plan because the lands are located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term. The proposed dwelling, together with the required zoning by-law provisions is compatible with the existing surrounding neighbourhood from a land use, housing and urban design perspective.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary'.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No *key natural heritage features* such as *Significant Woodlands, Provincially Significant Wetlands, highly vulnerable aquifers* or *valleylands* etc. are located near the subject lands.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

The subject lands are less than 600 metres to Downtown Fonthill which positions it well within the admirable 10-minute walk shed.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

The proposed minor variance would facilitate the construction of one new single detached dwelling in proximity to Downtown Fonthill. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with lower pitched roof bungalows as the dominant built form along Elizabeth Drive. The nearest dwellings flanking from Highland Avenue consist of more variety in built form, that is there are more 1.5 and 2-storey dwellings scattered amongst some other bungalows. The proposed lot, seeks to maintain the key features and intent of the R1 zone which help provide a gradient mass between the flanking 2-storey dwelling at the west inward to the retain lot and neighbouring 1-storey bungalow neighbourhood.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy A2.7.2 Cultural Heritage – states it is the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry is required as a condition of severance approval.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate

various forms of residential intensifications, where appropriate.

Policy B1.1.3 provides policy guidance and direction with respect to intensification proposals within the *Urban Living Area / Built Boundary*. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood where they're proposed.

In considering residential intensification proposals, the following criteria are applicable:

- a) Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with a collector or arterial road;
 - ✓ The subject lands are not identified symbolically as a 'Potential Intensification Area' according to Schedule 'A1'. They are located just over 150 metres from Canboro Road, being the closest collector road.
 - ✓ Town Planning staff agree with the submitted Planning Justification Report in that the 100 metre linear distance reference is a rather acute test in most contexts and which can adversely impact an otherwise sound and appropriate redevelopment opportunity. It is certainly much more noteworthy upon true medium-high density proposals with significant transportation impacts, not low density single detached residences. The transportation rooted policy test is well-intended and an important factor as denser land forms should generally be located closer in proximity to major roads and amenities etc. for several reasons. However, understanding that, we've completely ignored the benefits associated with the 'walkable' neighbourhood which is the principle origin of these geographic tests. Specifically, the distance an average human can comfortably walk with 10 minutes. Empirically speaking, trips that are less than 1 km in distance are highly suited for most humans to manage by walking, with trips slightly longer more than manageable by bicycle or a short vehicle trip. It should be noted that the lack of sidewalks on Elizabeth Drive and Alan Crescent does not make this neighbourhood inherently un-walkable, or unsafe. With low traffic volumes and speeds, it is generally considered quite safe for people to walk within the travelled carriageway.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
 - ✓ The neighbourhood is predominantly single detached dwellings and the severance would yield one new single detached dwelling.
 - ✓ The existing residential density of the subject lands is 7.8 units / hectare, while the proposed severance would yield a density of 15.7 units / hectare. The neighbourhood density ranges up to 25 units / hectare mostly due to the townhouse development 200m east on Elizabeth Drive.
- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
 - ✓ See comment above, the proposed zoning for the subject land (Part 2) seeks to legalize the existing dwelling (20 Alan Cr) on the reduced parcel size of the remnant lot.
 - ✓ There are no traffic and parking issues anticipated with this minor variance.
- d) Notwithstanding items (b) and (c), the creation of new freehold infill lots through the consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the Urban Living Area designation;
 - ✓ The proposed use of the subject land is unchanged and is directly identical to that of the

- immediate neighbourhood, which is being a single detached dwelling.
- ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density as discussed in subsection b) above.
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.
 - ✓ The current R1 zoning does not permit second dwelling units nor has the applicant submitted a rezoning application requesting the additional permitted use.

In accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fontheil and Fenwick.

It is noted that the minor variance application seeks to legalize the minimum lot frontage and minimum lot area requirements of the default R1 zoning provisions to facilitate the proposed severance (B11/2019P). The other zoning relief sought for yard setbacks and lot coverage are purely optional as they relate to the severance approval. The proposed minor variance conforms with the Pelham Official Plan as it supports additional housing, appropriate lot geometry, good land use planning and is a compatible form of residential intensification especially in proximity to Downtown Fontheil.

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

The subject land is currently zoned 'Residential 1' (R1) according to the Zoning By-law with one existing single detached dwelling situated on the land.

Section 13. – Regulations for dwellings permitted in the R1 zone:

a) Minimum Lot Area	700 m ²	Request-	432 m ²
b) Minimum Lot Frontage	19 m	Request-	14.2 m
c) Maximum Lot Coverage	30 %	Request-	45 %
d) Minimum Front Yard	7.7 m	Request-	5 m
e) Minimum Interior Side Yard	1.8 m	Request-	1.2 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.	<p>The proposed reduced lot area and lot frontage are minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province. The surrounding neighbourhood is characterized by development of various lot sizes. Some smaller lots exist along Highland Avenue with larger lots to the east. The reduced lot area can still comfortably accommodate the proposed dwelling while accommodating the existing dwelling on the remnant parcel.</p> <p>The proposed lot coverage increase will help facilitate a building footprint / gross floor area for the new dwelling comparable to that of the surrounding neighbourhood. The applicant has expressed intent to build a 1-storey bungalow residence which is in keeping with Elizabeth Drive's built form eastward.</p> <p>The proposed reduced building setbacks in relation to the proposed reduced parcel size can still comfortably accommodate a</p>

	<p>new dwelling while still accommodating the existing dwelling to the east. The rear yard amenity area complies with the default R1 zoning requirements. While the proposed front yard setback is intended to maintain a consistent building alignment along Elizabeth Drive with the existing houses. The reduced side yard setbacks accord to the Ontario Building Code and will actually help reduce unwanted privacy overlook as the amount of window openings is greatly reduced at this property line setback.</p> <p>The first two proposed variances will facilitate the additional residential building lot to be created while the balance of requested provisions seek to accommodate a specific building design on a relatively smaller parcel of land (432 m²). The variances are considered minor in nature as no adverse impacts are anticipated from the requested variances. This is because the resulting built form is generally consistent with the existing neighbourhood from a land use, orientation and massing perspective and is considered an appropriately sensitive form of infill redevelopment.</p>
2. The variance is desirable for the development or use of the land.	<p>The variances to reduce the minimum lot area and lot frontage are desirable for the lands because it will allow for the creation of an additional residential building lot on a fairly large, underutilized open space in close proximity to Downtown Fonthill in the <i>urban settlement area</i>.</p> <p>Though the proposed lot coverage increase is not required, it is considered desirable in this instance because it will help ensure similar, more compatible development which is what the public has overwhelmingly communicated. Respecting neighbourhood character is also one of the policy objectives of the Pelham Official Plan. The increased lot coverage will help facilitate a larger building footprint / gross floor area for the new dwelling which is similar to that of the surrounding neighbourhood. The applicant has expressed intent to build a 1-storey bungalow residence which is generally in keeping with Elizabeth Drive's built form eastward.</p> <p>Reducing the applicable building setbacks is desirable for the subject land because it will offer more design flexibility, help facilitate a more comparable building footprint to that of the neighbourhood while still avoiding any negative impacts associated with its permission. The reduced side yard setbacks proposed accord to that of the Ontario Building Code and will actually help limit potential privacy concerns from unsightly window overlook to adjacent properties.</p> <p>The reduced front yard setback is intended to help frame the public realm with a consistent building streetscape / alignment echoing that of the existing setbacks found at 11 Highland Avenue and 20 Alan Crescent flanking Elizabeth Drive.</p> <p>Adequate open space amenity area remains for resident recreation and for stormwater drainage purposes. The proposed spatial</p>

	<p>separation between property lines is also consistent with contemporary development standards and should not adversely impact the leisure and privacy of others.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The variances to reduce the minimum lot area and lot frontage maintain the policy intent of the Official Plan because they will allow for intensification of an existing neighbourhood in close proximity to Downtown, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a fairly large existing residential lot. The underutilized open space proposed for redevelopment is within walking distance to many daily amenities necessary for residents such as shopping, schools and other <i>public service facilities</i>. The minor reduction in lot area and lot frontage will not negatively impact the character of the neighbourhood but instead help strengthen and diversify the housing stock. The variance will aid in the gentle intensification of existing <i>Urban Settlement Areas</i> in proximity to Downtown Fonthill (Policy A2.2.2).</p> <p>The proposed increase of lot coverage maintains the general intent of the Official Plan because it will help facilitate compatible residential development through the use of large building footprints / gross floor areas similar to that of the neighbouring houses.</p> <p>The proposed reduction in yard setbacks maintain the general intent of the Official Plan because it will help facilitate compatible residential development through the use of large(r) building footprints / gross floor areas given the reduced lot size, and compact urban redevelopment. The reduce yard setbacks will also help ensure the pedestrian-friendly policies of the Official Plan are upheld, particularly with respect to good urban design principles (i.e. visible front porches with less emphasis on the garage), and positive streetscape interfaces throughout the public realm.</p> <p>Planning staff are of the opinion that the amended zoning provisions will not compromise any policy objectives of the Official Plan. A modest adjustment in select performance standards on the subject lands are not foreseen to negatively impact the neighbourhood character with respect to urban design, drainage, privacy, and land use compatible built form. Instead, proper execution of these amended zoning provisions should help enhance the neighbourhood over the long term.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The variances seeking reductions of the minimum lot area and lot frontage provisions maintain the general intent of the Zoning By-law Plan because they will continue allowing for single detached residential dwellings in the low density R1 zone, albeit on a slightly smaller parcel. The proposed lot area and lot frontage are still in keeping with the surrounding neighbourhood, not just those dwellings immediately adjacent. In Planning staff's opinion, adverse impacts associated with the proposed minor reductions in lot area and lot frontage appear to be very remote prospects and unlikely to be alleviated through the process of rezoning. On the</p>

	<p>contrary, a Zoning By-law Amendment application could quite possibly invite a denser housing form (i.e. townhouses), even less suited to the neighbouring homeowner's preferences than the current proposal, as an alternative development strategy.</p> <p>The proposed increase of lot coverage does not conflict with the general intent of the Zoning By-law because it will help facilitate more compatible residential development through the use of large building footprints / gross floor areas similar to that of the neighbouring houses. The increased lot coverage offers a better opportunity for the builder to explore 1-storey, bungalow style housing forms, as desired by the public in this instance.</p> <p>The proposed reduction in yard setbacks is less than what is required by By-law but still includes ample space for building maintenance purposes, spatial separations between uses and adequate open space amenity areas as the Zoning By-law was intended. The proposed front yard reduction actually better complements the existing streetscape alignment considering the existing building setbacks of 11 Highland Avenue and 20 Alan Crescent along Elizabeth Drive. However, Planning staff have suggested modifying the requested front yard setback to ensure a legal depth parking stall can be accommodated within the driveway by forcing the attached garage to be at least 6m back from the front lot line.</p> <p>Together, the proposed variances maintain the intent of the Zoning By-law because adequate room is still available for open space / amenity area intentions, privacy buffers and storm water drainage without unduly affecting any neighbours.</p>
--	---

Agency & Public Comments

On November 26, 2019 a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (Dec 2, 2019)
 - No comments.
- Public Works Department (Jan 2, 2019)
 - See conditions.

Comments were received from many neighbouring residents which are summarized below. Note – the following summary is the same as consent file B11/2019P.

1. The 60 m (200') circulation of Hearing Notices is inadequate and Council should hear these applications, not the Committee of Adjustment.
 - ✓ The *Planning Act* of Ontario provides planning authorities (municipal Council) with the legislative authority to appoint a Committee of Adjustment to hear certain types of *Planning Act* applications (i.e. consents & minor variances). These applications are deemed of a lower

- priority status by municipal Councils Province wide versus Official Plan Amendments, Zoning By-law Amendments and subdivisions etc.
- ✓ Public Notice circulation requirements for Committee of Adjustment applications are prescribed under the *Planning Act*.
2. Allowing a new house on a smaller lot contradicts the original planning and character of the neighbourhood (i.e. Post WWII bungalows on large lots).
 - ✓ The existing neighbourhood was designed in an era where land resources were considered abundant and regard over future resource scarcity was of little importance. This is no longer the case.
 3. How can the original character, charm and feel of the neighbourhood be upheld?
 - ✓ The applicant has expressed the desire to build a bungalow for this reason exactly, which is likely the reason for the requested increase of lot coverage. However, since the Zoning By-law permits a 10.5m height limit as-of-right across all low density residential zones, there is no guarantee that a 2-storey dwelling could not be built on any property in this neighbourhood.
 - ✓ The applicant has requested a reduction of the front yard setback for Part 1 – this is meant to maintain a consistent building streetscape as the current exterior side yard setback required by the R1 zone is 5 metres. The adjacent dwelling to the west appears to have less than the 5m setback from Elizabeth Drive based on GIS parcel mapping.
 - ✓ One single detached residential lot in an existing single detached residential neighbourhood does help maintain the character, charm and feel of the neighbourhood pending appropriate urban design elements.
 4. The severance will devastate the existing residents and confuse potential buyers confused by the lack of homogeneity.
 - ✓ There is little evidence to support such a claim. Homogenous neighbourhoods actually have an extensive record of social dysfunction, particularly with respect to socioeconomic exclusion, unstable shifts in demographics which negatively affects public school enrollment among other institutions and commercial businesses. Reinvestment in existing neighbourhoods is generally considered a positive as it signals desirability. One new single detached dwelling in an existing low density residential neighbourhood will not cause ‘confusion’.
 5. There are already parking problems on Alan Crescent.
 - ✓ Parking issues appear to be a remote prospect in this neighbourhood (perhaps with the exception of the annual Summerfest weekend each summer). Most, if not all of the existing houses in the vicinity have in excess of 2-4 parking stalls per lot. On-street parking is also permitted and visibly abundant.
 6. This development will set a precedent.
 - ✓ Every *Planning Act* development application is considered independently on its own merits.
 7. How will (storm) drainage affect the neighbours?
 - ✓ A Grading & Drainage Plan is required as a condition of severance approval. At building permit, there is also a Grading Plan required for approval.
 8. The proposed lot would eliminate the garden yard of 20 Alan Crescent which contradicts the Town Beautification Committee’s statement on ‘enhancing visual appeal’ and ‘with respect to environmental stewardship’.
 - ✓ The remnant parcel (Part 2) would continue to be served by a sizeable L-shaped rear yard amenity area in addition to a very large front yard.
 - ✓ Accommodating residential housing growth within existing *urban areas* (intensification) is one of the most ecologically sound choices a municipality could undertake as it helps avoid premature urban settlement expansion to accommodate the same levels of growth. Intensification and redevelopment also utilize existing linear infrastructure and public service facilities.
 9. Environmental degradation associated with tree removal, new hard surfaces, and waste created from the pool / shed removal.

- ✓ Environmental impacts are important and must also be considered at a high level. Prohibiting infill development because of micro-impacts associated with small lot development is not a zero-sum scenario. If the market demand warrants new home construction, then a house might instead be located near the edge of the Town's *urban settlement area* limits. The degree of environmental impacts associated with an exurban alternative can be argued as much more harmful. For example, new development on the periphery often requires the extension of brand new linear infrastructure to support the new development. Many more trees might need to be removed instead, and sometimes of a greater *ecological value*, and this type of development usually interferes more with the *ecological function of key natural heritage features* more than an intensification growth scenario. Intensification development not only better utilizes existing infrastructure but they're often situated closer to shopping areas, schools and *public service facilities* which translates into a reduced transportation impact, and thus an environmental one.
10. The proposal abuses the R1 zone requirements which were meant to protect the existing neighbourhood.
- ✓ Ironically, based on current lot sizes of Elizabeth Drive and Alan Crescent, the default R1 zone requirements would have yielded narrower frontages, smaller lots and more density.
11. Allowing intensification in an established R1 zoned neighbourhood reduces the potential for a healthy mix of housing options in Fonthill.
- ✓ The neighbourhood is actually characterised by R1, R2, RM1 and RM2 residential zoning as per Schedule 'A5' of the Zoning By-law (1987).
 - ✓ There is no evidence to support this claim.
12. Loss of views.
- ✓ Ontario Planning Tribunals have consistently deemed there to be no legal right to a view over the private property of others, unless only in special circumstances the proposed obstruction to such long established amenities is of such a magnitude as to cause an unacceptable adverse impact upon the visual enjoyment of the greater public. This proposal is not considered at risk of such level of harm to the neighbourhood or to conflict with the intent in this respect of the Official Plan and Zoning By-law. Furthermore, no increase in building height was requested.
13. Loss of privacy.

Figure 1 - View of subject lands from 11 Highland Avenue (submitted by neighbour), with superimposition.



- ✓ The degree of neighbour discomfort associated with a proposed development's potential for intrusive overlook into other's private amenity area is always difficult to measure, qualify and subjective by nature. Distasteful window alignments and openings in close proximity to another rear yard amenity area (or dwelling) is discouraged.
- ✓ Minor variance file A28/2019P seeks a reduction of the side yard building setback from 1.8m to 1.2m. As per the Ontario Building Code, the closer a structure gets to a property line, the greater the restriction is in effect for the percentage of window openings permitted on that wall. It would seem that the developer would effectively, and voluntarily be limiting the

- number and size of permitted windows on the future west wall of the proposed house, in lieu of a 60 cm (2') encroachment.
14. Elizabeth Street has high traffic volumes. Was it not the Town's plan to omit sidewalks due to the large lawns, open space and long driveways?
 - ✓ Elizabeth Street is designated as a local road with low traffic volumes.
 - ✓ Planning staff do not know the Town's former rationale to omit installing sidewalks in several subdivisions over the last 60+ years. However, most often a lack of sidewalks has to do more with street design itself or even their cost. Specifically, narrow pavements with low traffic volume and slow vehicle speeds historically wouldn't warrant the inclusion of sidewalks. Though this practice has become frequently abandoned in modern development.
 15. Properties should not change after development has taken place some 70 years ago.
 - ✓ Human settlements continue to evolve throughout the course of history. There has always been some degree of change to communities over time.
 16. Assumes that the new house will be rented, and renters tend to not maintain property as well as owners.
 - ✓ Objection on the basis of tenure is a human rights matter which cannot be considered.
 17. The 'back' of a house cannot be deemed the 'side' of a house to avoid the rules.
 - ✓ The realignment of the technical 'yards' originates from Section 5 of the Zoning By-law's Definitions, not the developer's strategy. The narrowest frontage is considered the 'front yard' by definition.
 18. The rear yard of a house should not flank the side yard of another house.
 - ✓ This lot arrangement is widespread and can even be observed several times in this neighbourhood.
 19. The proposal will destroy our rear yard privacy from its overlook. Any windows on the back or side of this house will allow residents to look over our fence.
 - ✓ The applicant has requested a reduction of the side yard setback from 1.8m to 1.2m (file A28/2019P). In accordance with the Ontario Building Code, buildings closely situated to a property line have very restricted permissible openings (windows), represented as a percentage of the wall face. By reducing the side yard setbacks, the new dwelling would actually be voluntarily limiting its potential for privacy overlook.
 20. The proposal will have a detrimental effect on our property's value.
 - ✓ There is no evidence to support this. Redevelopment and reinvestment in neighbourhoods is generally associated with a positive impact on land values.
 21. The size of the proposed lot (Part 1) is not consistent with the surrounding properties.
 - ✓ The proposed lot is marginally smaller than its immediate surroundings along Elizabeth Drive and Alan Crescent notwithstanding the townhouse development east on Elizabeth Drive and the smaller lots west on Highland Avenue
 22. The new lot (Part 1) will have no yard or open space.
 - ✓ The default rear yard setback of 7.5m is being maintained. The Consent Sketch provided illustrates a building envelope based on the requested zoning setbacks. This does not necessarily represent the proposed footprint of a future dwelling.
 - ✓ It should also be noted that, in keeping with the character of the neighbourhood (1-storey bungalows), the proposed lot coverage of a bungalow is expected to be larger than that of a similar sized 2-storey dwelling to accommodate the same floor area, thereby directly impacting the size of open space.
 23. People should not be allowed to apply for variances to Zoning By-laws.
 - ✓ The Ontario *Planning Act* provides the statutory authority for variances to municipal Zoning By-laws to be heard.
 24. The developer has no intention of residing on either the retained, or severed lot.
 - ✓ Not relevant.
 25. The new lot is not physically compatible with, nor maintains the character / stability of the neighbourhood. The appearance, layout, building footprint and overall proportion of building to open space, combined with tree removals will also impact the neighbourhood.

- ✓ The proposed lot geometry is rather traditional in shape for typical residential lots with a ± 14 m frontage and ± 30 m depth. One large tree would need to be removed, a second (closer to the street) may be able to be preserved depending on the driveway location and construction feasibility. New street tree(s) are suggested conditions of severance approval. A lot for one single detached dwelling in a mainly single detached residential neighbourhood is a compatible land use, as are most ground-oriented forms of housing.
26. The tree removal associated with the proposed lot may damage the roots of other mature trees on the Highland Avenue properties, leading to their decline. With no green screen, the intrusion of the new house will be worrisome.
- ✓ There appears to be one tree situated closely to the western lot line of the subject lands. It is unclear what property it is located on based on the survey sketch. The potential for root damage upon basement excavation is legitimate and should be avoided if at all possible.
27. Small lots produce no large trees and no biodiversity.
- ✓ The proposed rear yard is still capable of supporting larger caliper tree(s). Proper urban street trees can also grow quite large despite being constrained by gravel, and concrete.
 - ✓ A variety of native trees are not the only type of biodiversity as other types of native vegetation (shrubs, flowers etc.) can also support various types of wildlife in urban environments.
 - ✓ It should also be noted that urban infill / intensification is one of the best ways humans can ensure preservation of natural environments by avoiding unnecessary outwardly urban expansion which often threatens pristine natural heritage systems.
28. Provincial policies are general guidelines.
- ✓ Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. PPS policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.
 - ✓ All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.
29. The Planning Justification Report is biased.
- ✓ The report was authored by a *Registered Professional Planner* (RPP) in the Province of Ontario.
 - ✓ Section 2.1 of the Ontario Professional Planners Institute’s (OPPI) Professional Code of Practice states that “members shall impart independent professional opinion to clients, employers, the public, and tribunals”.
30. It’s inappropriate for the Planning Justification Report (PJR) to draw comparisons to the R2 zoned properties in close proximity.
- ✓ The PJR discusses existing development in the neighbourhood which is relevant.
31. The Planning Justification Report fails to mention the distance between the proposed building envelope and the adjacent dwelling located at 11 Highland Avenue which is 18.5 m.
- ✓ The PJR comments on the setbacks between the severed and remnant lot which is appropriate and consistent with standards of practice. There is no issue with the setback between dwellings.

Planning Staff Comments

The proposed minor variance application seeks zoning relief from several R1 zoning regulations. Two (2) of which are required to facilitate the approval of the concurrent severance approval (B11/2019P) which are for minimum lot area and minimum lot area. The other three (3) zoning requests are merely desired by the applicant for design purposes, but are not technically required for the severance application.

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

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on June 20, 2019 to discuss the subject applications. The subject lands are located on the southwest corner of Elizabeth Drive and Alan Crescent and is surrounded by single detached residential dwellings from all directions (Figure 2).

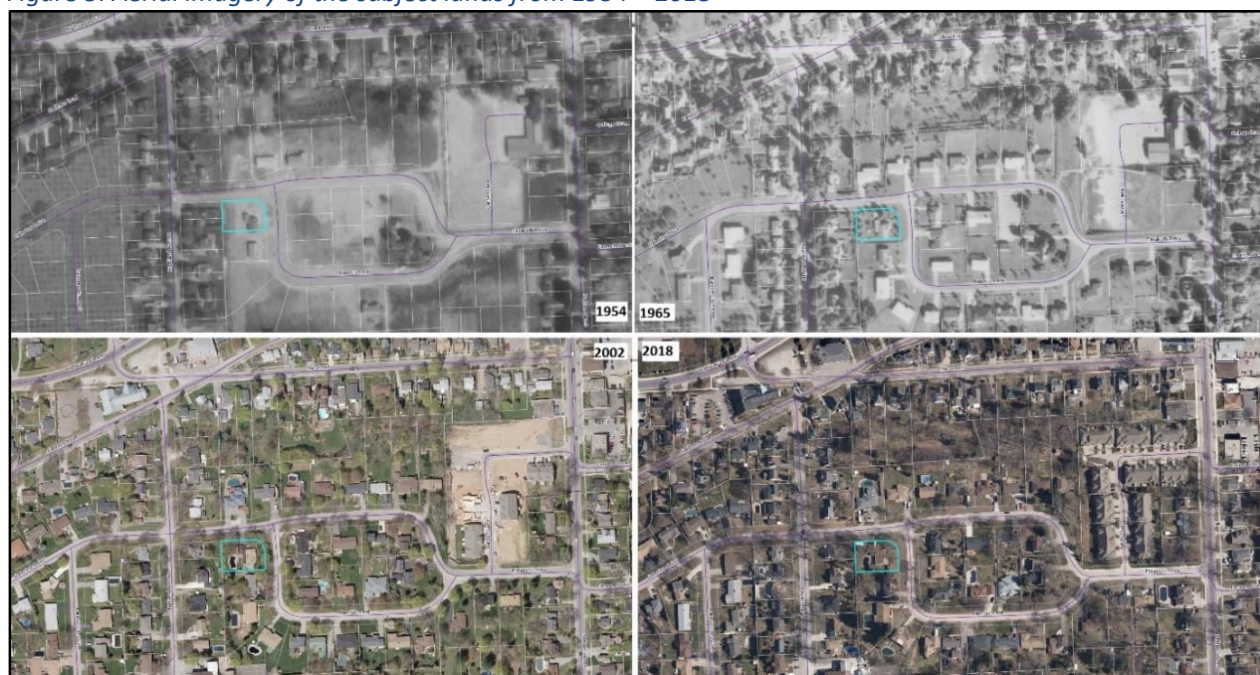
Figure 2: (Left - Subject lands as viewed from Elizabeth Drive) (Right – As viewed from Alan Crescent)



Planning staff visited the site and reviewed historic aerial photography to better understand the local context today and historically (Figure 3). Over the years, this neighbourhood has experienced little in the way of intensification except for a townhouse development 250 metres east. Given the proximity to Downtown Fonthill, commercial uses along Highway 20 West, public schools and the large lot sizes present – it would not be unreasonable to assume that there may be additional intensification pressures in the coming years or decades if population growth trends continue as forecasted.

At present, the immediate neighbourhood is not in the midst of any development projects. This area of central Fonthill, just west of Downtown is characterized by many large lot single detached residences, some smaller lots, townhouses and some commercial uses along the flanking arterial roads nearby.

Figure 3: Aerial imagery of the subject lands from 1954 – 2018



It is a well-accepted planning principle that all communities have a role to play in helping to manage population growth. Obviously *designated greenfield* areas such as East Fonthill will handle the majority of new housing demand locally and are consequently held to a considerably higher standard of planned density. However, *built-up* neighbourhoods (properties with existing development) are anticipated, and expected, to also contribute towards Pelham's overall background household growth. The Town's current Official Plan recognizes the Region's previous 25-year growth allocation originally planned to 2031. Niagara Region is currently undergoing their legislated *Municipal Comprehensive Review* as part of the Regional Official Plan update. The updated household growth to 2041 which were recently updated to incorporate the 2016 Census data and to reflect policy targets of the 2017 Growth Plan now yields a residential intensification share of at least 25% for the Town of Pelham.

The Official Plan recognizes that additional housing growth via residential intensification, especially in walkable neighbourhoods is an opportunity, and a way to achieve other important goals such as helping support the local business community, providing a diverse housing / demographic mix and maintaining existing infrastructure and neighbourhood vitality. The Official Plan is also vocal about ensuring neighbourhood character is appropriately considered within the decision making process and in keeping with the intent of the Zoning By-law. As a result, Planning staff have suggested a modification to the request variance to reduce the minimum front yard setback. The front face of the garage should be setback from the dwelling face to ensure one vehicle can be comfortably accommodated outside of the public road allowance and to improve the future dwelling architecturally and for urban design purposes, emphasizing the front porch.

Planning staff have thoroughly read every piece of public correspondence which was supplied at the time of this report's writing. The comments are large but share many similar themes which were discussed in detail above. Some concerns are legitimately grounded in planning development such as change of neighbourhood character, loss of privacy / views / trees and concerns over possible impacts to existing patios and tree roots not slated for removal. Many other comments are outside of the scope of this application, not relevant (i.e. profit motives & rental housing tenure etc.), or are plainly exclusionary to new development in general. The latter themes are not able to be considered in the decision making process as a legislated approval authority under the *Planning Act*.

The applicant did supply a conceptual front Elevation Plan of a proposed dwelling on Part 1 of the supplied Consent Sketch. The illustration depicts a 1-storey bungalow detached dwelling. Although Town staff have limited mechanisms under which to require the dwelling be architecturally designed a certain way in this situation, Planning staff would still encourage a lower pitched roof and more congruent brick cladding, emblematic of the surrounding homes on Elizabeth Drive and Alan Crescent.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The proposed minor variance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential use for the foreseeable future.

In Planning staff's opinion, the application is considered a gentle form of residential *intensification*, is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Planning staff recommend that minor variance file A28/2019P **be granted** as follows, and subject to the conditions below:

Section 13. – Regulations for dwellings permitted in the R1 zone:

- | | | | |
|-------------------------|--------------------|---|---------|
| a) Minimum Lot Area | 432 m ² | → | Approve |
| b) Minimum Lot Frontage | 14.2 m | → | Approve |
| c) Maximum Lot Coverage | 45 % | → | Approve |

- | | | |
|-------------------------------|-----------------------|---------|
| d) Minimum Front Yard | 5 m to the dwelling → | Approve |
| | 6 m to the garage → | Approve |
| e) Minimum Interior Side Yard | 1.2 m → | Approve |

THAT the applicant

- At the time of building permit, provide building *Elevation Plans* that positively reflect the neighbourhood character through the use of compatibly pitched roof(s), windows / doors symmetrically proportionate to the building's mass, and a congruent use of exterior cladding, (i.e. Avoiding the use of different cladding materials per façade), to the satisfaction of the Director of Community Planning & Development.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: January 2, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File A28/2019P
20 Alan Crescent

Public Works has completed a review of the minor variance application A28/2019P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (a) – to permit a minimum lot area of 432 square meters
- Section 13.2 (b) – to permit minimum lot frontage of 14.2 meters
- Section 13.2 (c) – to permit maximum lot coverage of 45%
- Section 13.2 (d) – to permit minimum front yard of 5 meters
- Section 13.2 (e) – to permit minimum interior side yard of 1.2 meters

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: December 2, 2019
Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 14, 2019 hearing. **File A28/2019P**

Comment:

A building permit(s) is required for future buildings, as per the Ontario Building Code.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

January 14, 2020

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

Re: Minor Variance Application A29/2019P
20 Alan Crescent, Pelham
Lot 18, Plan 721
Roll No. 2732 030 005 09900

The subject parcel, shown as Part 2 on the attached sketch, has $\pm 28.4\text{m}$ of frontage on the southwest corner of Elizabeth Drive and Alan Crescent, legally described above, in the Town of Pelham.

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

- **Section 13.2 (d) "Minimum Front Yard"** to permit a front yard of 6.19m, whereas 7.7m is required.
- **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.2m, whereas 1.8m is required;
- **Section 13.2 (g) "Minimum Rear Yard"** to permit a rear yard of 6.48m, whereas 7.5m is required.

The variances are required to legalize the remnant lot and its existing single detached dwelling resulting from the proposed severance (B11/2019P).

Note: Files A28/2019P & B11/2019P are being considered concurrently.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2014)

The Provincial Policy Statement (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.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Settlement Area' according to the 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 1.1.3.3 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.

The Niagara Region Official Plan prescribes an annual residential intensification rate of 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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 minor variance application has been submitted to seek relief from some zoning provisions in order to legalize the proposed retained lot within the R1 zone regulations.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential, therefore an Assessment and Ministry Clearance is required as a condition of approval.

The proposed development seeks to increase the residential housing supply within the *Urban Settlement Area* boundary of Fonhill by adding one additional dwelling unit. 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 (2019)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

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

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

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

Complete Communities are defined as mixed-use neighbourhoods or other areas within a Town that offer and

support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and *public service facilities*. *Complete communities* may take different shapes and forms appropriate for their contexts.

Policy 2.2.2 Delineated built-up areas – states that when the next *municipal comprehensive review* is approved and in effect, the applicable minimum intensification for Niagara is 50% of all residential development annually. Until that time, the Region’s current annual minimum intensification target is 15% for the Town of Pelham.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan’s horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood. Single detached dwellings are also the only permitted use under the R1 zone of the current Zoning By-law (1987).

The subject lands are located less than 1000 metres from Downtown Fonthill, various other commercial uses along Highway 20 West and three public elementary schools. This places it within the realm of the desirable ‘10-minute’ walking-shed neighbourhood. The local public high school is also only about 2 km west of the subject lands which can be travelled by bicycle in 10 minutes.

The proposal will facilitate the construction of one new single detached dwelling on a fairly large (1269 m²) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Village of Fonthill. The proposed dwelling will also help contribute towards the municipal property tax base which helps towards maintaining linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

Regional Official Plan (Consolidated August 2014)

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

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

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

Regional staff did not object, nor request to be circulated the proposed applications as the development aligns with Provincial and Regional policies.

The proposed minor variance conforms to the Regional Official Plan because the lands are located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term. The proposed dwelling, together with the required zoning by-law provisions is compatible with the existing surrounding neighbourhood from a land use, housing and urban design perspective.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham’s unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary'.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No *key natural heritage features* such as *Significant Woodlands, Provincially Significant Wetlands, highly vulnerable aquifers or valleylands* etc. are located near the subject lands.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

The subject lands are less than 600 metres to Downtown Fonthill which positions it well within the admirable 10-minute walk shed.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

The proposed minor variance would facilitate the construction of one new single detached dwelling in proximity to Downtown Fonthill. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with lower pitched roof bungalows as the dominant built form along Elizabeth Drive. The nearest dwellings flanking from Highland Avenue consist of more variety in built form, that is there are more 1.5 and 2-storey dwellings scattered amongst some other bungalows. The proposed lot, seeks to maintain the key features and intent of the R1 zone which help provide a gradient mass between the flanking 2-storey dwelling at the west inward to the retain lot and neighbouring 1-storey bungalow neighbourhood.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy A2.7.2 Cultural Heritage – states it is the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry is required as a condition of severance approval.

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

Policy B1.1.3 provides policy guidance and direction with respect to intensification proposals within the *Urban Living Area / Built Boundary*. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with

the neighbourhood where they're proposed.

In considering residential intensification proposals, the following criteria are applicable:

- a) Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with a collector or arterial road;
 - ✓ The subject lands are not identified symbolically as a 'Potential Intensification Area' according to Schedule 'A1'. They are located just over 150 metres from Canboro Road, being the closest collector road.
 - ✓ Town Planning staff agree with the submitted Planning Justification Report in that the 100 metre linear distance reference is a rather acute test in most contexts and which can adversely impact an otherwise sound and appropriate redevelopment opportunity. It is certainly much more noteworthy upon true medium-high density proposals with significant transportation impacts, not low density single detached residences. The transportation rooted policy test is well-intended and an important factor as denser land forms should generally be located closer in proximity to major roads and amenities etc. for several reasons. However, understanding that, we've completely ignored the benefits associated with the 'walkable' neighbourhood which is the principle origin of these geographic tests. Specifically, the distance an average human can comfortably walk with 10 minutes. Empirically speaking, trips that are less than 1 km in distance are highly suited for most humans to manage by walking, with trips slightly longer more than manageable by bicycle or a short vehicle trip. It should be noted that the lack of sidewalks on Elizabeth Drive and Alan Crescent does not make this neighbourhood inherently un-walkable, or unsafe. With low traffic volumes and speeds, it is generally considered quite safe for people to walk within the travelled carriageway.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
 - ✓ The neighbourhood is predominantly single detached dwellings and the severance would yield one new single detached dwelling.
 - ✓ The existing residential density of the subject lands is 7.8 units / hectare, while the proposed severance would yield a density of 15.7 units / hectare. The neighbourhood density ranges up to 25 units / hectare mostly due to the townhouse development 200m east on Elizabeth Drive.
- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
 - ✓ See comment above, the proposed zoning for the subject land (Part 2) seeks to legalize the existing dwelling (20 Alan Cr) on the reduced parcel size of the remnant lot.
 - ✓ There are no traffic and parking issues anticipated with this minor variance.
- d) Notwithstanding items (b) and (c), the creation of new freehold infill lots through the consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the Urban Living Area designation;
 - ✓ The proposed use of the subject land is unchanged and is directly identical to that of the immediate neighbourhood, which is being a single detached dwelling.
 - ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density as discussed in subsection b) above.
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.

- ✓ The current R1 zoning does not permit second dwelling units nor has the applicant submitted a rezoning application requesting the additional permitted use.

In accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fonthill and Fenwick.

It is noted that the minor variance application seeks to legalize various yard setbacks that would contravene the default R1 zoning provisions if the proposed severance (B11/2019P) is approved. This application does not propose any new development on the remnant parcel (Part 2) or the existing dwelling. The proposed minor variance conforms with the Pelham Official Plan as it supports additional housing, appropriate lot geometry, good land use planning and is a compatible form of residential intensification especially in proximity to Downtown Fonthill.

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

The subject land is currently zoned 'Residential 1' (R1) according to the Zoning By-law with one existing single detached dwelling situated on the land.

Section 13. – Regulations for dwellings permitted in the R1 zone:

d) Minimum Front Yard	7.7 m	Request-	6.19 m
e) Minimum Interior Side Yard	1.8 m	Request-	1.2 m
f) Minimum Rear Yard	7.5 m	Request-	6.48 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.	<p>The proposed reduced building setbacks in relation to the proposed reduced parcel size can still comfortably accommodate the existing dwelling while accommodating a new dwelling to the west. The amenity area is a considerably sized one in an L-shape configuration. The existing front yard is also very large and can serve as additional landscaped open space and maintains the setting of the existing home.</p> <p>The proposed variances will allow for the continued accommodation of the existing single detached dwelling on a relatively smaller parcel of land (836 m²). The variance is considered minor in nature and no adverse impacts are anticipated from the requested variances.</p>
2. The variance is desirable for the development or use of the land.	<p>Reducing the applicable building setbacks is desirable for the subject land because it will recognize the zoning shortfall and give legal status to develop the adjacent proposed lot (to the west) for residential infill use.</p> <p>Reducing the building setbacks is desirable for 20 Alan Crescent because it will legalize the existing dwelling once the boundary is adjusted via severance. No adverse impacts are anticipated as storm water runoff is required to be maintained within the property and not adversely impact any neighbours. Adequate open</p>

	space amenity area is also available for the occupants of the dwelling.
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The proposed reduction in yard setbacks maintain the general intent of the Official Plan because it will help facilitate <i>intensification</i> and increase housing supply within the <i>delineated built-boundary</i> where underutilized lots (large open spaces fronting existing infrastructure) otherwise stood. The variance will aid in the gentle intensification of existing <i>Urban Settlement Areas</i> and in proximity to Downtown Fonthill (Policy A2.2.2).</p> <p>The reduced yard setbacks will also help facilitate the same principles of the Official Plan. Planning staff are of the opinion that the amended zoning provisions will not compromise any policy objectives of the Official Plan. A modest reduction in yard setbacks on the subject lands is not foreseen to negatively impact the neighbourhood character with respect to urban design and built form.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The proposed reduction in yard setbacks is less than what is required by By-law but still includes ample space for building maintenance purposes, spatial separation between uses and adequate open space amenity areas as the Zoning By-law was intended. Legalizing the proposed setbacks will allow the ability for the existing dwelling to remain and allow the development of a new adjacent parcel which was otherwise a fairly large residential building lot. This added street presence addresses the public realm by providing <i>eyes-on-the-street</i> (improving natural neighbourhood surveillance of the street), and helps frame the streetscape in a more consistent fashion.</p> <p>The proposed variances maintain the intent of the Zoning By-law because adequate room is still available for open space / amenity area intentions and storm water runoff without unduly affecting any neighbours.</p>

Agency & Public Comments

On November 26, 2019 a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (Dec 2, 2019)
 - No comments.
- Public Works Department (Jan 2, 2019)
 - See conditions.

Comments were received from many neighbouring residents which are summarized below. Note – the following summary is the same as consent file B11/2019P.

1. The 60 m (200') circulation of Hearing Notices is inadequate and Council should hear these applications, not the Committee of Adjustment.

- ✓ The *Planning Act* of Ontario provides planning authorities (municipal Council) with the legislative authority to appoint a Committee of Adjustment to hear certain types of *Planning Act* applications (i.e. consents & minor variances). These applications are deemed of a lower priority status by municipal Councils Province wide versus Official Plan Amendments, Zoning By-law Amendments and subdivisions etc.
 - ✓ Public Notice circulation requirements for Committee of Adjustment applications are prescribed under the *Planning Act*.
2. Allowing a new house on a smaller lot contradicts the original planning and character of the neighbourhood (i.e. Post WWII bungalows on large lots).
 - ✓ The existing neighbourhood was designed in an era where land resources were considered abundant and regard over future resource scarcity was of little importance. This is no longer the case. The requested variances will provide for compatible neighbourhood development.
 3. How can the original character, charm and feel of the neighbourhood be upheld?
 - ✓ The applicant has expressed the desire to build a bungalow for this reason exactly, which is likely the reason for the requested increase of lot coverage. However, since the Zoning By-law permits a 10.5m height limit as-of-right across all low density residential zones, there is no guarantee that a 2-storey dwelling could not be built on any property in this neighbourhood.
 - ✓ The applicant has requested a reduction of the front yard setback for Part 1 – this is meant to maintain a consistent building streetscape as the current exterior side yard setback required by the R1 zone is 5 metres. The adjacent dwelling to the west appears to have less than the 5m setback from Elizabeth Drive based on GIS parcel mapping.
 - ✓ One single detached residential lot in an existing single detached residential neighbourhood does help maintain the character, charm and feel of the neighbourhood pending appropriate urban design elements.
 4. The severance will devastate the existing residents and confuse potential buyers confused by the lack of homogeneity.
 - ✓ There is little evidence to support such a claim. Homogenous neighbourhoods actually have an extensive record of social dysfunction, particularly with respect to socioeconomic exclusion, unstable shifts in demographics which negatively affects public school enrollment among other institutions and commercial businesses. Reinvestment in existing neighbourhoods is generally considered a positive as it signals desirability. One new single detached dwelling in an existing low density residential neighbourhood will not cause ‘confusion’.
 5. There are already parking problems on Alan Crescent.
 - ✓ Parking issues appear to be a remote prospect in this neighbourhood (perhaps with the exception of the annual Summerfest weekend each summer). Most, if not all of the existing houses in the vicinity have in excess of 2-4 parking stalls per lot. On-street parking is also permitted and visibly abundant.
 6. This development will set a precedent.
 - ✓ Every *Planning Act* development application is considered independently on its own merits.
 7. How will (storm) drainage affect the neighbours?
 - ✓ A Grading & Drainage Plan is required as a condition of severance approval. At building permit, there is also a Grading Plan required for approval.
 8. The proposed lot would eliminate the garden yard of 20 Alan Crescent which contradicts the Town Beautification Committee’s statement on ‘enhancing visual appeal’ and ‘with respect to environmental stewardship’.
 - ✓ The remnant parcel (Part 2) would continue to be served by a sizeable L-shaped rear yard amenity area in addition to a very large front yard.
 - ✓ Accommodating residential housing growth within existing *urban areas* (intensification) is one of the most ecologically sound choices a municipality could undertake as it helps avoid premature urban settlement expansion to accommodate the same levels of growth. Intensification and redevelopment also utilize existing linear infrastructure and public service facilities.

9. Environmental degradation associated with tree removal, new hard surfaces, and waste created from the pool / shed removal.
- ✓ Environmental impacts are important and must also be considered at a high level. Prohibiting infill development because of micro-impacts associated with small lot development is not a zero-sum scenario. If the market demand warrants new home construction, then a house might instead be located near the edge of the Town's *urban settlement area* limits. The degree of environmental impacts associated with an exurban alternative can be argued as much more harmful. For example, new development on the periphery often requires the extension of brand new linear infrastructure to support the new development. Many more trees might need to be removed instead, and sometimes of a greater *ecological value*, and this type of development usually interferes more with the *ecological function of key natural heritage features* more than an intensification growth scenario. Intensification development not only better utilizes existing infrastructure but they're often situated closer to shopping areas, schools and *public service facilities* which translates into a reduced transportation impact, and thus an environmental one.
10. The proposal abuses the R1 zone requirements which were meant to protect the existing neighbourhood.
- ✓ Ironically, based on current lot sizes of Elizabeth Drive and Alan Crescent, the default R1 zone requirements would have yielded narrower frontages, smaller lots and more density.
11. Allowing intensification in an established R1 zoned neighbourhood reduces the potential for a healthy mix of housing options in Fonthill.
- ✓ The neighbourhood is actually characterised by R1, R2, RM1 and RM2 residential zoning as per Schedule 'A5' of the Zoning By-law (1987).
 - ✓ There is no evidence to support this claim.
12. Loss of views.
- ✓ Ontario Planning Tribunals have consistently deemed there to be no legal right to a view over the private property of others, unless only in special circumstances the proposed obstruction to such long established amenities is of such a magnitude as to cause an unacceptable adverse impact upon the visual enjoyment of the greater public. This proposal is not considered at risk of such level of harm to the neighbourhood or to conflict with the intent in this respect of the Official Plan and Zoning By-law. Furthermore, no increase in building height was requested.
13. Loss of privacy.

Figure 1 - View of subject lands from 11 Highland Avenue (submitted by neighbour), with superimposition.



- ✓ The degree of neighbour discomfort associated with a proposed development's potential for intrusive overlook into other's private amenity area is always difficult to measure, qualify and subjective by nature. Distasteful window alignments and openings in close proximity to another rear yard amenity area (or dwelling) is discouraged.
- ✓ Minor variance file A28/2019P seeks a reduction of the side yard building setback from 1.8m to 1.2m. As per the Ontario Building Code, the closer a structure gets to a property line, the

greater the restriction is in effect for the percentage of window openings permitted on that wall. It would seem that the developer would effectively, and voluntarily be limiting the number and size of permitted windows on the future west wall of the proposed house, in lieu of a 60 cm (2') encroachment.

14. Elizabeth Street has high traffic volumes. Was it not the Town's plan to omit sidewalks due to the large lawns, open space and long driveways?
 - ✓ Elizabeth Street is designated as a local road with low traffic volumes.
 - ✓ Planning staff do not know the Town's former rationale to omit installing sidewalks in several subdivisions over the last 60+ years. However, most often a lack of sidewalks has to do more with street design itself or even their cost. Specifically, narrow pavements with low traffic volume and slow vehicle speeds historically wouldn't warrant the inclusion of sidewalks. Though this practice has become frequently abandoned in modern development.
15. Properties should not change after development has taken place some 70 years ago.
 - ✓ Human settlements continue to evolve throughout the course of history. There has always been some degree of change to communities over time.
16. Assumes that the new house will be rented, and renters tend to not maintain property as well as owners.
 - ✓ Objection on the basis of tenure is a human rights matter which cannot be considered.
17. The 'back' of a house cannot be deemed the 'side' of a house to avoid the rules.
 - ✓ The realignment of the technical 'yards' originates from Section 5 of the Zoning By-law's Definitions, not the developer's strategy. The narrowest frontage is considered the 'front yard' by definition.
18. The rear yard of a house should not flank the side yard of another house.
 - ✓ This lot arrangement is widespread and can even be observed several times in this neighbourhood.
19. The proposal will destroy our rear yard privacy from its overlook. Any windows on the back or side of this house will allow residents to look over our fence.
 - ✓ The applicant has requested a reduction of the side yard setback from 1.8m to 1.2m (file A28/2019P). In accordance with the Ontario Building Code, buildings closely situated to a property line have very restricted permissible openings (windows), represented as a percentage of the wall face. By reducing the side yard setbacks, the new dwelling would actually be voluntarily limiting its potential for privacy overlook.
20. The proposal will have a detrimental effect on our property's value.
 - ✓ There is no evidence to support this. Redevelopment and reinvestment in neighbourhoods is generally associated with a positive impact on land values.
21. The size of the proposed lot (Part 1) is not consistent with the surrounding properties.
 - ✓ The proposed lot is marginally smaller than its immediate surroundings along Elizabeth Drive and Alan Crescent notwithstanding the townhouse development east on Elizabeth Drive and the smaller lots west on Highland Avenue
22. The new lot (Part 1) will have no yard or open space.
 - ✓ The default rear yard setback of 7.5m is being maintained. The Consent Sketch provided illustrates a building envelope based on the requested zoning setbacks. This does not necessarily represent the proposed footprint of a future dwelling.
 - ✓ It should also be noted that, in keeping with the character of the neighbourhood (1-storey bungalows), the proposed lot coverage of a bungalow is expected to be larger than that of a similar sized 2-storey dwelling to accommodate the same floor area, thereby directly impacting the size of open space.
23. People should not be allowed to apply for variances to Zoning By-laws.
 - ✓ The Ontario *Planning Act* provides the statutory authority for variances to municipal Zoning By-laws to be heard.
24. The developer has no intention of residing on either the retained, or severed lot.
 - ✓ Not relevant.

25. The new lot is not physically compatible with, nor maintains the character / stability of the neighbourhood. The appearance, layout, building footprint and overall proportion of building to open space, combined with tree removals will also impact the neighbourhood.
- ✓ The proposed lot geometry is rather traditional in shape for typical residential lots with a ± 14 m frontage and ± 30 m depth. One large tree would need to be removed, a second (closer to the street) may be able to be preserved depending on the driveway location and construction feasibility. New street tree(s) are suggested conditions of severance approval. A lot for one single detached dwelling in a mainly single detached residential neighbourhood is a compatible land use, as are most ground-oriented forms of housing.
26. The tree removal associated with the proposed lot may damage the roots of other mature trees on the Highland Avenue properties, leading to their decline. With no green screen, the intrusion of the new house will be worrisome.
- ✓ There appears to be one tree situated closely to the western lot line of the subject lands. It is unclear what property it is located on based on the survey sketch. The potential for root damage upon basement excavation is legitimate and should be avoided if at all possible.
27. Small lots produce no large trees and no biodiversity.
- ✓ The proposed rear yard is still capable of supporting larger caliper tree(s). Proper urban street trees can also grow quite large despite being constrained by gravel, and concrete.
 - ✓ A variety of native trees are not the only type of biodiversity as other types of native vegetation (shrubs, flowers etc.) can also support various types of wildlife in urban environments.
 - ✓ It should also be noted that urban infill / intensification is one of the best ways humans can ensure preservation of natural environments by avoiding unnecessary outwardly urban expansion which often threatens pristine natural heritage systems.
28. Provincial policies are general guidelines.
- ✓ Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. PPS policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.
 - ✓ All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.
29. The Planning Justification Report is biased.
- ✓ The report was authored by a *Registered Professional Planner* (RPP) in the Province of Ontario.
 - ✓ Section 2.1 of the Ontario Professional Planners Institute’s (OPPI) Professional Code of Practice states that “*members shall impart independent professional opinion to clients, employers, the public, and tribunals*”.
30. It’s inappropriate for the Planning Justification Report (PJR) to draw comparisons to the R2 zoned properties in close proximity.
- ✓ The PJR discusses existing development in the neighbourhood which is relevant.
31. The Planning Justification Report fails to mention the distance between the proposed building envelope and the adjacent dwelling located at 11 Highland Avenue which is 18.5 m.
- ✓ The PJR comments on the setbacks between the severed and remnant lot which is appropriate and consistent with standards of practice. There is no issue with the setback between dwellings.

Planning Staff Comments

The proposed minor variance application seeks zoning relief from three (3) specific yard setback requirements. Though these zoning requests are technically not required to facilitate the adjacent lot’s creation, (in lieu of removing the existing house), these yard setbacks are requested to legalize the existing dwelling’s position on the remnant lot and for its preservation.

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

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on June 20, 2019 to discuss the subject applications.

The subject lands are located on the southwest corner of Elizabeth Drive and Alan Crescent and is surrounded by single detached residential dwellings from all directions (Figure 2).

Figure 2: (Left - Subject lands as viewed from Elizabeth Drive) (Right – As viewed from Alan Crescent)



Planning staff visited the site and reviewed historic aerial photography to better understand the local context today and historically (Figure 3). Over the years, this neighbourhood has experienced little in the way of intensification except for a townhouse development 250 metres east. Given the proximity to Downtown Fonthill, commercial uses along Highway 20 West, public schools and the large lot sizes present – it would not be unreasonable to assume that there may be additional intensification pressures in the coming years or decades if population growth trends continue as forecasted.

At present, the immediate neighbourhood is not in the midst of any development projects. This area of central Fonthill, just west of Downtown is characterized by many large lot single detached residences, some smaller lots, townhouses and some commercial uses along the flanking arterial roads nearby.

Figure 3: Aerial imagery of the subject lands from 1954 – 2018



It is a well-accepted planning principle that all communities have a role to play in helping to manage population growth. Obviously *designated greenfield* areas such as East Fonthill will handle the majority of new housing demand locally and are consequently held to a considerably higher standard of planned density. However, *built-up* neighbourhoods (properties with existing development) are anticipated, and expected, to also contribute towards Pelham's overall background household growth. The Town's current Official Plan recognizes the Region's previous 25-year growth allocation originally planned to 2031. Niagara Region is currently undergoing their legislated *Municipal Comprehensive Review* as part of the Regional Official Plan update. The updated household growth to 2041 which were recently updated to incorporate the 2016 Census data and to reflect policy targets of the 2017 Growth Plan now yields a residential intensification share of at least 25% for the Town of Pelham.

The Official Plan recognizes that additional housing growth via residential intensification, especially in walkable neighbourhoods is an opportunity, and a way to achieve other important goals such as helping support the local business community, providing a diverse housing / demographic mix and maintaining existing infrastructure and neighbourhood vitality.

Planning staff have thoroughly read every piece of public correspondence which was supplied at the time of this report's writing. The comments are large but share many similar themes which were discussed in detail above. Some concerns are legitimately grounded in planning development such as change of neighbourhood character, loss of privacy / views / trees and concerns over possible impacts to existing patios and tree roots not slated for removal. Many other comments are outside of the scope of this application, not relevant (i.e. profit motives & rental housing tenure etc.), or are plainly exclusionary to new development in general. The latter themes are not able to be considered in the decision making process as a legislated approval authority under the *Planning Act*.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The proposed minor variance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential use for the foreseeable future.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Planning staff recommend that minor variance file A29/2019P **be granted**.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: January 2, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File A29/2019P
20 Alan Crescent

Public Works has completed a review of the minor variance application A29/2019P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (e) – to permit a minimum interior side yard of 1.2 meters
- Section 13.2 (d) – to permit minimum front yard of 6.19 meters
- Section 13.2 (g) – to permit minimum rear yard of 6.48 meters

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: December 2, 2019

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 14, 2019 hearing. **File A28/2019P**

Comment:

A building permit(s) is required for future buildings, as per the Ontario Building Code.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

January 14, 2020

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

Re: Consent Application B9/2019P
711 Quaker Road, Pelham
Part of Lot 237
Roll No. 2732 030 019 09800

The subject parcel, shown as Part 4 on the attached sketch, is an interior parcel of land situated 61.14 m south of Quaker Road, lying west of Clare Avenue, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 2182.97 m² of land (Part 4) to merge with the abutting property to the east (Part 5 – 701 Quaker Road), for residential use. Part 3 is to be retained for continued residential use of the single detached dwelling known as 711 Quaker Road. Also see file B10/2019P being considered concurrently.

Note: The boundary adjustment is intended to facilitate rear yard land consolidation for a future draft plan of subdivision or condominium in Fonthill.

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 set the stage for a future residential subdivision (or condominium) development by consolidating the large, underutilized rear yard open space into a more productive urban development on lands designated for intensification.

Provincial Policy Statement (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.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.3 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 reassembly of land in this area will facilitate future redevelopment and intensification in a more compact form that minimizes the waste of under-utilized *urban land*.

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

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

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

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

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

The proposed boundary adjustment will help consolidate large sections of underutilized urban land and simplify future development within a *settlement area* where existing services are available and allow the opportunity for a mix of housing options that contribute to a more *complete community*. Future contiguous development applications of Parts 2, 4 and 5 are still possible without the boundary adjustments being approved, however, working with several different land owners is considerably more difficult than working under one ownership model.

Regional Official Plan (Consolidated August 2014)

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

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

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

The proposed boundary adjustment conforms to the Regional Official Plan because the lands will be more appropriately suited to accommodate a future draft plan of subdivision or draft plan of condominium.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary'.

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

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;
✓ Unchanged.
- 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;
✓ No concern.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
✓ Conforms because the large rear yards will be maintained for an eventual draft plan of subdivision / site plan application while the existing dwellings maintain a smaller lot area with direct frontage on Quaker Road.
- 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.

It is noted that the application is for consent to partial discharge of mortgage and to convey vacant land (Part 4) to be added to the abutting lot to the east (Part 5) for future residential use. A new lot will not be created as a result of this consent. Part 3 will be retained for continued single detached residential use.

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

The subject land is currently zoned 'Residential 1' (R1) according to the Zoning By-law. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

The resulting parcel configuration will continue to comply with all applicable zoning regulations. Any future development on Part 4 beyond that which is permitted under Section 13 (one single detached dwelling) would require a Zoning By-law Amendment.

Agency & Public Comments

On November 28, 2019 a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (Dec 2, 2019)
 - No comments.
- Public Works Department (Jan 2, 2019)
 - No comments.
- Bell Canada (Dec 4, 2019)
 - No objections.

Comments were received from one (1) neighbouring resident which is summarized as follows.

1. Does not support the boundary adjustment applications because lack of information regarding future development of Parts 2, 4 & 5.
 - How many units would be created for each of the parts?
 - ✓ Unknown.
 - Is there only one access point?
 - ✓ Unknown.
 - Is the roadway legal size? Will it be accessible for emergency vehicles?
 - ✓ There is no roadway proposed with this application.
 - Are there (building) setback regulations?
 - ✓ Yes.

Planning Staff Comments

The subject application deals with the severance of a rear yard to consolidate with a neighbouring lot for the purposes of a forthcoming draft plan of subdivision or condominium. The application for consent to partial discharge of mortgage and to convey 2182.97m² of land will help facilitate the orderly development of future urban growth within the southern extent of the Fonthill urban settlement area.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on October 3, 2019 to discuss the subject application as well as future *Planning Act* applications warranted for a multiple unit residential development.

The subject lands are located on the south side of Quaker Road, lying west of Clare Avenue and are surrounded by:

- North – Single detached residential
- East – Vacant residential land
- South – Agricultural

- West – Single detached residential

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood is currently undergoing some construction and future projects are also imminent. This area of Quaker Road is characterized by many large, deep lot single detached residences flanking the west side, some commercial uses near the Pelham Street and Clare Avenue intersections as well as agricultural land to the south.

Planning staff is of the opinion that the proposal applies current planning and development goals regarding future intensification of land to provide for appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The severance will better position the lands for future subdivision (or condominium) development in a more efficient manner which will not negatively affect the developability of the balance of the lands. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential use until such time as the land owner explores alternative development options.

It is noted that the anticipated development of Parts 2,4 and 5 will be subject to future *Planning Act* approvals such as a Zoning By-law Amendment, and subdivision or condominium approval which will be subject to future public consultation at that time. This severance (boundary adjustment) application is the initial step to better assemble / consolidate land before proceeding with detailed planning and development engineering design. The next step will be the owner to propose a development plan that provides a future land use.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Planning staff recommend that the consent known as file B9/2019P **be granted** subject to the following condition(s):

THAT the applicant

- Merge Part 4 with Parts 2 and 5 concurrently.
- 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 \$395, 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, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: January 2, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr,
Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File B9/2019P
711 Quaker Road

We have completed the review of the consent application B9/2019P for consent to partial discharge mortgage and to convey 2,182.97 square meters of land (Part 4), to be added to the abutting property (Part 5) for residential use.

Upon this review, 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: December 2, 2019

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 14, 2019 hearing. **File B9/2019P**

Comment:

The Building Department offers no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

From: [Sarah Leach](#)
To: [Holly Willford](#)
Subject: FW: Correction of CofA Hearing Date - Pelham - 905-19-441
Date: Wednesday, December 4, 2019 11:22:53 AM

Please see below.



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Wednesday, December 4, 2019 11:22 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: RE: Correction of CofA Hearing Date - Pelham - 905-19-441

Hi Sarah,

Re File:

- Severance
- B9/2019P to B12/2019P
- 711 Quaker Rd and 717 Quaker Rd
- Pt Lot 237 Thorold

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you,
Carrie

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

From: Sarah Leach <SLeach@pelham.ca>
Sent: Friday, November 29, 2019 4:05 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>;
MR18Enquiry@mpac.ca; ROWCC <rowcentre@bell.ca>
Subject: [EXT]Correction of CofA Hearing Date - Pelham

Good afternoon,

Attached, please find a date revision letter relating to committee of adjustment files A28/2019P, A29/2019P, B9/2019P, B10/2019P, B11/2019P and B12/2019P. The hearing will occur in **2020**, not 2019.

Our apologies for the date confusion.

Thank you,
Sarah



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

External Email: Please use caution when opening links and attachments / **Courriel externe:** Soyez prudent avec les liens et documents joints

December 30, 2019

TOWN OF PELHAM

JAN - 1 2020

RECEIVED

Town of Pelham Committee of Adjustment
Att: Nancy Borgele, Secretary Treasurer

Re: Public Hearings for File B9, B10, B12 / 2019 P

I don't necessarily object to the application, but without knowing in more detail what is being proposed, I don't support them.

Regarding File B12, I would like to know what the future undetermined development would be.

Regarding Files B9 and 10, I would like to know the extent of the development. How many units would be proposed for Part 5? How many additional units would be created with the addition of Parts 2 and 4?

Is there only 1 entrance/exit onto Quaker Rd? Is the necessary legal sign? Are there regulations regarding the distance from neighboring buildings? Would the wording be acceptable for emergency vehicles? Traffic would be a major concern with this proposal.

I would like to be notified of the decision of the Committee of Adjustment in respect to the three applications.

Yours truly,

Dave Robertson

Quaker Rd, Welland L3C 3H4

January 14, 2020

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

Re: Consent Application B10/2019P
717 Quaker Road, Pelham
Part of Lot 237
Roll No. 2732 030 019 09700

The subject parcel, shown as Part 2 on the attached sketch, is an interior parcel of land situated 61.14 m south of Quaker Road, lying west of Clare Avenue, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 2182.97 m² of land (Part 2) to merge with the abutting property to the east (Part 4 & Part 5 – 701 Quaker Road), for residential use. Part 1 is to be retained for continued residential use of the single detached dwelling known as 717 Quaker Road. Also see file B9/2019P being considered concurrently.

Note: The boundary adjustment is intended to facilitate rear yard land consolidation for a future draft plan of subdivision or condominium in Fonthill.

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 set the stage for a future residential subdivision (or condominium) development by consolidating the large, underutilized rear yard open space into a more productive urban development on lands designated for intensification.

Provincial Policy Statement (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.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.3 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 reassembly of land in this area will facilitate future redevelopment and intensification in a more compact form that minimizes the waste of under-utilized *urban land*.

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

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

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

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

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

The proposed boundary adjustment will help consolidate large sections of underutilized urban land and simplify future development within a *settlement area* where existing services are available and allow the opportunity for a mix of housing options that contribute to a more *complete community*. Future contiguous development applications of Parts 2, 4 and 5 are still possible without the boundary adjustments being approved, however, working with several different land owners is considerably more difficult than working under one ownership model.

Regional Official Plan (Consolidated August 2014)

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

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

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

The proposed boundary adjustment conforms to the Regional Official Plan because the lands will be more appropriately suited to accommodate a future draft plan of subdivision or draft plan of condominium.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary'.

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

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;
✓ Unchanged.
- 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;
✓ No concern.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
✓ Conforms because the large rear yards will be maintained for an eventual draft plan of subdivision / site plan application while the existing dwellings maintain a smaller lot area with direct frontage on Quaker Road.
- 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.

It is noted that the application is for consent to partial discharge of mortgage and to convey vacant land (Part 2) to be added to the abutting lot to the east (Parts 4 & 5) for future residential use. A new lot will not be created as a result of this consent. Part 1 will be retained for continued single detached residential use.

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

The subject land is currently zoned 'Residential 1' (R1) according to the Zoning By-law. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

The resulting parcel configuration will continue to comply with all applicable zoning regulations. Any future development on Part 2 beyond that which is permitted under Section 13 (one single detached dwelling) would require a Zoning By-law Amendment.

Agency & Public Comments

On November 28, 2019 a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (Dec 2, 2019)
 - No comments.
- Public Works Department (Jan 2, 2019)
 - No comments.
- Bell Canada (Dec 4, 2019)
 - No objections.

Comments were received from one (1) neighbouring resident which is summarized as follows.

1. Does not support the boundary adjustment applications because lack of information regarding future development of Parts 2, 4 & 5.
 - How many units would be created for each of the parts?
 - ✓ Unknown.
 - Is there only one access point?
 - ✓ Unknown.
 - Is the roadway legal size? Will it be accessible for emergency vehicles?
 - ✓ There is no roadway proposed with this application.
 - Are there (building) setback regulations?
 - ✓ Yes.

Planning Staff Comments

The subject application deals with the severance of a rear yard to consolidate with a neighbouring lot for the purposes of a forthcoming draft plan of subdivision or condominium. The application for consent to partial discharge of mortgage and to convey 2182.97m² of land will help facilitate the orderly development of future urban growth within the southern extent of the Fonthill urban settlement area.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on October 3, 2019 to discuss the subject application as well as future *Planning Act* applications warranted for a multiple unit residential development.

The subject lands are located on the south side of Quaker Road, lying west of Clare Avenue and are surrounded by:

- North – Single detached residential
- East – Vacant residential land
- South – Agricultural

- West – Single detached residential

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood is currently undergoing some construction and future projects are also imminent. This area of Quaker Road is characterized by many large, deep lot single detached residences flanking the west side, some commercial uses near the Pelham Street and Clare Avenue intersections as well as agricultural land to the south.

Planning staff is of the opinion that the proposal applies current planning and development goals regarding future intensification of land to provide for appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The severance will better position the lands for future subdivision (or condominium) development in a more efficient manner which will not negatively affect the developability of the balance of the lands. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential use until such time as the land owner explores alternative development options.

It is noted that the anticipated development of Parts 2,4 and 5 will be subject to future *Planning Act* approvals such as a Zoning By-law Amendment, and subdivision or condominium approval which will be subject to future public consultation at that time. This severance (boundary adjustment) application is the initial step to better assemble / consolidate land before proceeding with detailed planning and development engineering design. The next step will be the owner to propose a development plan that provides a future land use.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Planning staff recommend that the consent known as file B10/2019P **be granted** subject to the following condition(s):

THAT the applicant

- Merge Part 2 with Parts 4 and 5 concurrently.
- 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 \$395, 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, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: January 2, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr,
Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File B10/2019P
717 Quaker Road

We have completed the review of the consent application B10/2019P for consent to partial discharge mortgage and to convey 2,187.97 square meters of land (Part 2), to be added to the abutting property (Part 5) for residential use.

Upon this review, 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: December 2, 2019

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 14, 2019 hearing. **File B10/2019P**

Comment:

The Building Department offers no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development



To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Victoria Emslie, Taxation Clerk
Corporate Services

Date: December 9th, 2019

Subject: Corporate Service Comments on Application to the Committee of Adjustment for Consents/Minor Variances. **File B10/2019P- 717 Quaker Rd**

Comment:

That all municipal taxes owing to the Town of Pelham on the subject lands, as detailed in correspondence from the Treasurer and Tax Collector, dated December 6th, 2019 be paid in full to the town, to the satisfaction of the Treasurer.

Victoria Emslie
Taxation Clerk
Corporate Services



From: [Sarah Leach](#)
To: [Holly Willford](#)
Subject: FW: Correction of CofA Hearing Date - Pelham - 905-19-441
Date: Wednesday, December 4, 2019 11:22:53 AM

Please see below.



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Wednesday, December 4, 2019 11:22 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: RE: Correction of CofA Hearing Date - Pelham - 905-19-441

Hi Sarah,

Re File:

- Severance
- B9/2019P to B12/2019P
- 711 Quaker Rd and 717 Quaker Rd
- Pt Lot 237 Thorold

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you,
Carrie

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

From: Sarah Leach <SLeach@pelham.ca>
Sent: Friday, November 29, 2019 4:05 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>;
MR18Enquiry@mpac.ca; ROWCC <rowcentre@bell.ca>
Subject: [EXT]Correction of CofA Hearing Date - Pelham

Good afternoon,

Attached, please find a date revision letter relating to committee of adjustment files A28/2019P, A29/2019P, B9/2019P, B10/2019P, B11/2019P and B12/2019P. The hearing will occur in **2020**, not 2019.

Our apologies for the date confusion.

Thank you,
Sarah



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

External Email: Please use caution when opening links and attachments / **Courriel externe:** Soyez prudent avec les liens et documents joints

December 30, 2019

TOWN OF PELHAM

JAN - 1 2020

RECEIVED

Town of Pelham Committee of Adjustment
ATT: Nancy Borgele, Secretary Treasurer

Re: Public Hearings for File B9, B10, B12 / 2019 P

I don't necessarily object to the application, but without knowing in more detail what is being proposed, I don't support them.

Regarding File B12, I would like to know what the future undetermined development would be.

Regarding Files B9 and 10, I would like to know the extent of the development. How many units would be proposed for Part 5? How many additional units would be created with the addition of Parts 2 and 4? Is there only 1 entrance/exit onto Quaker Rd? Is the necessary legal sign? Are there regulations regarding the distance from neighboring buildings? Would the wording be acceptable for emergency vehicles? Traffic would be a major concern with this proposal.

I would like to be notified of the decision of the Committee of Adjustment in respect to the three applications.

Yours truly,

Dave Robertson

Quaker Rd, Welland L3C 3H4

January 14, 2020

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

Re: Consent Application B11/2019P
20 Alan Crescent, Pelham
Lot 18, Plan 721
Roll No. 2732 030 005 09900

The subject parcel, shown as Part 1 on the attached sketch, has 14.20 m of frontage on Elizabeth Drive, lying west of Alan Crescent, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 432.82 m² of land (Part 1) for construction of a residential dwelling. 835.94 m² land (Part 2) is to be retained for continued use of the single detached dwelling known as 20 Alan Crescent.

Note: Files A28/2019P & A29/2019P are being considered concurrently.

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;
 - ✓ See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - ✓ The neighbourhood block's parcel fabric is highly fragmented with a traditional lotting geometry. Because of this, future (internal) block developments are unlikely as any common infill proposal would likely continue to utilize the existing street frontages available to them, both for practical and economic reasons. Planning staff are of the opinion this severance application would not be consider premature and upholds the public interest.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - ✓ See Official Plan analysis below. The proposed lot does not compromise the adjacent subdivision parcel fabric as it works within the existing confines of an existing corner lot.
- d) The suitability of the land for such purposes;
 - ✓ The lands (neighbourhood) are predominantly one of lower density with mostly ground-oriented residential dwellings. The proposed consent would facilitate the construction of one

additional single detached residential dwelling under the current zoning regulations.

- f) The dimensions and shapes of the proposed lots;
 - ✓ The proposed lot dimensions and shape are consistent with traditional neighbourhood development standards and can comfortably site a new dwelling.
- h) Conservation of natural resources and flood control;
 - ✓ Notwithstanding 1-2 deciduous trees, no natural resources are impacted because of this redevelopment. An overall Lot Grading & Drainage Plan is required as a condition of this severance approval to avoid future localized flooding under typical storm events.
- i) The adequacy of utilities and municipal services;
 - ✓ Available.
- j) The adequacy of school sites
 - ✓ Available and within walking distance.

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 development supports provincial interest by making more efficient use of finite urban land and increasing housing supply upon existing linear municipal infrastructure meant to serve the public. The severance is not premature, and does not compromise any future land use redevelopment considerations on adjacent lands. The proposed lot geometry is consistent with traditional neighbourhood development practice and the community at large. Public service facilities, service commercial uses, Downtown and public schools are nearby or within walking distance.

Provincial Policy Statement (PPS) (2014)

The Provincial Policy Statement (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.

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a ‘Settlement Area’ according to the 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 1.1.3.3 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.

The Niagara Region Official Plan prescribes an annual residential intensification rate of 15% for all lands within Pelham’s *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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.

Concurrent minor variance applications have been submitted seeking relief from some zoning provisions in order to legalize the proposed lots with others seeking to integrate different performance standards into Part 1 for design reasons (i.e. Increased lot coverage, reduced setbacks).

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential, therefore an Assessment and Ministry Clearance is required as a condition of approval.

The proposal will facilitate the construction of one new single detached dwelling in a more compact form that helps reduce the amount of under-utilized *urban land* within the Village of Fonthill.

Growth Plan for the Greater Golden Horseshoe (2019)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

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

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

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

Complete Communities are defined as mixed-use neighbourhoods or other areas within a Town that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and *public service facilities*. *Complete communities* may take different shapes and forms appropriate for their contexts.

Policy 2.2.2 Delineated built-up areas – states that when the next *municipal comprehensive review* is approved and in effect, the applicable minimum intensification for Niagara is 50% of all residential development annually. Until that time, the Region's current annual minimum intensification target is 15% for the Town of Pelham.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

The proposed severance will facilitate the construction of one additional single detached dwelling. Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood, with single detached dwellings making up the majority of that mix. Single detached dwellings are also the only permitted

use under the R1 zone of the current Zoning By-law (1987).

The subject lands are located less than 1000 metres from Downtown Fonthill, various other commercial uses along Highway 20 West and three public elementary schools. This places it within the desirable realm of a '10-minute' walk-shed neighbourhood. The local public high school is also only about 2 km west of the subject lands which can be travelled by bicycle in around 10 minutes.

The proposal will facilitate the construction of one new single detached dwelling on a fairly large (1269 m²) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Village of Fonthill. The proposed dwelling will also help contribute towards the municipal property tax base which helps towards maintaining linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

Regional Official Plan (Consolidated August 2014)

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

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

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

Regional staff did not object, nor request to be circulated the proposed applications as the development aligns with Provincial and Regional policies.

The proposed severance conforms to the Regional Official Plan because the lands are located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term. The proposed dwelling, together with the required zoning by-law provisions is compatible with the existing surrounding neighbourhood from a land use, housing and urban design perspective.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary'.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No *key natural heritage features* such as *Significant Woodlands*, *Provincially Significant Wetlands*, *highly vulnerable aquifers* or *valleylands* etc. are located near the subject lands.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

The subject lands are less than 600 metres to Downtown Fonthill which positions it well within the admirable 10-minute walk shed.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

The proposed severance would facilitate the construction of one new single detached dwelling in proximity to Downtown Fonthill. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with lower pitched roof bungalows as the dominant built form along Elizabeth Drive. The nearest dwellings flanking from Highland Avenue consist of more variety in built form, that is there are more 1.5 and 2-storey dwellings scattered amongst some other bungalows. The proposed lot, seeks to maintain the key features and intent of the R1 zone which help provide a gradient mass between the flanking 2-storey dwelling at the west inward to the retain lot and neighbouring 1-storey bungalow neighbourhood.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy A2.7.2 Cultural Heritage – states it is the Plan’s objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry is required as a condition of severance approval.

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

Policy B1.1.3 provides policy guidance and direction with respect to intensification proposals within the *Urban Living Area / Built Boundary*. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood where they’re proposed.

In considering residential intensification proposals, the following criteria are applicable:

- Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with a collector or arterial road;
 - ✓ The subject lands are not identified symbolically as a ‘Potential Intensification Area’ according to Schedule ‘A1’. They are located just over 150 metres from Canboro Road, being the closest collector road.
 - ✓ Town Planning staff agree with the submitted Planning Justification Report in that the 100 metre linear distance reference is a rather acute test in most contexts and which can adversely impact an otherwise sound and appropriate redevelopment opportunity. It is certainly much more noteworthy upon true medium-high density proposals with significant transportation impacts, not low density single detached residences. The transportation rooted policy test is well-intended and an important factor as denser land forms should generally be located closer in proximity to major roads and amenities etc. for several reasons. However, understanding that, we’ve completely ignored the benefits associated with the ‘walkable’ neighbourhood

which is the principle origin of these geographic tests. Specifically, the distance an average human can comfortably walk with 10 minutes. Empirically speaking, trips that are less than 1 km in distance are highly suited for most humans to manage by walking, with trips slightly longer more than manageable by bicycle or a short vehicle trip. It should be noted that the lack of sidewalks on Elizabeth Drive and Alan Crescent does not make this neighbourhood inherently un-walkable, or unsafe. With low traffic volumes and speeds, it is generally considered quite safe for people to walk within the travelled carriageway.

- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
 - ✓ The neighbourhood is predominantly single detached dwellings and the severance would yield one new single detached dwelling.
 - ✓ The existing residential density of the subject lands is 7.8 units / hectare, while the proposed severance would yield a density of 15.7 units / hectare. The neighbourhood density ranges up to 25 units / hectare mostly due to the townhouse development 200m east on Elizabeth Drive.
- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
 - ✓ See comment above, the proposed zoning (minor variance A28/2019P) for the subject land seeks to align with that of the remnant lot and abutting house to the west (i.e. 5m) and replicate the default exterior side yard setback of the R1 zone.
 - ✓ There are no traffic and parking issues anticipated with this lot creation.
- d) Notwithstanding items (b) and (c), the creation of new freehold infill lots through the consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the Urban Living Area designation;
 - ✓ The proposed use is directly identical to the immediate neighbourhood, that is being a single detached dwelling.
 - ✓ The R1 zone does not stipulate a maximum density but does have default minimum lot frontage and minimum lot area requirements. Concurrent minor variance applications have been filed seeking relief from certain performance standards of the R1 zone.
 - ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density as discussed in subsection b) above.
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.
 - ✓ The current R1 zoning does not permit second dwelling units nor has the applicant submitted a rezoning application requesting the additional permitted use.

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;
 - ✓ Yes.
- b) Will not cause a traffic hazard;
 - ✓ One additional residential dwelling and driveway apron will not cause a traffic hazard on this low volume, local street.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Yes.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes.

- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Grading & Drainage Plan required as a condition of approval. The topography is generally flat which helps slow the flow of storm runoff with no anticipated drainage concerns.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ No special land use plans or development considerations are native to this specific block. The severance will not impede the ability for a neighbouring land owner to explore similar redevelopment opportunities.
- 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.
 - ✓ Complies with Regional Official Plan.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ Not applicable.

In accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fonthill and Fenwick.

It is noted that the application is for consent to partial discharge of mortgage and to convey vacant land (Part 1) for the purposes of constructing one single detached dwelling. The remnant land (Part 2) is proposed to be retained for continued single detached residential use. The proposed severance conforms with the Pelham Official Plan as it supports additional housing, appropriate lot geometry, good land use planning and is a compatible form of residential intensification especially in proximity to Downtown Fonthill.

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

The subject land is currently zoned 'Residential 1' (R1) according to the Zoning By-law. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

Concurrent minor variance applications have been submitted to address the following zoning deficiencies:

- Part 1 (severed) {File A28/2019P}
 - Required → Minimum Lot Area & Minimum Lot frontage
 - Optional → Maximum Lot Coverage, Minimum Front & Side Yards
- Part 2 (retained) {File A29/2019P}
 - Required → Minimum Side, Front & Rear Yards

The resulting parcel configuration requires certain applicable zoning regulations to be legalized while others are merely desired by the applicant. Any future development other than that which is currently permitted under Section 13 (one single detached dwelling) would require a Zoning By-law Amendment.

Agency & Public Comments

In accordance with the *Planning Act*, on November 26, 2019 a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (Dec 2, 2019)
 - No objections.
- Public Works Department (Jan 2, 2019)
 - No objections, see conditions.
- Bell Canada (Dec 4, 2019)
 - No objections.

Comments were received from many neighbouring residents which are summarized below.

1. The 60 m (200') circulation of Hearing Notices is inadequate and Council should hear these applications, not the Committee of Adjustment.
 - ✓ The *Planning Act* of Ontario provides planning authorities (municipal Council) with the legislative authority to appoint a Committee of Adjustment to hear certain types of *Planning Act* applications (i.e. consents & minor variances). These applications are deemed of a lower priority status by municipal Councils Province wide versus Official Plan Amendments, Zoning By-law Amendments and subdivisions etc.
 - ✓ Public Notice circulation requirements for Committee of Adjustment applications are prescribed under the *Planning Act*.
2. Allowing a new house on a smaller lot contradicts the original planning and character of the neighbourhood (i.e. Post WWII bungalows on large lots).
 - ✓ The existing neighbourhood was designed in an era where land resources were considered abundant and regard over future resource scarcity was of little importance. This is no longer the case.
3. How can the original character, charm and feel of the neighbourhood be upheld?
 - ✓ The applicant has expressed the desire to build a bungalow for this reason exactly, which is likely the reason for the requested increase of lot coverage. However, since the Zoning By-law permits a 10.5m height limit as-of-right across all low density residential zones, there is no guarantee that a 2-storey dwelling could not be built on any property in this neighbourhood.
 - ✓ The applicant has requested a reduction of the front yard setback for Part 1 – this is meant to maintain a consistent building streetscape as the current exterior side yard setback required by the R1 zone is 5 metres. The adjacent dwelling to the west appears to have less than the 5m setback from Elizabeth Drive based on GIS parcel mapping.
 - ✓ One single detached residential lot in an existing single detached residential neighbourhood does help maintain the character, charm and feel of the neighbourhood pending appropriate urban design elements.
4. The severance will devastate the existing residents and confuse potential buyers confused by the lack of homogeneity.
 - ✓ There is little evidence to support such a claim. Homogenous neighbourhoods actually have an extensive record of social dysfunction, particularly with respect to socioeconomic exclusion, unstable shifts in demographics which negatively affects public school enrollment among other institutions and commercial businesses. Reinvestment in existing neighbourhoods is generally considered a positive as it signals desirability. One new single detached dwelling in an existing low density residential neighbourhood will not cause 'confusion'.
5. There are already parking problems on Alan Crescent.
 - ✓ Parking issues appear to be a remote prospect in this neighbourhood (perhaps with the exception of the annual Summerfest weekend each summer). Most, if not all of the existing houses in the vicinity have in excess of 2-4 parking stalls per lot. On-street parking is also permitted and visibly abundant.
6. This development will set a precedent.
 - ✓ Every *Planning Act* development application is considered independently on its own merits.

7. How will (storm) drainage affect the neighbours?
 - ✓ A Grading & Drainage Plan is required as a condition of severance approval. At building permit, there is also a Grading Plan required for approval.
8. The proposed lot would eliminate the garden yard of 20 Alan Crescent which contradicts the Town Beautification Committee's statement on 'enhancing visual appeal' and 'with respect to environmental stewardship'.
 - ✓ The remnant parcel (Part 2) would continue to be served by a sizeable L-shaped rear yard amenity area in addition to a very large front yard.
 - ✓ Accommodating residential housing growth within existing *urban areas* (intensification) is one of the most ecologically sound choices a municipality could undertake as it helps avoid premature urban settlement expansion to accommodate the same levels of growth. Intensification and redevelopment also utilize existing linear infrastructure and public service facilities.
9. Environmental degradation associated with tree removal, new hard surfaces, and waste created from the pool / shed removal.
 - ✓ Environmental impacts are important and must also be considered at a high level. Prohibiting infill development because of micro-impacts associated with small lot development is not a zero-sum scenario. If the market demand warrants new home construction, then a house might instead be located near the edge of the Town's *urban settlement area* limits. The degree of environmental impacts associated with an exurban alternative can be argued as much more harmful. For example, new development on the periphery often requires the extension of brand new linear infrastructure to support the new development. Many more trees might need to be removed instead, and sometimes of a greater *ecological value*, and this type of development usually interferes more with the *ecological function of key natural heritage features* more than an intensification growth scenario. Intensification development not only better utilizes existing infrastructure but they're often situated closer to shopping areas, schools and *public service facilities* which translates into a reduced transportation impact, and thus an environmental one.
10. The proposal abuses the R1 zone requirements which were meant to protect the existing neighbourhood.
 - ✓ Ironically, based on current lot sizes of Elizabeth Drive and Alan Crescent, the default R1 zone requirements would have yielded narrower frontages, smaller lots and more density.
11. Allowing intensification in an established R1 zoned neighbourhood reduces the potential for a healthy mix of housing options in Fonthill.
 - ✓ The neighbourhood is actually characterised by R1, R2, RM1 and RM2 residential zoning as per Schedule 'A5' of the Zoning By-law (1987).
 - ✓ There is no evidence to support this claim.
12. Loss of views.
 - ✓ Ontario Planning Tribunals have consistently deemed there to be no legal right to a view over the private property of others, unless only in special circumstances the proposed obstruction to such long established amenities is of such a magnitude as to cause an unacceptable adverse impact upon the visual enjoyment of the greater public. This proposal is not considered at risk of such level of harm to the neighbourhood or to conflict with the intent in this respect of the Official Plan and Zoning By-law. Furthermore, no increase in building height was requested.

13. Loss of privacy.

Figure 1 - View of subject lands from 11 Highland Avenue (submitted by neighbour), with superimposition.



- ✓ The degree of neighbour discomfort associated with a proposed development's potential for intrusive overlook into other's private amenity area is always difficult to measure, qualify and subjective by nature. Distasteful window alignments and openings in close proximity to another rear yard amenity area (or dwelling) is discouraged.
 - ✓ Minor variance file A28/2019P seeks a reduction of the side yard building setback from 1.8m to 1.2m. As per the Ontario Building Code, the closer a structure gets to a property line, the greater the restriction is in effect for the percentage of window openings permitted on that wall. It would seem that the developer would effectively, and voluntarily be limiting the number and size of permitted windows on the future west wall of the proposed house, in lieu of a 60 cm (2') encroachment.
14. Elizabeth Street has high traffic volumes. Was it not the Town's plan to omit sidewalks due to the large lawns, open space and long driveways?
- ✓ Elizabeth Street is designated as a local road with low traffic volumes.
 - ✓ Planning staff do not know the Town's former rationale to omit installing sidewalks in several subdivisions over the last 60+ years. However, most often a lack of sidewalks has to do more with street design itself or even their cost. Specifically, narrow pavements with low traffic volume and slow vehicle speeds historically wouldn't warrant the inclusion of sidewalks. Though this practice has become frequently abandoned in modern development.
15. Properties should not change after development has taken place some 70 years ago.
- ✓ Human settlements continue to evolve throughout the course of history. There has always been some degree of change to communities over time.
16. Assumes that the new house will be rented, and renters tend to not maintain property as well as owners.
- ✓ Objection on the basis of tenure is a human rights matter which cannot be considered.
17. The 'back' of a house cannot be deemed the 'side' of a house to avoid the rules.
- ✓ The realignment of the technical 'yards' originates from Section 5 of the Zoning By-law's Definitions, not the developer's strategy. The narrowest frontage is considered the 'front yard' by definition.
18. The rear yard of a house should not flank the side yard of another house.
- ✓ This lot arrangement is widespread and can even be observed several times in this neighbourhood.
19. The proposal will destroy our rear yard privacy from its overlook. Any windows on the back or side of this house will allow residents to look over our fence.
- ✓ The applicant has requested a reduction of the side yard setback from 1.8m to 1.2m (file A28/2019P). In accordance with the Ontario Building Code, buildings closely situated to a property line have very restricted permissible openings (windows), represented as a

- percentage of the wall face. By reducing the side yard setbacks, the new dwelling would actually be voluntarily limiting its potential for privacy overlook.
20. The proposal will have a detrimental effect on our property's value.
 - ✓ There is no evidence to support this. Redevelopment and reinvestment in neighbourhoods is generally associated with a positive impact on land values.
 21. The size of the proposed lot (Part 1) is not consistent with the surrounding properties.
 - ✓ The proposed lot is marginally smaller than its immediate surroundings along Elizabeth Drive and Alan Crescent notwithstanding the townhouse development east on Elizabeth Drive and the smaller lots west on Highland Avenue
 22. The new lot (Part 1) will have no yard or open space.
 - ✓ The default rear yard setback of 7.5m is being maintained. The Consent Sketch provided illustrates a building envelope based on the requested zoning setbacks. This does not necessarily represent the proposed footprint of a future dwelling.
 - ✓ It should also be noted that, in keeping with the character of the neighbourhood (1-storey bungalows), the proposed lot coverage of a bungalow is expected to be larger than that of a similar sized 2-storey dwelling to accommodate the same floor area, thereby directly impacting the size of open space.
 23. People should not be allowed to apply for variances to Zoning By-laws.
 - ✓ The Ontario *Planning Act* provides the statutory authority for variances to municipal Zoning By-laws to be heard.
 24. The developer has no intention of residing on either the retained, or severed lot.
 - ✓ Not relevant.
 25. The new lot is not physically compatible with, nor maintains the character / stability of the neighbourhood. The appearance, layout, building footprint and overall proportion of building to open space, combined with tree removals will also impact the neighbourhood.
 - ✓ The proposed lot geometry is rather traditional in shape for typical residential lots with a ± 14 m frontage and ± 30 m depth. One large tree would need to be removed, a second (closer to the street) may be able to be preserved depending on the driveway location and construction feasibility. New street tree(s) are suggested conditions of severance approval. A lot for one single detached dwelling in a mainly single detached residential neighbourhood is a compatible land use, as are most ground-oriented forms of housing.
 26. The tree removal associated with the proposed lot may damage the roots of other mature trees on the Highland Avenue properties, leading to their decline. With no green screen, the intrusion of the new house will be worrisome.
 - ✓ There appears to be one tree situated closely to the western lot line of the subject lands. It is unclear what property it is located on based on the survey sketch. The potential for root damage upon basement excavation is legitimate and should be avoided if at all possible.
 27. Small lots produce no large trees and no biodiversity.
 - ✓ The proposed rear yard is still capable of supporting larger caliper tree(s). Proper urban street trees can also grow quite large despite being constrained by gravel, and concrete.
 - ✓ A variety of native trees are not the only type of biodiversity as other types of native vegetation (shrubs, flowers etc.) can also support various types of wildlife in urban environments.
 - ✓ It should also be noted that urban infill / intensification is one of the best ways humans can ensure preservation of natural environments by avoiding unnecessary outwardly urban expansion which often threatens pristine natural heritage systems.
 28. Provincial policies are general guidelines.
 - ✓ Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. PPS policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

- ✓ All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.
29. The Planning Justification Report is biased.
- ✓ The report was authored by a *Registered Professional Planner* (RPP) in the Province of Ontario.
 - ✓ Section 2.1 of the Ontario Professional Planners Institute's (OPPI) Professional Code of Practice states that "*members shall impart independent professional opinion to clients, employers, the public, and tribunals*".
30. It's inappropriate for the Planning Justification Report (PJR) to draw comparisons to the R2 zoned properties in close proximity.
- ✓ The PJR discusses existing development in the neighbourhood which is relevant.
31. The Planning Justification Report fails to mention the distance between the proposed building envelope and the adjacent dwelling located at 11 Highland Avenue which is 18.5 m.
- ✓ The PJR comments on the setbacks between the severed and remnant lot which is appropriate and consistent with standards of practice. There is no issue with the setback between dwellings.

Planning Staff Comments

The subject application deals with the severance (& consent to partial mortgage discharge) of a large rear yard on a corner lot which would seek to create an additional residential building lot for one single detached dwelling.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on June 20, 2019 to discuss the subject applications.

The subject lands are located on the southwest corner of Elizabeth Drive and Alan Crescent and is surrounded by single detached residential dwellings from all directions (Figure 2).

Figure 2: (Left - Subject lands as viewed from Elizabeth Drive) (Right – As viewed from Alan Crescent)



Planning staff visited the site and reviewed historic aerial photography to better understand the local context today and historically (Figure 3). Over the years, this neighbourhood has experienced little in the way of intensification except for a townhouse development 250 metres east. Given the proximity to Downtown Fonthill, commercial uses along Highway 20 West, public schools and the large lot sizes present – it would not be unreasonable to assume that there may be additional intensification pressures in the coming years or decades if population growth trends continue as forecasted.

At present, the immediate neighbourhood is not in the midst of any development projects. This area of central Fonthill, just west of Downtown is characterized by many large lot single detached residences, some smaller lots, townhouses and some commercial uses along the flanking arterial roads nearby.

Figure 3: Aerial imagery of the subject lands from 1954 – 2018



It is a well-accepted planning principle that all communities have a role to play in helping to manage population growth. Obviously *designated greenfield* areas such as East Fonthill will handle the majority of new housing demand locally and are consequently held to a considerably higher standard of planned density. However, *built-up* neighbourhoods (properties with existing development) are anticipated, and expected, to also contribute towards Pelham's overall background household growth. The Town's current Official Plan recognizes the Region's previous 25-year growth allocation originally planned to 2031. Niagara Region is currently undergoing their legislated *Municipal Comprehensive Review* as part of the Regional Official Plan update. The updated household growth to 2041 which were recently updated to incorporate the 2016 Census data and to reflect policy targets of the 2017 Growth Plan now yields a residential intensification share of at least 25% for the Town of Pelham.

The Official Plan recognizes that additional housing growth via residential intensification, especially in walkable neighbourhoods is an opportunity, and a way to achieve other important goals such as helping support the local business community, providing a diverse housing / demographic mix and maintaining existing infrastructure and neighbourhood vitality.

Planning staff have thoroughly read every piece of public correspondence which was supplied at the time of this report's writing. The comments are large but share many similar themes which were discussed in detail above. Some concerns are legitimately grounded in planning development such as change of neighbourhood character, loss of privacy / views / trees and concerns over possible impacts to existing patios and tree roots not slated for removal. Many other comments are outside of the scope of this application, not relevant (i.e. profit motives & rental housing tenure etc.), or are plainly exclusionary to new development in general. The latter themes are not able to be considered in the decision making process as a legislated approval authority under the *Planning Act*.

The applicant did supply a conceptual front Elevation Plan of a proposed dwelling on the subject land (Part 1). The illustration depicts a 1-storey bungalow detached dwelling. Although Town staff have limited mechanisms

under which to require the dwelling be architecturally designed a certain way in this situation, Planning staff would still encourage a lower pitched roof and more brick cladding, emblematic of the surrounding homes on Elizabeth Drive and Alan Crescent.

The proposed severance is considered to be a *gentler* form of residential intensification, as in there minimal neighbourhood disruption, no significant demolition is warranted and the impacts are generally inferior to that of a variety of other multi-unit residential development options.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential use for the foreseeable future.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Planning staff recommend that the consent known as file B11/2019P **be granted**, and subject to the following conditions:

THAT the applicant

- Obtain concurrent approval of minor variance files:
 - A28/2019P for 'Minimum Lot Area' and 'Minimum Lot Frontage'
 - A29/2019P inclusive.
- Conduct an archaeological assessment and receive clearance from the Ministry of Tourism, Culture, and Sport.
- Ensure the new lot is serviced with an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be 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 their condition is satisfactory prior to connection. The applicant shall bear all costs associated with these works.
- Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots to confirm no existing service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for all lots shall be required after the installation of new services.
- Submit a comprehensive overall Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies upon, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works.
- Obtain approval for a Driveway Entrance & Culvert Permit for the new lot issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.
- Reinstate part of the westerly curb on the existing driveway apron of Part 2 to the satisfaction of the Director of Public Works.
- Plant two (2) large caliper street trees from the Town's approved Street Tree Planting Schedule along the Part 1 frontage, one on each side of the new driveway and to the satisfaction of the Director of Community Planning & Development.
- Obtain and close a Demolition Permit for the removal of the attached canopy and shed to the satisfaction of the Director of Community Planning & Development.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.

- 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 \$395, 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,

A handwritten signature in black ink that reads "Curtis Thompson".

Curtis Thompson, B.URPI
Planner

Approved by,

A handwritten signature in blue ink that reads "Barb Wiens".

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

Memorandum

Public Works Department - Engineering

DATE: January 2, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File B11/2019P
20 Alan Crescent

We have completed the review of the consent application B11/2019P for consent to convey 432.82 square meters of land (Part 1) for construction of a residential dwelling.

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

1. That the applicant ensures that the new lot is 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.).

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

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

Date: December 2, 2019

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 14, 2019 hearing. **File B11/2019P**

Comment:

The Building Department offers no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

From: [Sarah Leach](#)
To: [Holly Willford](#)
Subject: FW: Pelham Notice of Hearing - 905-19-438
Date: Wednesday, December 4, 2019 11:21:28 AM

Please see below.



Sarah Leach, BA.

Administrative Assistant to the Clerk
Town of Pelham

T: 905-892-2607 x322 | E: sleach@pelham.ca

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Wednesday, December 4, 2019 11:13 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: RE: Pelham Notice of Hearing - 905-19-438

Hi Sarah,

Re File:

- Severance
- B11/2019P
- 20 Alan Crescent, Pelham
- Lot 18 Plan 721

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you,
Carrie

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

From: Sarah Leach <SLeach@pelham.ca>
Sent: Tuesday, November 26, 2019 9:40 AM
To: ROWCC <rowcentre@bell.ca>
Subject: [EXT]Pelham Notice of Hearing

Good Morning,

Attached, please find the notice of hearing for Pelham minor variance files A28/2019P, A29/2019P and Pelham consent file B11/2019P.

Thank you,
Sarah



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

External Email: Please use caution when opening links and attachments / **Courriel externe:** Soyez prudent avec les liens et documents joints



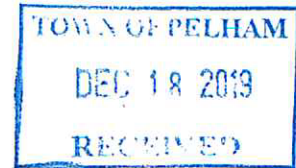
Mr Foster Zanutto
Alan Crescent
Fonthill, ON

TO: Town of Pelham Committee of Adjustment,

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

FROM: Foster J. Zanutto, Alan Crescent, Fonthill, Ontario L0S 1E0

Dec. 17, 2019



RE: File B11/2019P; File A28/2019P; File A29/2019P, 20 Alan Crescent, Pelham

I am the adjacent property owner, immediately [REDACTED] of the property in question, at [REDACTED] Alan Crescent, Fonthill, and have lived in this home for 20 years.

I would like to register my opposition to the applications to the Town of Pelham Committee of Adjustment, by the new owner of 20 Alan Crescent, for severance approval, for facilitation of construction of a residential building, and for bylaw variances, for the following reasons:

1. This neighbourhood consists mainly of 1950s area bungalows and modest two-stories on spacious, mature lots with beautiful old trees and mature gardens and landscaping. I moved here from St. Catharines specifically for the bungalow styles and mature lots with plenty of shade trees. The proposal of the applicant to create a lot area of 432 meters square and a house to occupy 45% of the lot is completely out of line with the surrounding properties, and will drastically change the character of the neighbourhood.
2. The request of the applicant "for relief from the bylaw" on ONE item on File B11, FIVE items on File A28 and THREE items on File A29 is presumptuous and ridiculous. This is not an application for minor variance, it is a blatant attempt for a major variance which, if approved, will set a very dangerous precedent for established neighbourhoods. We have Bylaw 1136 in place dating from 1987 which lays out the requirements of lot size, distances from neighbours and lot residence coverage. We know that creation of that bylaw and amendments over the years were done through much discussion and research by our municipal leadership, and those decisions must be respected today if we are going to have any semblance of integrity in the application of our mutually-created laws.
3. When the property in question at (20 Alan Crescent) was sold there were rumours among neighbours that a developer had bought it who was planning on demolishing the present home and then building three new homes. After I heard this I visited the Planning Department to see if they knew anything of this, and all they could tell me was that there had been inquiries about what could be done with the property regarding "development" if it were purchased.

We neighbours now know that the purchaser (the applicant for variances) is not living in the home and did not buy the property with the intent of living there. We are concerned that development was always the intent, and that the present applications for variances are an attempt to get a precedent set so that the present house can be demolished (no approval needed by Municipality) and two more applications for variance and construction requested of the Committee of Adjustment for two lot severances and two new residences facing Alan Crescent.

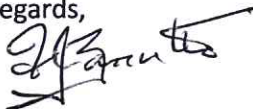
4. While it does make sense for the Committee of Adjustment and the Town of Pelham to approve "infilling" to combat urban sprawl and create tax base, it makes no sense to approve the cutting up of existing mature lots to do so, especially if it means ignoring bylaws. If the applicant wants to build homes on 14.20 meter frontage lots with 45% lot coverage he can easily go to East Fonthill where there are thousands of opportunities to do so, or to the old arena property, and there will be no objections, and he will not be negatively impacting an established neighbourhood, and the Town will still get the tax base.
5. If these "variances" were approved, it stands to reason that every established property (like mine) with +-30m (100ft) frontage could be sold with the plan to demolish the house, split the lot into two and build two cookie-cutter box houses a la Mississauga suburb. Wouldn't that be a horrible change to the unique character of our beautiful town?
6. My last point of objection is that construction of the residence will require the removal of a 60-70 year-old majestic tree that sits directly on the building envelope. I am not sure what kind of tree it is, but from my back yard I have spent many a time admiring the colours it produces throughout the spring, summer and fall. There is a second mature tree at the front of the property that may require removal also.

I have about 10 mature trees on my property and I maintain them well as they provide great shade in the summer, minimizing my use of air conditioning and enabling me to contribute in a small way to combat climate change. The Town of Pelham and its leadership are committed to combatting climate change by planting trees and creating other strategies; it should also be looking to protecting our existing mature trees from destruction by developers.

I respectfully request that the Committee of Adjustment consider this matter seriously and that it heed the concerns of long-term Fonthill residents and rate payers like me who neighbour the property, and that the Committee of Adjustment reject the requested variances of all three files.

Thank you very much for your attention to my comments, and for your service to our community.

Regards,



Foster J. Zanutto

Alan Crescent, Fonthill, ON

TO: Committee of Adjustment, Town of Pelham

CC: Mayor M. Junkin and Town Councillors M. Ciolfi, M. Stewart, R. Kore, J. Wink, L. Haun, B. Hildebrandt

FROM: Foster J. Zanutto, [REDACTED] Alan Crescent, Fonthill, ON. LOS 1EO

Dec. 27, 2019

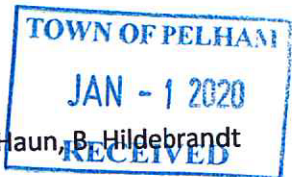
RE: **Committee of Adjustment Files B11/2019P;A28/2019P;A29/2019P** and the **Planning Justification Report** for development at 20 Alan Crescent, Fonthill, produced by Upper Canada Consultants of St. Catharines, ON., Nov. 2019, for applicant [REDACTED]

I am the adjacent property owner at [REDACTED] Alan Crescent, [REDACTED] and south of the property in question.

I have previously submitted written objections to the granting of "minor" variances requested, to The Committee of Adjustment.

I would now like to comment on the **Planning Justification Report** submitted by the applicant to the Committee of Adjustment:

1. Provincial Plans (PPS 1.1) p. 5: It is absolutely ridiculous to claim that this miniscule lot and residence are needed to contribute to the 15% intensification rate when thousands of new homes are built every year in Pelham. Aren't we already on track in Pelham to meet or exceed the 15% rate? Will the Committee of Adjustment accept this false argument at the expense of irritating a full neighbourhood of long-term residents?
2. Housing (PPS 1.4) p. 7: The Report states that "The surrounding neighbourhood predominantly contains single detached dwellings. The development of an additional single detached dwelling will contribute to the housing supply within the town". Yes, it will add one house to the already thousands being built, but that house will be totally out of character with the neighbourhood as it will have to be a two-story cookie-cutter box house on a miniscule lot, in an area of spacious bungalows and large lots. Plus...do we have really have a problem with housing supply in Pelham? Do we really need to insert this controversial and adversarial issue into our community for ONE house???
3. Natural Heritage (PPS 2.1): The Report makes no mention of the fact that two or three beautiful, mature trees of 60-70 years in age, true Fonthill heritage trees, will have to be removed as they are on the building footprint. This would result on canopy/shading removal and further contribution to climate change.
4. Cultural heritage and Archeology (PPS 2.6) p. 9: The Report states that "Through pre-consultation the subject lands were identified as having archeological potential. Accordingly, a scoped Archeological Assessment will be required to confirm the location of any archeological resources on the subject lands. This work has been initiated and the report can be submitted as a condition of approval" This statement is totally off-base. The archeological potential has been identified, the work and report should have been done before application for development. In any case, the Committee should require that the report must be submitted, not "can be submitted".
5. Town of Pelham Official Plan (2011) Section B1.1.3, p. 16: Our Official Plan does not identify this area as an intensification area. This is itself is justification to deny the variances requested. WHY ARE WE EVEN DISCUSSING THIS PROPOSAL?? The Report claims that "the proposed lot is



comparable in size to those found in the surrounding neighbourhood." That statement is totally false, the lot is not at all comparable in size to surrounding lots.

6. Town of Pelham Official Plan D5 2.1 New Lots by Consent, p.19: The report states ""There are no environmentally sensitive features on the property. False...there are 2 or 3 large, mature trees that will have to be destroyed in order to build the house.
7. Four Tests of Minor Variance, p. 26, #4 "Is the variance minor in nature?" This request is for EIGHT minor variances. How many minor variances make up a major variance? This is not a minor variance! On the same page the Report states "the general intent of the R1 zone is to provide for low density single detached development, which these applications implement". Not true...these applications will result in an increase of density from low to higher, which is contrary to the Official Plan. Further on the same page, the Report claims "The proposed lot and subsequent development as a detached dwelling will be compatible with the surrounding area. The retention of the existing dwelling provides further stability of design within the neighbourhood as a corner lot." There is absolutely no assurance or guarantee that the existing dwelling at 20 Alan Crescent will be retained. We, the neighbours, fear that if the present applications are approved, the next move by the applicant/developer will be to demolish the house (no municipal permission required) and two more small lots and out-of-character homes will be built.
8. The Report concludes that "The variances are considered minor in nature as they facilitate the development of a permitted use on a readily serviceable piece of underutilized urban lands. The requested relief from the zoning bylaw will have no noticeable impact on the character of the neighbourhood or any direct impacts on the functionality of adjacent properties". Again, a totally false statement. The variances are not minor in nature, the land is currently utilized with a pool, substantial patio, landscaping, gardens and and large, modern garden shed; there will be a very noticeable and substantial negative impact on the character of the neighbourhood.
9. In concluding the Report, Upper Canada Consultants states that variances should be approved. Surprise! Could they do anything but, since they are paid by the applicant/developer? The Report is blatantly biased, and the recommendation to approve the variances should be completely and vigorously denied.

One last comment...

It appears that the first appearance of this matter was on May 2, 2019 in the Pre-consultation agreement, then at the Pre-consultation meeting on June 20, drawings were done on Oct.31, 2019, the Notices sent to neighbours (dated Nov. 26, 2019) and received by neighbours in early December.

It is somewhat annoying that first discussions took place in May but neighbouring residents were not informed of the proceedings until December. With Christmas preparations and activities in place, out of town and out of country holiday trips planned and the short window of December, skeleton staff at Town Hall over the holidays, it has been very difficult and stressful for resident neighbours like me to have to spend numerous hours researching bylaws, writing letters, consulting fellow neighbours instead of spending this joyous season in other ways, like with the family rather than on the computer or in meetings with neighbours.

All we are asking is for the Committee of Adjustment and our municipal leaders to respect and adhere to our established bylaws, so that we can be left in peace to enjoy our treasured homes and properties in the way that was intended when we established ourselves in this wonderful town.

Sincerely,



Foster J. Zanutto

Re: File A28/2019P
Application for variance for 20 Alan Cr, Pelham

From: Robert Jensen
[REDACTED] Highland Ave
[REDACTED] nthill Ont.

Dear Ms. Bozzato,

I am the owner of [REDACTED] Highland Ave which borders with 20 Alan Cr for 30 ft at the [REDACTED] corner. It is the second lot south of Elizabeth on Highland. The back of our house back of 20 Alan Cr. We have lived here for over 20 years, raised a family and have enjoyed living in this beautiful neighbourhood. Residents here take pride in ownership and keep their properties maintained and manicured. Most are long standing members of the Pelham community. Over those 20 plus years we have invested considerable time and money renovating and upgrading our property. We made the sacrifice of fixing up an old house explicitly because of the spacious lots in this subdivision. We have invested in our community. So that's who we are.

As for the current owner of 20 Alan Cr, I suspect it's someone looking to exploit this property for profit. Someone who most likely has no interest in residing in our neighbourhood or being a part of our community. I will assume that since the current property is rented that the new one will also be. In my experience renters do not maintain the property as well as owners and are never there long enough to be part of the community. I am just guessing at all this but I am probably not far off.

Obviously I am in complete opposition to this application.

First off, bylaws. If this application is approved it will make a mockery of our current bylaws. This application is asking for variance on almost every rule regarding property size and building construction. It's ridiculous and should not be allowed. What is the point of any bylaws if they can simply be ignored. Bylaws reflect how and what residents have voted for regarding how they want their community. We enjoy our spacious lots, privacy and green space. The bylaws are there to preserve this. This application is not asking for a minor variance, it seems to be rewriting the bylaws. Also, if the front of 20 Alan Cr. faces Alan Cr., then the back of the house is only 1.2m from the back of the property. This also seems to vary from current bylaws. The back of the house cannot be deemed the side of the house to avoid the rules.

In regards to how this affects us and our immediate neighbours, it will destroy our privacy. Under the current bylaws this construction is not allowed. Allowing it would not be fair to us. If we knew this was a possibility we would have designed our backyard differently. We assumed nothing would change because the bylaws dictate so. Nothing has changed in 60 yrs, it is a long established neighbourhood. A house 1.2m from our back fence would destroy our privacy. We are the second lot in from the corner, we should not have the side of a house that close to our back fence. This will also have a detrimental affect on our property value. The allure of this neighbourhood is the spacious lots, privacy and green space. That's why we live here and have invested here. Currently, the space between the houses allows us plenty of private areas in our backyard. A house this close would eliminate all of it. They would have a front row view over our whole property. Any windows on the back or side of this new house would allow the residents to look over our fence into the lower part of our backyard. Again, if we knew this was a possibility we would have designed our yard differently, we would have planted a forest instead of putting in a pool.

The size of this proposed lot and house are not consistent with the surrounding properties. The current property would be diminished by the elimination of the backyard. The new lot created will have no yard or green space. This would make one nice property into two crappy ones, thus lessening the appeal of the subdivision. The only purpose it serves is for someones personal financial gain and for the town to collect more property tax. Neither of these are good reasons to allow it. The town is creating plenty of new lots and property tax payers in the new developments. Please don't ruin our property to create one more. Please do not disrespect the current bylaws and the people who they serve. Please do not allow this application. Please listen to the people who care about this neighbourhood, the current owner of 20 Alan Cr obviously does not.

Robert Jensen

P.S. I would like to be notified of the decision of the Committee of Adjustment.

Holly Willford

From: Jenny Jensen <[REDACTED]>
Sent: Friday, December 20, 2019 11:03 AM
To: Holly Willford
Subject: Fwd: 20 Alan Crescent - File A28/2019P, A29/2019P, B11/2019P
Attachments: Letter #2.pdf

Begin forwarded message:

From: Jenny Jensen <[REDACTED]>
Subject: 20 Alan Crescent - File A28/2019P, A29/2019P, B11/2019P
Date: December 20, 2019 at 9:27:06 AM EST
To: Nancy Bozzato <nbozzato@pelham.ca>

Hi Nancy

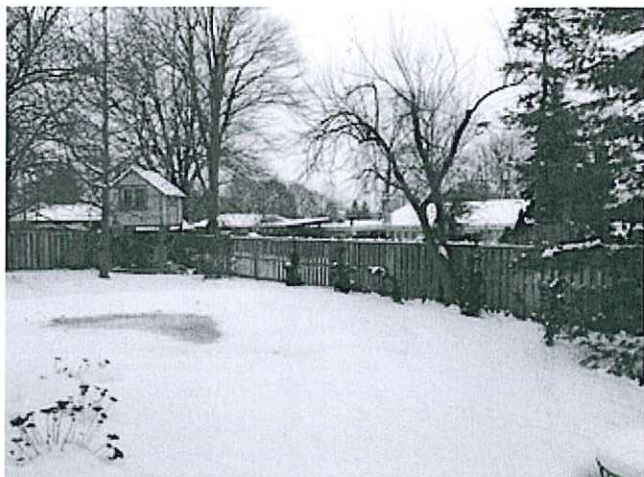
Let me know please that you received this email ok.

Thanks

Ron Jensen







Dec. 19 ,2019

To: Town of Pelham Committee of Adjustment

From: Robert Jensen

Re ; File A28/2019P, A29/2019P, B11/2019P

I am writing in response to the planning justification report prepared for the above mentioned applications for variance. This report relies heavily on provincial and regional policies on urban intensification. In fact, it is pretty much the entire argument. Yes, it is true that if you add a dwelling to this property that there will be one more dwelling in Fonthill. It would add residents and help meet provincial and regional requirements for intensification. But that would be true if a dwelling was built anywhere within the Fonthill Urban Area. It does not give justification for adding a dwelling in this particular spot. The provincial and regional policies are general guidelines and minimum goals for municipalities to meet on their own. They clearly state municipalities are to develop strategies to accomplish these goals (PTG 2.2.2 #4) Currently, Fonthill is on track to meet or exceed its requirements through 2031 (Town of Pelham Official Plan A3.2). This is being done quite wisely through newly created development areas and by redeveloping existing lands that were once schools, lumber yards, arenas, rental halls etc. There is still plenty of under-utilized space in Fonthill. There is no need to undermine our bylaws to accomplish Intensification as this will set a precedent for future development. Within the Planning Act under Zoning bylaws, it states the following; **“ An official plan sets out your municipality’s general policies for future land use. Zoning bylaws put the plan into effect and provide for its day-to-day administration. They contain specific requirements that are legally enforceable. Construction or new development that doesn’t comply with a zoning bylaw is not allowed, and the municipality will refuse to issue a building permit.”** This statement is absolutely clear and cannot be interpreted in any other way. When it comes to land severance approvals, the Planning Act states that **“consideration must be given to the effects of the division of the land on the site, on the neighbours and on the community as a whole.”** Also found under land severances, **“In considering each application for land severance, the consent granting authority evaluates the merits of each proposal against criteria such as: compliance with local zoning bylaws.”**

Any intensification efforts within existing fully developed neighbourhoods will be futile at best if bylaws are not adhered to. If this proposal is allowed, and our bylaws are rendered useless, developers will try this everywhere within R1 zoned subdivisions. This will lead to grief and conflict for existing residents and accomplish very little in terms of housing densification. There will be conflict between residents, residents and the town, residents and developers and it will take decades to increase by the slightest bit. This application alone has stressed me and my neighbours and is now consuming considerable amounts of our time. I am in full support of efficient use of land in urban areas to preserve our beautiful agricultural and forested lands. This, however must be done in a fashion that respects the existing residents and their properties. I feel like I am defending my property when bylaws should do that for me. Residents should not have to present reasons why not, but rather this report should give legitimate reasons for allowing such variances, which it fails to do.

At one point in this report it correctly states that this property is not in any area designated for intensification. It then goes on to say that “ The introduction of one additional dwelling is considered to have no significant impact on the character and density of the of the

neighbourhood.” This runs contrary to the main reason this report gives for allowing these variances, which is densification goals. It seems to down play the affects when they are negative. Depending on how big you draw the circle, the density percentage changes. It will not significantly affect the density of the province either. What it will do, however is increase the density significantly for the four surrounding neighbours. There will be 4 houses where there were once 3. That’s a 33% increase. With a lot this small, all of the separation between houses comes at the expense of neighbouring properties. We choose a low density subdivision and should not have higher density imposed on us.

This report also claims that “the proposed lot will be comparable in size to those found in the surrounding neighbourhood”. This is only true if you draw comparisons with R2 zoning adjacent this R1 area. This property is near the boundary between the two zones. If this logic is applied, then all R1 zoned areas bordering R2 zones are susceptible. The truth is that this new property would not even be close to comparable to adjacent R1 properties. Most of the lots are much larger than the required 700 sqm minimum. They are mostly larger than 1000 sqm but slightly less than the required 1400 sqm required to split. This was designed into this subdivision to prevent severance. This newly created lot would only be 1/3 of the average sized lots surrounding this property. Not at all comparable.

This report suggests that surrounding neighbourhood frontages range from 12m to 30m. This statement is again misleading as it draws comparison to R2 zoned properties near by. Most of the lots in this R1 subdivision meet, or far exceed the 9.2m requirement. The ones that do not are pie shaped lots and or they meet the minimum area requirements. A 14.2m frontage would be only about 1/2 of the average.

In regards to the character of the neighbourhood I would describe it as spacious, green, quiet and private. This new lot negatively affects all of those qualities. The homes in this R1 subdivision have spacious, larger than required lots. The houses are mostly low profile bungalows, very well built and very well kept. They have been invested in and upgraded on a continuous basis. The homes are centred on their lots providing generous room between houses and good views and site lines. This separation also provides privacy, room for trees, less light effect from neighbouring properties, less noise, etc. The two new properties created will not be consistent with these characteristics.

This report mentions that the separation between the proposed building envelope and the adjacent dwelling at 9 Highland will be 22m. It fails to even mention my adjacent property at [REDACTED] highland which will be only 18.5m of separation from my house and 14.5m from my raised patio. This seriously decreases the distance between houses and also affects views and site lines.

In regards to my property, there would be significant negative effects. This justification report conveniently does not mention my property. The consultant realizes there is nothing positive to say about this situation. Changing the orientation of this property to allow construction 1.2m from the rear of my property instead of the 7.5m required by the current backyard will have dramatic negative affects on my backyard. The houses on highland existed before Elizabeth st. and Allan Cr. were created. When this subdivision was designed 65 yrs ago that fact was recognized and a backyard to backyard situation was established to respect the existing properties and the bylaws would preserve this. There would be no reason to allow the reorientation if the lot is too small to split. Most of the lots are under the 1400 sqm threshold precisely so they can’t be split. This was by design. A reorientation would give me a third side neighbour on a rectangular interior lot. This situation exists very little within the R1 boundary. Where it does, it was most likely established before the properties were developed. Changing this situation after surrounding properties have been developed is simply not fair. I cannot move my house or pool. If I could, I have room to move everything 25’ closer to Highland Ave.

without even breaking a bylaw. I can't make mature trees suddenly appear, nor do I have room for them since installing a pool. I did not plant trees in this area out of respect for my neighbours pool, which existed before we moved in 20+ years ago. They also were not needed for privacy with the current situation.

Negative effects on my property include:

- loss of privacy - depending on construction, windows in this new house will have views of my entire (now quite private) backyard.
 - a deck on the back of this house will provide a viewing platform for our yard
 - this new dwelling would be 6.3m closer than is currently allowed by the backyard orientation
- light pollution - any light from windows or especially exterior lighting can illuminate our yard
- noise levels - any noise we make may disturb this new neighbour and vice versa given the proximity of our backyards
- pool damage - the construction of this house so close to our in-ground pool will definitely cause soil settlement, especially in our sandy soil and considering the slope of the land
- monetary costs - costs for fencing, privacy screens, mature trees, pool repairs or replacement/removal
 - property value diminishment
- loss of use - disruption during construction, loss of privacy leading to less usage of of pool and backyard

The pictures provided with this report do not clearly show where the house is going. They are purposely taken from angles that do not show proximity to other homes. I have included some pictures that show the view from my angle. These pictures show clearly where the house would go and the effects it would have on privacy and site lines. Look at these pictures and ask yourself if this backyard is a reasonable spot for a house? Does it look consistent with surrounding properties?

This report touches on environment and climate change. It mentions that a new house would employ green technologies. Again, that would be true if the home was built anywhere. This particular spot involves removing three mature trees, a functioning concrete pool and a sizeable shed that is less than 15 yrs old. Wasting the pool and shed creates garbage. Removing the trees is also not positive for the environment. More coverage of green space makes cities warmer. Trees provide shade, soil retention, noise reduction, wildlife habitat, etc. Overall this construction would have a negative impact on the environment.

The effect this construction would have on the existing property is a real shame. It is a beautiful bungalow with unique features. It is well built and in good shape. The large lot allows for a pool, spacious living, generous separation from surrounding properties and plenty of green space. A perfect place for a family that would appreciate all of this. This property precisely fits the character of surrounding properties. This is by design when the subdivision was created. Destroying it would be a shame.

Regarding the four tests of a minor variance;

1 Does the variance meet the general intent and purpose of the official plan

No. The Town of Pelham Official Plan states; "The primary purpose of the Official Plan is to provide a basis for growth that will support and enhance the Town's unique character, diversity, civic identity, rural lifestyle and heritage features and to do so in a way that has a positive impact on the quality of life and health for the citizens who work and live in Pelham." These basis include A2.3.2 **"to respect the character of existing development and ensure that all applications are physically compatible with the character of the surrounding neighbourhood"** and **"to maintain and enhance the character and stability of existing and well established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development."** This new development would not be consistent with these objectives.

2 Does the variance meet the general intent and purpose of the zoning bylaw

No. This variance would establish basically an R2 Zoned property surrounded by R1. The intent and purpose of the R1 bylaw is to maintain low density through a minimum lot size and setbacks thus ensuring all of the aforementioned qualities that accompany them. This development greatly diminishes these qualities for surrounding properties by dramatically increasing density for adjacent properties. The separation between houses is drastically reduced, and because this lot is so small it, any separation occurs mostly on surrounding properties. Many of these properties are large but just under the threshold of 1400 sqm required to split, including this existing property. This is by design so the bylaws would prevent splitting of these lots. Splitting this property not only makes it non compliant, it reorientates the lot to break a long standing intentional backyard to backyard scenario.

3 Is the variance desirable for the appropriate development or use of land, building or structure; and

No. This development is not appropriate. The only similarity to surrounding properties that this report offers, is that it will be a single family dwelling amongst other single family dwellings. I could build this house in my front yard and connect it to services quite easily, that does not make it a good spot. This report offers no legitimate reason to disregard our bylaws and disrespect the residents to put a house here. There is no need to achieve intensification at any cost since there are plenty of available development areas. Money for the applicant is the only motivator and that is not appropriate or responsible development.

4 Is the variance minor in nature?

No. As mentioned before, this report draws comparisons from R2zoned properties just because they exist nearby. By this logic, all R1 Zoned properties near the R2 boundary are susceptible to such comparisons. In fact this variance would be a major departure from other properties in this R1 subdivision. This application is asking for severance, reorientation of the lot and several extreme variances. These are all major changes. What is also major is the precedent this will set.

These properties have been established for decades. There have been several generations that have enjoyed them and that continues to rejuvenate. These properties have provided taxes for the town for up to 70 years. Please respect this neighbourhood and leave it alone.

We in the town of Pelham can manage our own growth the way we decide. We should not allow profiteers or biased consultants to use provincial and regional policies to tell us what we should do. These policies are not meant to micromanage municipalities on a case by case basis. These policies establish general guidelines and minimum standards for municipalities to meet on their own. Pelham is doing that quite nicely and will have no trouble meeting or exceeding those targets. So please listen to the great residents of this beautiful neighbourhood when they tell you not to allow this.

In conclusion, this report is bogus. It is misleading. Fictional reading at best. It is meant only to facilitate the exploitation of this nice property for profit. If this application is approved, the Town of Pelham will send a clear message that it does not care about the fine residents of this neighbourhood and does not respect their opinions.

Respectfully Yours,

Robert Jensen

■ Highland Ave.



TO: Town of Pelham Committee of Adjustment,

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

FROM: Frieder Honig and Sheila Boyle, [REDACTED] Alan Crescent, Fonthill, Ontario L0S 1E0

Dec. 21, 2019

RE: File B11/2019P; File A28/2019P; File A29/2019P, 20 Alan Crescent, Pelham

We are residents at [REDACTED] Alan Crescent, down the street from 20 Alan Crescent and would like to comment on the requests for multiple minor variances from the new owner of 20 Alan Crescent.

We wish to register our opposition to the approval of the variances requested by the applicant as any approval of said variances would adversely affect our beautiful, established neighbourhood.

We are in total agreement with neighbours immediately adjacent to 20 Alan Crescent, namely Foster Zanutto ([REDACTED] Alan Crescent) and Rob Jensen, ([REDACTED] Highland Ave) in the letters of opposition which they have sent to the Committee of Adjustment.

We respectfully ask the Committee of Adjustment to deny all the requested variances and to adhere to the present bylaw 1136.

Thank you for your attention to our concerns.

Sincerely,

Sheila Boyle
Sheila Boyle

F. Honig
Frieder Honig

From: [Nancy Bozzato](#)
To: [Keith Powell](#)
Cc: [Holly Willford](#); [Curtis Thompson](#)
Subject: RE: Objection to Severance
Date: Thursday, January 2, 2020 9:18:47 AM

Dear Mr. and Mrs. Powell

Thank you for your correspondence. We will add this to the Committee agenda for consideration by the hearing panel and we will forward a copy of the Notice of Decision.

Best regards,
Nancy

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

From: Keith Powell [REDACTED]
Sent: Thursday, January 2, 2020 8:33 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Objection to Severance

File #B11/2019P, A28/2019P, A29/2019P 20 Alan Crescent.

As homeowners and residents of [REDACTED] Alan Crescent, we wish to strongly object to the severance of 20 Alan Crescent to allow 3 homes on that lot.

This area is a well established, quiet neighbourhood, noted for its well cared for, nice sized lots. There is already parking problems on the Crescent and traffic using this street and Elizabeth Dr. To avoid traffic on Pelham Rd.

There is also enough new development, homes and condos being built in Fonthill and Pelham to supply demand.

We moved to [REDACTED] Alan Crescent 4 years ago from West Lincoln because of the type o area it is. To allow developers to come in and start changing this feeling is very short sighted and will open the door to more loss of Fonthill's small town reputation. And once it's allowed for one home, it will lead to it happening to others.

Unfortunately we will be away and unable to attend the meeting on Jan. 14, 2020. If you have any questions or wish to contact us, please email [REDACTED].

Thank you,
Keith and Deborah Powell

Sent from my iPad

From: [Nancy Bozzato](#)
To: [Tito De Concilys](#)
Cc: [Holly Willford](#); [Curtis Thompson](#)
Subject: RE: File A28/2019, A29/2019, & B11/2019 (20 Alan Crescent, Pelham)
Date: Thursday, January 2, 2020 9:19:48 AM

Hello Tito;

We will ensure to provide you with a copy of the Notice of Decision regarding this matter.

Best regards,
Nancy

From: Tito De Concilys [REDACTED]
Sent: Wednesday, January 1, 2020 2:57 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: File A28/2019, A29/2019, & B11/2019 (20 Alan Crescent, Pelham)

[REDACTED] Elizabeth Drive, P.O. Box [REDACTED]
Fonthill, ON L0S 1E0
January 1, 2020

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

RE: File A28/2019, A29/2019, & B11/2019 (20 Alan Crescent, Pelham)

ATTN: Nancy J. Bozzato, Town Clerk/Secretary Treasurer

Dear Nancy J. Bozzato:

In accordance with the Town of Pelham's "Notice of Public Hearing" concerning the above referenced files, I request that I be notified of any and all decision(s) of the Committee of Adjustment with respect to these matters.

Thank-you.

Sincerely,
Tito De Concilys
[REDACTED]

.....

From: [Nancy Bozzato](#)
To: [Franz Tauss](#)
Cc: [Holly Willford](#); [Curtis Thompson](#)
Subject: RE: Town of Pelham Committee of Adjustment, re: 20 Alan Crescent
Date: Thursday, January 2, 2020 9:21:01 AM

Dear Mr. and Mrs. Tauss;

Thank you for your correspondence. We will add this to the agenda for the Committee hearing panel's consideration and provide you with a copy of the Notice of Decision.

Best regards,
Nancy

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

From: Franz Tauss [REDACTED]
Sent: Wednesday, January 1, 2020 10:55 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Town of Pelham Committee of Adjustment, re: 20 Alan Crescent

Hello

NO to the permission of a two story house on 20 Alan Crescent.

The Pelham Zoning requirement are not available for this property.

Facilitation for severance should not be allowed.

Properties should not be changed after development has taken place some 70 years ago.

We do not want our neighbourhood to be carved up.

Sincerely

Franz Tauss and Edda Tauss

Dear Town of Pelham Committee of Adjustment:

I am writing about the application for minor variances of Bylaws for the property at 20 Alan Crescent, File A29/2019P.

This home was built for my parents after their marriage and became my childhood home. The Black family enjoyed living in Fonthill as a close-knit community. We played with everyone in the neighbourhood and we ran around the yards from one house to the other. It was a wonderful experience.

The so-called "**minor**" variances requested by the owner are actually quite "**MAJOR**". Using Google Earth I tried to envision how the two properties would fit and it is difficult to fathom. My father mentioned that weeping tile was put beside the garage and it looks like the plan would disrupt that space. How will the drainage plan for the new property affect all the neighbours?

The Bylaws were put into place as a precaution to maintaining the beautification of the neighborhood and ignoring them would be contrary to what the town stands for. From the Town of Pelham website: "The Community Beautification Committee was formed to inspire residents and property owners in the Town of Pelham to enhance the visual appeal of their neighbourhoods and public spaces through the creative use of plants and landscaping with an overall respect to environmental stewardship."

The plan to eliminate the garden yard of 20 Alan Crescent is contrary to the above policy idea. Our garden was not very large and a building would totally eliminate any greenery.

"The proposed lot will be 267.18 m² smaller than required. The proposed lot will be deficient by 4.8 m (15.7 feet). The maximum lot coverage of 30 % is exceeded by 15% (to 45%)". A lot that is less than two-thirds of the bylaw size is a **major variance**. A lot that is three-quarters of the bylaw frontage is a **major variance**. Less than four feet at the side of the building is a **major variance**. The application is asking for too much: reduced minimum lot area; reduced minimum lot frontage; increased maximum lot coverage; reduced minimum front yard; reduced interior side yard; and continues for part 2 reduced minimum front yard; reduced minimum interior side yard; reduced rear yard.

"If approved, the consent will facilitate the development of an additional single detached dwelling. This housing type is predominant in this area of Fonthill and is the only type permitted under the R1 Zone of the Town of Pelham Zoning By-law." However if there is consent, **neither of the two properties will actually still abide by the R1 Zoning measurement requirements.**

"The concurrent applications propose to facilitate the creation of a new urban lot within an established residential neighbourhood on an underutilized parcel of land". A backyard should not be considered as an underutilization but rather as a beautification asset.

"The introduction of one additional dwelling is considered to have no significant impact on the character of density of the neighbourhood. The parcel will provide ample room for landscaping and amenity area." The "ample room" is definitely misleading. The density may not be impacted but the character of the neighbourhood will be. Four properties will be directly impacted by a new structure in the designated space, which is presently a green space. Actually many properties will be impacted, including the original residence and all the houses on the other side of Alan Crescent which have views of no. 20.

A minimum interior side yard 1.8 m. (5.9ft) down to 1.2m (3.9ft) may be "consistent with more modern zoning" but this neighbourhood established in the mid-50s is not a modern zoning area!!! From a minimum exterior side yard 5m (16.4ft) to "there is no exterior side yard for the proposed lot" is quite a **drastic variance** to the bylaw. "The minimum rear yard is 7.5m and the existing dwelling will have a deficient rear yard setback (6.48)". But that is by proposing that the property is not facing Alan Crescent; i.e. the side yard becomes the rear yard. Of course that is to change the rear setback from the present garage which would be another incredibly **major variance**.

This application does not request a few minor variances; synonyms for minor are " incidental, inconsequential, inconsiderable, insignificant, little, negligible, slight, small, trivial, unimportant".

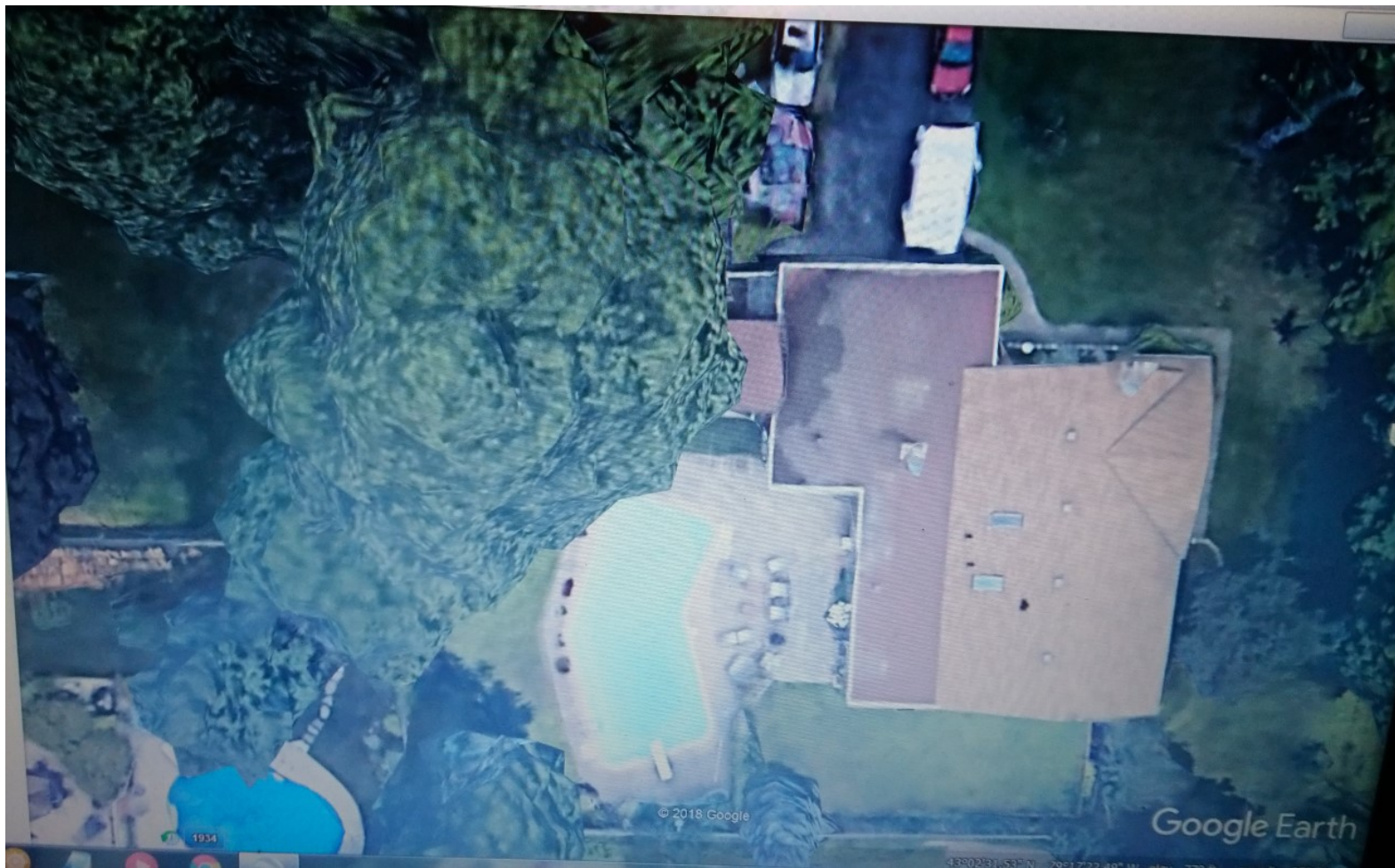
Thank you for your consideration of my opinion in your analysis of the application. I hope to hear of the refusal for File A29/2019P.

Kerry Black

formerly of

20 Alan Crescent, Fonthill, ON L0S 1E0

presently at [REDACTED] Mill Road, Etobicoke, ON M9C 4W7





Elizabeth Dr

Highland Ave

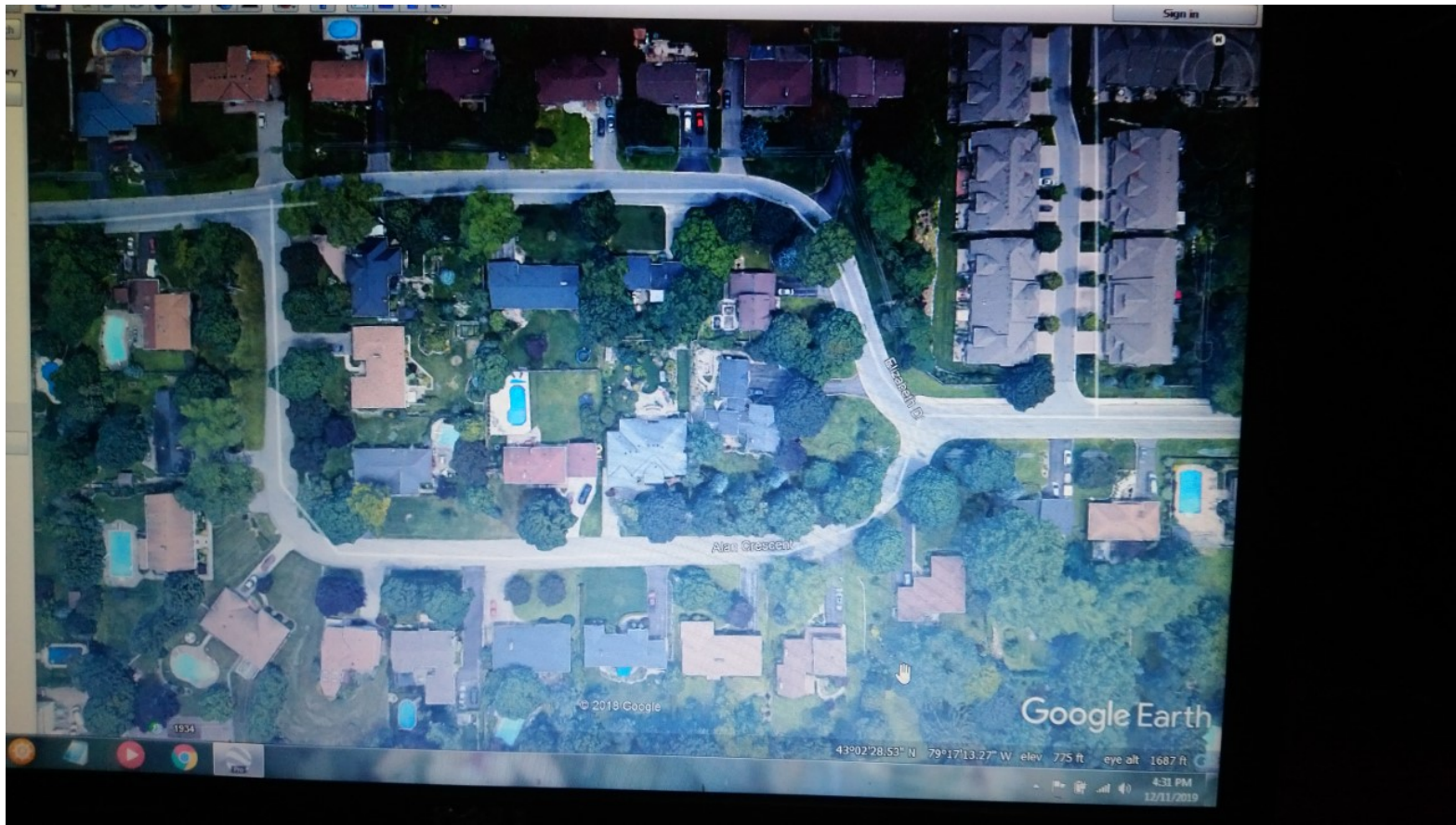
Highland Ave

Alan Crescent

Alan Crescent

20 Alan Crescent

Fonthill ON L0S 1E0



10:04



73%



Elizabeth Dr

Eliza

Highland Ave

Alan Crescent

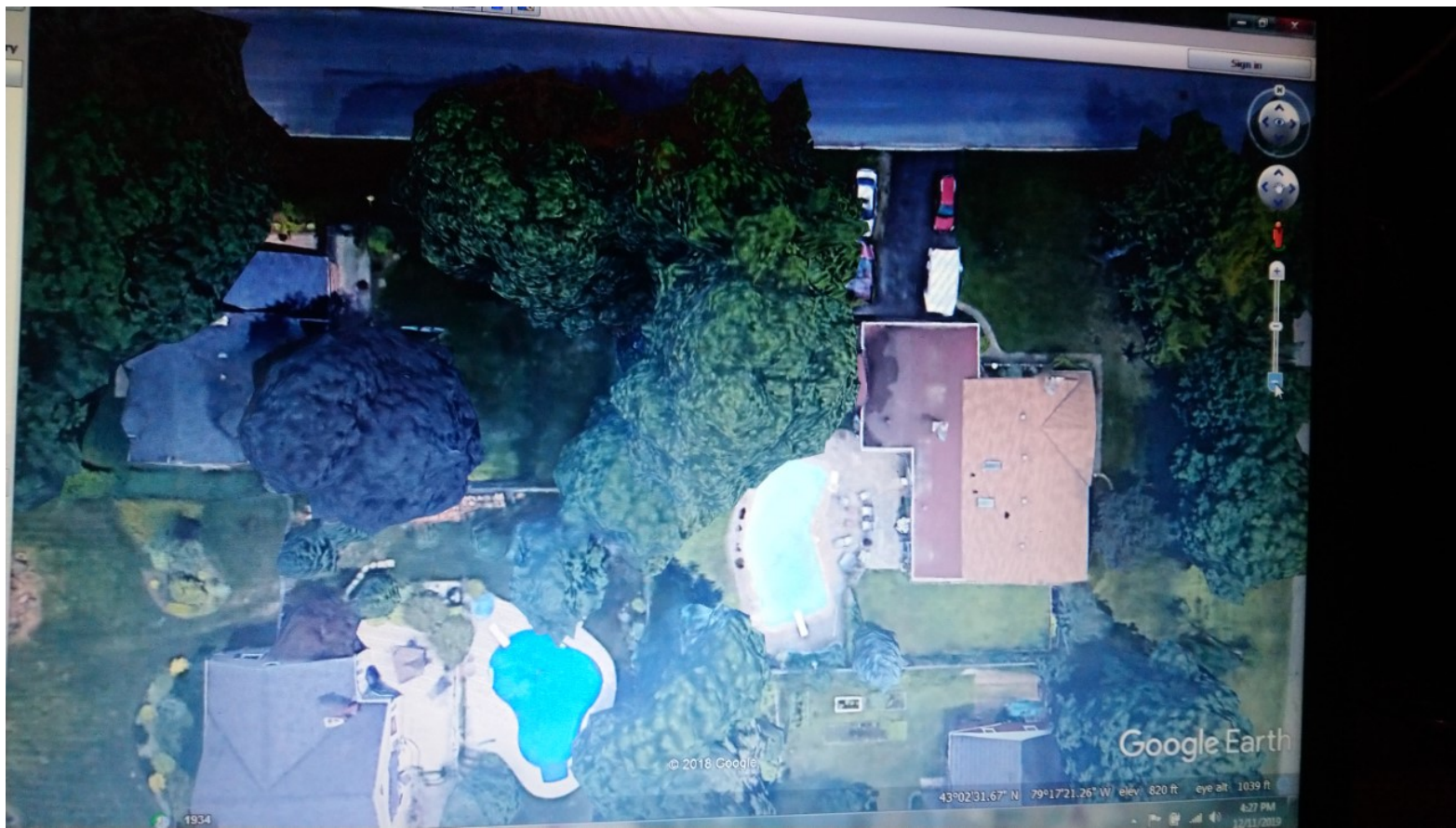
Highland Ave

Alan Crescent



100





From: [Nancy Bozzato](#)
To: [Holly Willford](#); [Curtis Thompson](#)
Cc: [REDACTED]
Subject: FW: 20 Alan Cres - Application for Bylaw Variances
Date: Thursday, January 2, 2020 3:27:10 PM

Dear Ellie;

We will add this correspondence to the Committee of Adjustment agenda for their consideration on these files and we will provide you with a copy of the Notice of Decision when rendered by the committee.

You are also welcome to attend the meeting.

Best regards,
Nancy

From: Michael Stefaniuk [REDACTED]
Sent: Thursday, January 2, 2020 3:14 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: 20 Alan Cres - Application for Bylaw Variances

Dear Town of Pelham Committee of Adjustment,

I am writing in opposition to the application for minor variances of Bylaws for the property at 20 Alan Crescent, File A29/2019P.

I am a long time resident of Fonthill, and spent all of my growing up years at 14 Alan Crescent, just down the street from the property in question. I continue to be a resident of Fonthill and feel it necessary to express my opinions regarding this application for variance. I was quite surprised to actually hear of the variances requested in detail. My first reaction was quite an emotional one, but I fully understand the necessity for objectivity in this matter. It seems as though the application is requesting several variances:

1. reduced minimum lot area
2. reduced minimum lot frontage
3. increased maximum lot coverage
4. reduced minimum front yard
5. reduced interior side yard
6. reduced rear yard

Now, we could argue that each one of those individually is a MAJOR variance,

enough reason to question the appropriateness of this application. But who decides what is minor and what is major? However, when you put of of these requests for variances together, it surely is a MAJOR change to the original intention of the by-law. To me, it is akin to stuffing size 10 feet into shoes many sizes too small, shoe-horning a house into the already small back yard of an existing property.

And that is where the biggest problem lies. This request to change the existing by-law in so many ways completely goes against the original planning and character of this neighbourhood. It is a neighbourhood full of beautiful 50s, 60s and 70s homes. Homes that are generally one story homes built on spacious lots. Large mature trees allowed to grow because of that very intent to create a certain feeling and look so many years back. A feeling and a look that has been kept that way and enjoyed and treasured by residents throughout the years. Shoe-horning a small home into an already small backyard is opposite to what the feel of the neighbourhood is now and has been since its inception. It goes against the natural beauty and spaciousness that the original by-law was surely written intending to uphold. If the changes to the by-law go through, what potential changes could then be made by developers looking to squeeze homes in into every spare nook and cranny? How could the original character and feel of this neighbourhood be upheld then?

Long time residents of this subdivision, more recent residents and potential buyers all gravitate to such a neighbourhood because of its existing feel. The non-crowded homes, spacious lots, mature trees, room for their kids to run and play and throw a ball around in the front, back and side yards. They live here because they get a subdivision feeling without the crowdedness of so many of the newer neighbourhoods. When they look out their windows, they don't see the horrible sight of a wall of the nextdoor home built too close. They see a spacious lot and gardens. Room to move around.

Certainly, there have been areas zoned in Fonthill for intensification. Where homes are packed in as close as possible. This is not one of those areas. Why open the door for that to happen? Why allow changes to the very character of such a treasure neighbourhood? You would be devastating those who now live there, you would be changing the character of the area, you would be turning off potential buyers who are confused by the lack of a homogenous context of homes and yards. A mid-century neighbourhood should hold on to its feel.

Thank you for your consideration of my opinion in your analysis of the application.

Regards,
Ellie Stefaniuk
█ Meadowvale Drive, Fonthill, L0S 1E4
formerly of █ Alan Crescent, Fonthill

Sent from [Outlook](#)

Sent from [Outlook](#)

From: [Nancy Bozzato](#)
To: [Crysler, Deborah](#); [Curtis Thompson](#)
Cc: [REDACTED]; [Holly Willford](#)
Subject: RE: Opposition to the change in By-Law as it pertains to 20 Alan Cres
Date: Thursday, January 2, 2020 3:29:08 PM

Dear Mr. and Mrs. Crysler

Thank you for your correspondence relating to these application files. We will add your letter to the agenda for consideration by the Committee of Adjustment in their deliberations on the file and we will forward a copy of the Notice of Decision once rendered.

Best regards,
Nancy

From: Crysler, Deborah [REDACTED]
Sent: Thursday, January 2, 2020 3:22 PM
To: Nancy Bozzato <NBozzato@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
Cc: [REDACTED]
Subject: Opposition to the change in By-Law as it pertains to 20 Alan Cres

To whom it may concern,

We are residents of [REDACTED] Alan Crescent and want to register our opposition to the By-Law changes to 20 Alan Crescent for the reasons listed below.

- 1) When our house was built in the 1950's, the town had created residential zoning by-laws which stipulated how you can build a house on these properties. One of the main reasons we choose Fonthill when looking to purchase a house was because this specific neighbourhood has large lots with space between houses. We have called [REDACTED] Alan Crescent home now for almost 20 years, building our family and life in this home. To change these building by-laws would drastically change the dynamic and historic charm of our neighbourhood.
- 2) In Fonthill there is many opportunities for development in other area of the city ie the Fonthill East development which has met the Provincial urban density plan.
- 3) Potential drastic changes to our neighbourhood were only recently brought to our attention, not by the city, but by a concerned neighbour.

Please register our Opposition for the changers in the By-Laws

Thank-you

Deborah and Randy Crysler
[REDACTED] Alan cres

CONFIDENTIALITY NOTICE: This electronic communication and attached material is intended for the use of the individual or institution to which it is addressed and may not be distributed, copied or disclosed to any unauthorized persons. This communication may contain confidential or personal information that may be subject to the provisions of the Freedom of Information and Protection of Privacy Act or the Personal Health Information Protection Act. If you have received this communication in error, please return this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you for your co-operation and assistance.

From: [Nancy Bozzato](#)
To: [David Reid](#)
Cc: [Marvin Junkin](#); [Mike Cioffi](#); [Marianne Stewart](#); [Ron Kore](#); [John Wink](#); [Lisa Haun](#); [Bob Hildebrandt](#); [David Cribbs](#); [Barbara Wiens](#); [Shannon Larocque](#); [Holly Willford](#); [Curtis Thompson](#)
Subject: RE: 20 Alan Crescent
Date: Thursday, January 2, 2020 3:36:16 PM

Dear David;

Thank you for submitting correspondence relating to the applications pertaining to 20 Alan Crescent. We will include your correspondence on the hearing agenda for consideration by the Committee of Adjustment during their deliberations on this matter. We will also provide you with a copy of the Notice of Decision once the committee has rendered their decision. Please note that you are welcome to attend the public meeting relating to this proposal, in addition to having provided written comment.

Please note that the Committee of Adjustment is a separate decision-making body, authorized through Council appointment and tasked with considering applications for consent (severance) and minor variance, pursuant to the provisions of the *Planning Act*.

Best regards,
Nancy Bozzato

From: David Reid [REDACTED]
Sent: Thursday, January 2, 2020 3:32 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Cc: Marvin Junkin <MJunkin@pelham.ca>; Mike Cioffi <MCioffi@pelham.ca>; Marianne Stewart <MStewart@pelham.ca>; Ron Kore <RKore@pelham.ca>; John Wink <JWink@pelham.ca>; Lisa Haun <LHaun@pelham.ca>; Bob Hildebrandt <BHildebrandt@pelham.ca>; David Cribbs <DCribbs@pelham.ca>; Barbara Wiens <BWiens@pelham.ca>; Shannon Larocque <SLarocque@pelham.ca>
Subject: 20 Alan Crescent

I am writing this as my letter of objection to changes regarding 20 Alan Crescent. I have lived on Highland Avenue since the 60's and find that even the thought of making the proposed changes to the bylaws regarding this property is preposterous. We choose to live in this area because we enjoy the spacious lots, and don't want neighbors 4 feet from our back yards! If a person wants a tiny little lot there are plenty to be found elsewhere, just not in my backyard.

David Reid
[REDACTED] Highland Ave.
Fonthill

January 4, 2020

To the Committee of Adjustment;

From Ted and Angeline Galotta

■ Alan Crescent, ■

Regarding File: B11/2019P; A28/2019P; A29/2019P. 20 Alan Crescent

We have just recently become aware of the January 14 meeting. Thank you for allowing us an extension from Jan. 02 until Jan. 08 to submit our letter of objection.

We are residents at ■ Alan Crescent, down the street from 20 Alan Crescent and want to comment and register our opposition to the approval for said variances.

We are in total agreement with the neighbours immediately adjacent to 20 Alan, namely Foster Zanutto (■ Alan), Rob Jensen (■ Highland) and Roger & Peggy Barnsley (■ Highland). In the letters they have sent to the Committee of Adjustment.

We respectfully ask the Committee of Adjustment to deny all the requested variances and adhere to bylaw 1136.

We have concerns on the following issues.

How it would negatively impact the immediate neighbours and alter the character of the whole neighbourhood.

How it could set a precedent for severances of other similar properties which would lead to a degradation of the neighbourhood and change the town.

It would add to traffic mishaps due to the increased likelihood of street parking on a busy thoroughfare that has no sidewalks.

The new owner of 20 Alan looks to the Provincial Policy Statement to support his request to sever the property. I will use the same Policy Statement and give reasons why the property should NOT be severed.

Sections in red are from the Provincial Policy Statement. I follow this by addressing the negative impact the re-development of 20 Alan will have in an **environmental, economic** and **social** way on our neighbourhood.

Part III: How to read the Provincial Policy Statement

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among **environmental, economic** and **social factors** in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

(1) Are there any environmental benefits to this proposed project?

In our opinion there are NO environmental benefits to redevelop 20 Alan Cres. But there are definitely negative environmental impacts by taking large, established, treed, properties, out of neighbourhoods.

On the topic of large trees & biodiversity.

We reference **PPS 1.1.1h** which says that 'Healthy, liveable and safe communities are sustained by promoting development and land use patterns that conserve biodiversity and consider the impacts of climate change.'

And also **PPS 1.7.1J**, which advances 'Long term economic prosperity by minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature'

And also **PPS 1.8.1g** which speaks of **Energy conservation, air quality and climate change by maximizing vegetation within settlement areas, where feasible.**

In short, the above references say that, nature and biodiversity of vegetation help with human health, helps economy, helps fight climate change and is recommended.

The larger lots in our neighbourhood allow for more tree planting because the space allows it. More tree planting leads to greater biodiversity, as each neighbour selects different species that they have a preference for.

Oak, walnut, beech, tulip, maple, mulberry, cherry, magnolia, apple, peach, redbud, pawpaw, pines, spruce, tall cedars, nootka cypress.

All the above are mature trees found on either our own (5 Alan Cres) property or the three properties that abut ours (either side and behind). This does not include the town trees. And are just an example of the diversity that can be had on just 4 properties. The neighbourhood as a whole has many many more.

The larger lots of Fonthill offer a wealth of trees that are all tended by the homeowners. All contributing to an environmental treasure for the town.

Small lots produce NO large trees because there is NO room, and certainly NO biodiversity.

In addition, we should not depend on the town's street trees as our only source of large trees. If we do, then we would be poorer for it, and definitely lack the biodiversity.

A recent article said that 36 million trees are removed from urban & rural communities in the United States annually. It went on to say that "if we continue on this path cities will become warmer, more polluted and generally more unhealthy for inhabitants" said David Nowak, a senior US Forest Service scientist.

Even if you reduce this 36 million number by 1/10 (given the population difference between Canada and the U.S.) the number is significant. Fonthill is blessed with soil in which large trees thrive. The environment should be a main consideration for property development.

(2) Are there any economic benefits to this proposed project?

I can see no significant economic benefits, except for the short-term limited dollars made by the developer. I would argue that if this proposed project goes through it opens the door to other such severances and the town loses more of its uniqueness and character. Becoming at best'ordinary', and certainly a less desirable place to live and raise a family.

Fonthill is known for its character. Even down to its variety in home styles. We don't tend to have the 'cookie cutter' homes especially in the older sections. **PPS 1.7 d. states that 'Long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character,'**

Additionally, the property owners in the immediate vicinity of this project will most certainly suffer negative economic impacts in the form of decreased property value and resale desirability, and of course loss of enjoyment of their own property.

(3) Are there any social benefits to this proposed project?

Part IV: Vision for Ontario's land use planning system

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long-term prosperity, human and environmental health and social well-being should take precedence over short-term considerations.

Families are the core of our society and the Alan Crescent / Elizabeth Drive neighborhood is extremely successful at being conducive to family living. None of the properties should be severed into postage stamp size lots.

Here on Alan Crescent is a place where families are raised, children have a decent size yard to play in, and parents continue to live in the home for as long as they can, after the children have grown. This ability to stay in their home is afforded to them because many are bungalows, which gives them one floor living.

There are only 16 houses on Alan Crescent. Three of those are currently owned by people who grew up in the home as children, are now adults, and after their parents passed away, they moved back to live in the home themselves. And in a fourth case it is a grandchild of the original owner that lives in that home. (that makes it 4 of 16 homes).

That is why I say Alan Crescent is extremely conducive to family living and all properties should be maintained, in their present form. Truly a neighbourhood suited for all ages.

Additional reasons to deny the request for variances.

4.0 Implementation and interpretation

4.8 Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up to date with their official plans and this Provincial Policy Statement.

The zone bylaws and development permits laws are the current ones. The owner/developer of 20 Alan must work within those specifications and not request exemption from the laws in order to create homes that he wants and that are completely out of character with the neighbourhood. These are not minor variances that he is requesting, but major exemptions from the bylaws.

The very fact that so many variances are requested for 20 Alan is a clear indication that this project is not in keeping with the neighbourhood. All neighbours I have spoken to are in clear and united objection to this project.

Increased likelihood of street parking on Elizabeth that could lead to traffic accidents.

Reducing the size of the 20 Alan lot and adding a second dwelling would lead to 'on street parking' for both these dwellings.

Elizabeth St. is a heavily travelled thoroughfare for automobile traffic between Pelham Street and subdivisions beyond the immediate vicinity of Elizabeth & Alan. That being into the Daleview Cres. Daleview Dr. and beyond.

This increases the potential for pedestrian accidents as there are NO sidewalks. People walk quite a bit in this neighbourhood. Walk for pleasure, walk their dogs, walk to downtown, walk to the convenience store.

Increasing the number of households and decreasing the space for them to park their vehicles will lead to more street parking. Especially as the modern family tends to fill their garage with 'stuff', other than their car.

Right now we do not have the problem of street parking. Large lots give people the opportunity of having a decent size shed to store lawnmower, snowblower, and the rest of the 'stuff'.

How our own infill lot, at ■ Alan, was developed in a beneficial way

People that move to Alan Cres. take pride in their home and want to belong to the community.

I will emphasize this with personal comparisons. How we made every attempt to make our own house compliment the others around it.

In our case. At █ Alan Cres. we have an infill lot. New construction built in 1999. It's located behind the Historic Brown House.

The lot was severed from the Brown House in 1990. Sold to Marion Damude. The Damude's did not build. Angeline and I purchased it in 1998. But the story of █ Alan, and what is proposed for 20 Alan could not be further apart.

When planning and designing our home, we had to obviously abide by all the regular bylaws. Plus, we had an additional restrictive covenant registered against the land that was added by the Repchull's, who owned the 'Brown House' years earlier. The Agreement of Purchase and Sale said that 'No building shall be erected having more than one storey. No two-storey building shall be erected'. In essence it said that we could not build a two-storey house on our own property.

We could understand that the clause was important to the Repchull's so that any house built on the lot would integrate well with the neighbourhood in style, and also not dominate over the Brown House.

In addition, the severed lot size was made to be the same size as others on the street. Even though it did not have to be as large. When all the other lots were created in the 1950s and 60's. they had to accommodate septic beds. That was not the case with ours in 1990's. However, the lot we have was made to be similar to all the others, (80 x 155 ft). Again, for the sake of conformity.

To assist in making our bungalow integrate well with the other homes we made specific design choices.

- No east side windows overlook the Brown Homestead property (except two basement windows)
- One of the two mature street trees interfered with the location of our driveway. So, we altered the driveway to accommodate the tree.
- Most of the homes on our street are brick. All around, front and back. Not just brick front and siding it the back. We did the same. Brick all around.
- We chose a lighter shingle colour so the roof would recede and not dominate.

These are just some examples of how we tried to make a modern house fit into an existing neighbourhood.

By severing 20 Alan the opposite would be done. I see the new owner of 20 Alan making choices of personal benefit and disregarding how it will impact his neighbours.

What to do with 20 Alan Crescent?

To the Committee of Adjustments, we register my opposition and respectfully ask that that they deny all the requested variances. For the reasons that we, and all the neighbors have presented to you.

To the owner/builder of 20 Alan Cres. we would encourage him to follow the lead of the owners of █ Alan, 10 Alan, and 11 Elizabeth. All houses that had substantial renovations in very recent years, by their owners. Owners that have older properties but knew they had homes worth putting the money into. Creating better homes for themselves and the town.

Right now, 20 Alan Cres. has the ingredients to make a renovation work, and result in a very desirable home. It is dated, but it is a bungalow that has space inside and out to work with. It has it a double garage, something desired by modern families. Plus, it has great 'location'.

However; if the Proposed Re- Development is permitted to go through the new versions of 20 Alan would be multiple residences, on a corner lot, with no backyards to speak of. When it comes time for the builder to sell 20 Alan, it would be less desirable than a similar property nearby that has good lot size. What it means to the community if this and other similar variances are allowed is loss of character and uniqueness and individuality.

In conclusion:

There are good examples in this town of how redevelopment of land appropriately follows the guidelines of the Provincial Policy Statement and resulted in an increase of the housing supply. The East Fonthill development and the old Fonthill Lumber site are excellent examples of land that is redeveloped in a way

that promotes urban intensification. However, redevelopment of 20 Alan is disruptive and not beneficial to the neighbourhood.

We, the neighbours, choose to live in the type of neighbourhood we have. Just as someone moving to the Fonthill Yards chooses to live in that type of housing.

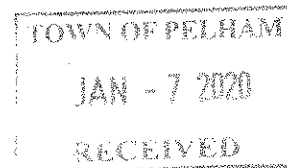
I have registered our objection. I have tried to convey how Alan Cres. & Elizabeth Drive is a successful neighborhood in its present form. I have given reasons why variances like this should not be given. I have even given an alternative as to what can be done with 20 Alan Cres.

I would hope that the Committee of Adjustment will adhere to the request of the neighbourhood and deny all these variances.

Regards

Ted Galotta

Angeline Galotta



January 6, 2020

Regarding File:

B11/2019P; A28/2019P; ~~A29/2019P~~. 20 Alan Crescent

To the Committee of Adjustment;

We are residents at ■ Alan Crescent, down the street from 20 Alan Crescent and want to comment and register our opposition to the approval for said variances.

We are in total agreement with the neighbours immediately adjacent to 20 Alan, namely Foster Zanutto (■ Alan), Rob Jensen (■ Highland) and Roger & Peggy Barnsley (■ Highland). In the letters they have sent to the Committee of Adjustment.

We respectfully ask the Committee of Adjustment to deny all the requested variances and adhere to bylaw 1136.

We feel such a project could set a precedent for severances of other similar properties which would have a negative impact on our neighbourhood and change the character of the town.

Regards

ERNIE CHIOLA - *Ernie Chiola*
CHARLOTTE CHIOLA - *Charlotte Chiola*

January 2, 2020

Mr. Curtis Thompson, Planner

Town of Pelham

20 Pelham Town Square, P.O. Box 400

Fonthill, Ontario, L0S 1E0

Re: Objection to Application for Minor Variance File A29/2019P

Mr. Thompson:

My husband Rob, and I are property owners at [REDACTED] Alan Crescent. Our son, Francis Berketo and his partner, Marta Iwanisik are also owners and live there permanently. I grew up at that address and lived there until I was married in 1990. My parents purchased the property from the original farm owner, Mr. Brown and lived there until 2018 when my Mom passed. My uncle, Steve Dajka has lived at [REDACTED] Alan Crescent since 1958. He is the longest residing resident on that street. The street still has several original owners or their kids living there including the Herons, Lymburners, Boyles, Dajkas, and Szemans (Berketo).

This subdivision is typical of those built in Fonthill around the same time. Generous lot sizes, unique homes, large front yards and treed lots are what attracted home owners initially. Through the decades there have been little change save for the subdivision of the original Brown property lot in the late 70's and 80's. There is a defined character to the neighbourhood. The architectural style is typical of the mid century and sometimes modern designs. The garages are flush with the front elevation of the house or tucked under or to the side of the house. The front door is dominant often with a porch. Many houses have large windows facing the street and the roof lines are low in pitch. These large windows afforded the homes lovely views both to the front and back yards where ample green space provided opportunities for play, relaxation and entertainment. The overall proportion of the house is horizontal rather than vertical. It is a desirable and sought after subdivision to live in.

We do not support the proposed minor variances to the property at 20 Alan Crescent for the following reasons, primarily based on specifics in the Official Plan and the four tests to measure a minor variance.

Official Plan

The official plan outlines specific areas for intensification such as the areas of Fonthill West, Fonthill East and Fonthill South. These will provide ample opportunity for increased density. To try and fit a new home into an existing mature subdivision with a defined character is out of place.

Section 2.3 of the Official Plan discusses urban character. Under 2.3.1 and 2.3.2 the goal is to "protect and enhance the existing urban areas and respect the character of the existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood." It also states that another objective "is to maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development is compatible with the scale and density of the existing development." As outlined earlier, this development contravenes that Official plan objective. The new development will not be physically

compatible nor maintain the character or stability of the neighbourhood. The appearance, layout, building footprint and overall proportion of building to open space, combined with the removal of the trees on the new lot and perhaps damage to adjacent property trees will greatly impact and highlight how out of character this new development will be. It is not compatible with the existing neighbourhood.

Tests for Minor Variances

In terms of the tests to measure a minor variance I would like to review the following.

1. Is it minor in nature?
2. Does it meet the intent on the official plan?
3. Does it meet the intent of the zoning by law?
4. Is it an appropriate development or is it compatible with the density and character of the surrounding neighbourhood.

We realize these may all be somewhat subjective but when the first three tests are combined with the fourth it illustrates that this application does not pass the test to measure a minor variance. Points 2 and 4 have been covered in the paragraph dealing with the Official Plan.

The Notice of Hearing outlines the three points as part of the minor variance application:

13.2 e) minimum interior side yard from 1.8 to 1.2

13.2 d) minimum front yard from 7.7 to 6.19

13.2 g) minimum rear yard from 7.5 to 6.48

When reviewed in isolation these may seem minor however when compared to the other properties on both Alan Crescent and Elizabeth Drive and what is existing, allowing these variances would result in a very small property overwhelmed by the building. The building envelope will overwhelm the lot and be out of character with the others in the area. The lot size itself will be 25% narrower than the smallest property found on both streets and visually will appear as a home that is out of character and scale with its surroundings. Therefore the above changes to the by-laws would collectively be major. It would perhaps be more appropriate to newer subdivisions such as those in the Fonhill West development area.

Context

As stated in the Official Plan, any new infill must be compatible with the surrounding context. This development will not be.

The size of the front yard green space when the driveway is added will be a fraction of any other lot in the subdivision.

This property will create a solid building mass in close proximity to the existing home at 20 Alan Crescent. This home has several rooms that face onto the west side of the property including a family room and kitchen. These rooms, where previously looking out into a treed back yard and significant open space will now have only a few feet before they are confronted with a side wall of a house.

The urban tree canopy is something that is always in jeopardy. This property has several large mature trees that contribute to the urban canopy and provide a visual screen between the rear yard of 20 Alan and the homes on Highland Avenue. This development will require the removal of those trees and likely damage the root systems of the mature trees at the Highland Avenue homes, leading to their eventual decline. With no green screen the intrusion of the new property on the surrounding existing ones will be even more worrisome.

The increase in impermeable surfaces will place additional strain on the infrastructure and it is unlikely the storm water will be accommodated on site.

Collectively, the above points further illustrate the inappropriate nature of this proposal.

We kindly ask that these points be registered and that I (Paula) may have an opportunity to speak at the public hearing. In addition, we would like to be informed of the progress of this file.

Regards,

Paula and Rob Berketo, Co-Property owners at

■ Alan Crescent

Home address:

■ Rolling Acres Crescent,

Niagara Falls, Ontario L2J 1E5

■

■

December 8, 2019

To: Ms. Nancy Bozzato
Town Clerk/Secretary-Treasurer
Town of Pelham

From: Peggy and Roger Barnsley
█ Highland Avenue
Fonthill, ON

RE: FILE A28/2019P – 20 Alan Crescent, Pelham

I'm responding to File A28/2019P regarding 20 Alan Crescent, Pelham. We are the owners of █ Highland Avenue which borders right behind (█) the proposed construction of an additional residential dwelling on the property of 20 Alan Crescent, Pelham. Our back of our house faces the back of 20 Alan Crescent.

To start, I have grown up in Pelham and over the years have seen a growth in areas within the town. Land that was once was farmland, agriculture properties, orchards and double lot properties have been bought and developed. The additional residential housing, commercial establishments, expansions and retirement facilities have benefited our community in providing "in-town" shopping venues, homes for our "life-long" citizens to reside, returning "Pelhamers", and for people who want to reside in the town that was reputable for its uniqueness and small-town community environment.

The land our home is on was once farmland that was severed and sold to accommodate single dwelling homes. These properties were spacious, private and provided growing families enough green space for their children to grow up. It followed the compliance in conjunction with how the small community was built. Yes areas, especially those with double lots, have developed but this area is one that still represents the "mirror" of Pelham. These homes are sought after and envy of others who would love to reside in this area because of the privacy, spacious lots with room for families to enjoy. We bought our house 20 years ago exactly for these reasons. We wanted to raise our children with the safety, security, comfort and the green space of enjoying life without the "closeness" of neighbours sitting on top of us and able to sight everything we did. This neighbourhood gave us that and it was never a thought that one day the town was going to even consider allowing someone to come in and take that away.

This individual, who purchased the residential home behind us (20 Alan Crescent), application is requesting to build an additional dwelling on a lot that was designed and purchased for a single dwelling home. They are not only asking for one but requesting a variance in all by-laws to build on this property. They are also asking that the back of the current house now be deemed the side of the house to avoid any regulations. I'm sorry I don't see this as a minor variance, when asking for a modification to all the town's by-laws set for residential building on a lot, by-laws that were set and voted on when living right behind the planned building it becomes a major variance. You are asking people who have lived in this neighborhood for many years to allow someone, from out of town, to come in and disrupt the development of our neighbourhood that we have lived in. It not only will be an eye sore; it will lower the value of all homes in the area and it will not accommodate with the surrounding dwellings of this neighbourhood.

Page 1

In neighborhoods and communities across the country, zoning laws dictate the specific type of property that can be built in various locations. Although this may seem restrictive, zoning is a crucial element of city planning that helps ensure communities of all sizes grow in a sustainable and organized manner. When you are planning on purchasing a new home in an area you may be unfamiliar with, taking time to explore and identify zoning regulations in your area could help you catch a glimpse into the future of what your neighborhood will look like and how it will grow over time. Homeowners, families look at this when purchasing a “home”, developers look at the “dollar figures” that it will bring to their wallet.

The R1 Zoning is one of the most commonly found zoning types in residential neighborhoods. This classification allows single-family homes to be built, with one unit intended per lot.

When an area receives a zoning classification from city planners, only the specific types of structures approved by the city can be built in that area. In a neighborhood environment, R1 Zoning helps ensure that the area remains relatively low regarding density and help boosts its appeal for new families.

The Town of Pelham's Zoning Bylaw 1136 (1987) contains detailed information on what kind of land use and physical structures are allowed on each property in the town. The details include items such as the height of buildings, number of metres a building must be set back from the street, and landscaping requirements, etc.

Are we opening the doors for these developers and purchasers to come in and disrupt our community and force long time residential citizens to feel that they are being pushed out of their community that they refer to as our “home”? Allowing this will not only disdain the by-laws that are set in place for our town development, it will make our town’s character depreciate giving the impression that our town is only after the profit that developers bring in no matter what deterioration it brings to the “community environment”. Developers and owners of a property should not be allowed to apply for variances to the by-laws that are set. They should be adhering to these by-laws. Allowing this to happen we are just opening the doors to others to come in and do the same. If you let one others will follow and before you know it the appeal of our small-town community will be diminished.

These people have no intention of residing in the purchase, they are using them to sell and, in this case, rent out the units. They are looking at the dollar profit and not the value of living in “Pelham”. They do not respect the care, pride and passion that we, the people from Pelham take in maintaining our properties and living in Pelham. We all know, and have seen it ourselves, that property owners that have no vested interest in the town but only a monetarily interest do not care for their property or dwelling. They leave it to the renters to maintain their properties and homes and you know how that turns out. Currently the owner has the house rented out and It’s only been a short period and we already had police at the house. Does the owner care, no, they are getting their rent and letting the neighbours and community deal with any deterioration, disruptions and offences that occur with the renters? All about the money to them and we should not allow them to trash our town image.

So why are we even considering this application if they do not meet, not one but all of the stated by-laws? Why are we risking the reputation of our town? Are we a small-town community that is passionate about our neighbourhoods, our environment, our families and our status or are we going to allow developers and new out of town owners take over and turn the "Town of Pelham" into the "City of Pelham"? I'm sure we all know the downfalls of a "City". Being opposed to this application I hope that you consider what is right for the neighbourhood and what keeps "our town our home".

We would like to be notified of the decision of the Committee of Adjustment (Committee) in respect to this application (File A28/2019P).

Thank you for your consideration to our strong thoughts on this proposed development.

Peggy and Roger Barnsley
Highland Avenue, Fonthill, ON
[REDACTED]

From: [Yolanda Bostock](#)
To: [Holly Willford](#)
Subject: Fwd: File A28/2019P
Date: Tuesday, December 31, 2019 8:02:12 AM

Please see email below. I sent it to your co - worker, however she is away until Jan 2 and we only have until the 4 th to voice our displeasure.

I wanted to make sure my email was read.

Thank you

Yolanda Bostock

----- Forwarded message -----

From: Yolanda Bostock [REDACTED]
Date: Tue, Dec 24, 2019 at 2:14 PM
Subject: File A28/2019P
To: NJBozzato@pelham.ca <NJBozzato@pelham.ca>

To: Town adjustment committee

I am sending you this email to oppose the changes in variances in the above noted file. Our neighbourhood is so lovely. It is why we purchased our home here and are doing everything we can to keep it that way. My husband and myself as well as our neighbours take pride in our properties and like the fact that we don't live on top of each other. If you allow this person to adjust these variances in our bylaws you are opening the door for more development in this beautiful, quiet neighbourhood.

Thank you

Yolanda Bostock

Good Afternoon

Re: File A28/2019P and A29/2019P

I find it laughable that the town is considering this a “minor” variance to the R1 zoning of the questioned land. It contravenes the first five points of R1. Five variances of a possible nine, eight if you don’t count the exterior/interior yard because it can’t be both. It doesn’t even adhere to all the bylaws of R2 or R3 and undermines the general intent and purpose of the R1 Zoning By-law for our neighborhood.

How will the house directly to the South on Allan Cres be affected? Are they to expect a “backyard fence to be built down the side of their property to the road? If part #2’s facing is changed to Elizabeth St. such a situation would be perfectly legal. How will visibility be affected? Parking? My children walking to school or riding their bikes? What if the town ever came to its senses and started adding sidewalks to our neighborhood? Was it not in the plan to omit sidewalks due to the large lawns, open lots and long driveways of R1 and R2 Zoning in our area? Because I can’t help but notice that the areas that are zoned to accept this proposed house all include sidewalks.

There is also no mention of the size or design of the house. A few minor adjustments to the proposed building envelope would lessen the number of variances required but it seems like the party isn’t concerned with the by-laws that I was required to adhere to when adding an addition to my home two years ago.

I was thinking of building an ice rink for my kids in my backyard this year but was worried of the amount noise for my neighbors. Apparently building another house back there would be more in line with the towns “new” overall plan.

Thank you for your time regarding this matter.

Jeff Kerr

■ Highland Ave. Fonthill

From: [Nancy Bozzato](#)
To: [REDACTED]; [John Wink](#); [Holly Willford](#); [Curtis Thompson](#)
Subject: RE: objection to files a28/2019 and file a28/2019p.....
Date: Wednesday, January 8, 2020 9:20:19 AM

Dear Mr. Marando;

Thank you for submitting comments relating to these applications. Your correspondence will be added to the Committee hearing agenda for consideration by the Committee of Adjustment during their deliberations on the applications. We will also provide you with a copy of the Notice of Decision.

I am uncertain as to why the email did not initially come through, so thank you for the follow-up.

Best regards,
Nancy Bozzato

From: John Wink
Sent: Wednesday, January 8, 2020 8:55 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Fwd: objection to files a28/2019 and file a28/2019p.....

Hi Nancy,
Apparently Jim Morrando tried to send this to you but it was rejected. This is his comments regarding the COA meeting on Jan 14.
John

Sent from my iPad

Begin forwarded message:

From: jim marando [REDACTED] >
Date: January 7, 2020 at 8:51:33 PM EST
To: "jwink@pelham.ca" <jwink@pelham.ca>
Subject: objection to files a28/2019 and file a28/2019p.....

hi john i attempted to send this off to the clerk ms. bozzato but it was rejected so i am sending this off to you hello ms. bozzatoi am requesting an extension as noted via my last emaili along with many of our neighbors on elizabeth drive and highland ave. feel to compelled to object to this proposal for the following reasons ..8 variances lumped together do not constitute one minor variance...this is an r1 property for over 44 years that i can attest tothe front yard does not conform to the zoning bylawthe 3 too small side yard setbacks do not conform to the bylaw.....the length of the proposed front yard is not long enough for a car park.... the lot square footage is undersized per bylawthe lot

coverage of the proposed building is too great as per the bylawdon't know whether a 1 ,1 1/2 or 2 storey is proposed....feel strongly that approving any or all of the variances would set a precedent detrimental to this neighbourhood and others..as i look out from my yard i can see 4 to5 potential lot creationsthis is an established and mature neighborhood should not be compared to so many of the current sardine can developmentsthat this list of variances are not minorthere is a valid zoning bylaw so just enforce the bylawthe time of 4 o'clock for the hearing though it works for me.... many neighbours have to make special arrangements just to attend ...that this type of variance affects the entire neighbourhood and not those just within 200 ' which is far too tiny a distance (this minimal distance in an area with 100' lots works for building a deck or storage shed) not this type of area.....everyone on the street affected should be contacted and given the opportunity to comment ...the general intent of the zoning bylaw is not being maintained...the official plan has no provision for cutting up existing single family lots to create infill lotsyellow signs erected should clearly list all the variances without having to research the bylawsas i have said many times before " just enforce the bylaw"recommend all existing vacant /infill lots be identified before any new zoning bylaw is developedand formulate a plan to deal with them in the futurethe great burden being placed on the committee of adjustments to deal with this type of lot creation/severance from back, side or front yards of existing residences in longstanding neighborhoods should be not fall under this process.....council should be the judge and jury deal with such proposals that would create a precedenturge the committee to pass this on to city council.....again john i am sending this to you as the my message wasn't delivered because the destination email rejected it for policy or security reasons??????.....jim marando [REDACTED] highland ave [REDACTED]

From: [Nancy Bozzato](#)
To: [Jackie Oblak](#)
Cc: [Holly Willford](#); [Curtis Thompson](#)
Subject: RE: 20 Alan Crescent/Part Lot 18 Plan 721
Date: Thursday, January 2, 2020 1:47:47 PM

Dear Jackie;

Thank you for your correspondence. We will include this on the hearing agenda and the Committee will take the comments into consideration. We will provide you a copy of the Notice of Decision when rendered by the Committee.

Best regards,
Nancy

From: Jackie Oblak [REDACTED]
Sent: Thursday, January 2, 2020 12:16 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: 20 Alan Crescent/Part Lot 18 Plan 721

TO: Pelham Committee of Adjustment
RE: Files A28/2019P; A29/2019P

General Comments on Intent to Severe Part Lot 18 Plan 721 and associated Minor Variance Applications

1. Given that **eight (8) requests for relief** are associated with this application for severance, the requests in these Minor Variance Applications should not be considered cumulatively as minor and therefore **should not be considered by the Committee of Adjustment**. This number of requests for relief are in themselves a clear indication that the applications run counter to the "general intent and purpose of the zoning."
2. Further, given that the severance and coverages would be potentially precedent setting in an established neighbourhood with established R1 zoning **this is not a minor issue** and **should not be considered by the Committee of Adjustment. It should be noted that a large percentage of homes in Fonthill are under R1 zoning and have the potential to be affected.**

The community of Fonthill as a whole is experiencing a large amount of growth and as such requirements for intensification are being met in new developments. The concept of intensification should not be applied to established areas of Fonthill where it is not suitable and will be disruptive. A good community plan provides consistent zoning so as to encourage stability. Inadequate planning decisions which change zoning midstream and allow unplanned and unexpected changes decreases stability, resulting in decreases in the value of the community and specifically affected neighbourhoods.

Detailed Comments and Rationale
File A28/2019P

The **Minimum Lot Area** of the proposed lot is only **62%** on the MINIMUM zoning by-law requirements. Forming a lot which is 1/3 less than minimum requirements is a *substantial* reduction in lot size which, coupled with the proposed reduction of **Minimum Interior Side Yard** and **reductions in Minimum Front Yard** and **Minimum Rear Yard**, has the potential to create a number of issues for the proposed properties as well as adjacent properties.

Maximum Lot Coverage, proposed to increase **from 30% to 45%**, cannot be considered a minor variance. Further, at a time when the Town of Pelham, the Region of Niagara, the Niagara Peninsula Conservation Authority, and so many others are considering impacts and adaptive measures of climate events such as the heavy rainfall events, which are projected to become more frequent in the future, increased lot coverage affects the loading of stormwater systems. Given that the actual percentage of impervious surface coverage once driveway, walkways, and patios, etc. are factored in is likely to increase to well above 50%, this is not minor in nature and has the potential, once precedent is set, to be repeated over time. Reduced permeable surfaces couple with increased Intensity-Duration-Frequency (IDF) curves may result in the cumulative impact of stressing stormwater infrastructure, as has occurred in so many other communities.

The site plan does not include the current placement of the mature trees. Mature trees and good tree canopy cover are another important component of the community in general and characteristic of this neighbourhood. Residents and the Council of Pelham have clearly demonstrated the importance of trees to the community through ongoing discussions of protection of the canopy from gypsy moth. Removal of mature trees to accommodate intensification runs counter to community values and it must be demonstrated that severing and further development of this lot will not affect the health and viability of mature trees on this site or adjacent sites. I have seen no reference to consideration of trees in the applications. Loss of a few large trees may at first glance may not be considered an issue but will result in significant losses of tree canopy through cumulative loss if this type of lot size reduction is allowed throughout the community.

File A29/2019P

Similar to the above discussion, there would be an increased percentage of impervious surface on this proposed lot, something which is not indicated in the application. Even assuming that the **Maximum Lot Coverage** falls below the 30% threshold, the percentage coverage will increase significantly. The proposed **Minimum Interior Side Yard** reduction to 1.2m, especially when coupled with the adjacent proposed reduced setback of 1.2m, sets up the potential for drainage issues and conflict where none now exists. At minimum it can be assumed that drainage in this area would be fed straight out to the street, significantly reducing any potential onsite infiltration capacity and increasing stormwater loading.

The proposed **Minimum Rear Yard** reduction has the potential to affect neighbouring properties, influencing adjacent property values due to nuisance factors. Though this is a difficult variable to measure it can be significant should not be overlooked. The cumulative effects of this type of setback reduction can adversely affect neighbourhoods as a whole.

Summary

Unsuitable intensification and zoning decisions threaten neighbourhood values, both monetary and quality of life.

Allowing 'infill' in the established R1 zoning;

- reduces the potential for retaining a healthy mix of housing options in Fonthill, vital for a balanced, healthy, community
- creates uncertainty,
- increases the potential for conflict, and
- reduces the community values that make Fonthill a desirable place to live in, and
- has the potential over time to increase stresses on existing infrastructure.

Pelham is addressing intensification in new build neighbourhoods with subdivisions which include a high percentage of townhomes and apartments.

Individually, these applications are not minor in nature. Given the large number of relief requests, the impacts and implications of the requests for relief much considered cumulatively. In that light the combined requests are definitely not minor, have the potential to affect many aspects of not only the neighbourhood but the community as a whole, and as such do not fit the general intent and purpose of the R1 zoning. They should not be considered minor by the Committee of Adjustment.

I strongly urge the Committee of Adjustment to decline these Applications for Minor Variance Files A28/2019P and A29/2019P, 20 Alan Crescent, Part Lot 18, Plan 721.

Regards,

Jackie Oblak

■ Petronella Parkway



From: [Nancy Bozzato](#)
To: [REDACTED]; [Curtis Thompson](#)
Cc: [Holly Willford](#)
Subject: RE: File A28/20 Alan Crescent
Date: Thursday, January 9, 2020 3:15:42 PM

Thank you Ms. Belanger. We have received your correspondence and it will be forwarded to the committee of Adjustment for their consideration.

Best regards,
Nancy

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

From: GMail [REDACTED]
Sent: Thursday, January 9, 2020 1:35 PM
To: Nancy Bozzato <NBozzato@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
Subject: File A28/20 Alan Crescent

Hello

I have recently been alerted to this proposal at 20 Alan Crescent and I would like to voice my objection at the meetings on January 13th and 14th.

I am not in favour of this contractor trying to change the zoning restrictions and guidelines we all have to abide by. This kind of proposal destroys the reason our neighbourhood is our neighbourhood.

If this proposal is passed it opens the door to contractors buying up properties and rearranging all the zoning laws to benefit themselves.

Our neighbourhood is our sanctuary it is where we reside, where we enjoy the beauty of Fonthill. We do not want these developers changing that.

My address is [REDACTED] Elizabeth Drive.

Diane Belanger and Randy Walinga will be in attendance on both of the dates stated above.

Sincerely
D Belanger

Sent from my iPhone

From: [Jodi Legros](#)
To: [Curtis Thompson](#); [Holly Willford](#); [Sarah Leach](#)
Subject: FW: Rezoning of 20 Alan Crescent
Date: Friday, January 10, 2020 12:05:19 PM

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

From: noreply@pelham.ca [<mailto:noreply@pelham.ca>] On Behalf Of Graeme Potts
Sent: Friday, January 10, 2020 12:02 PM
To: Jodi Legros
Subject: Rezoning of 20 Alan Crescent

We want to register our protest against this rezoning. We live just down the street on Elizabeth Drive. We bought SPECIFICALLY for the neighbourhood, the houses and the lot sizes. Allowing this ONE rezoning will set an important and very unfortunate precedent that could affect all properties in this beautiful neighbourhood.

It's part of the charm and attraction of Fonthill; having such wonderful neighbourhoods.

And to what benefit? A few tax dollars? This would be extremely irresponsible on the part of Town Council and show where its responsibilities really lie.

Please note and register our protest against allowing such an important precedent to be allowed.

Sincerely

Graeme Potts

■ Elizabeth Drive

Origin: <https://www.pelham.ca/Modules/contact/search.aspx?s=2uLtzJt5IA5HIngAojQI5IA5H6JTjAeQuAleQuAl>

This email was sent to you by Graeme Potts [REDACTED] through <https://www.pelham.ca/>.

20 ALAN CRESCENT

TOWN OF PELHAM

APPLICATIONS FOR CONSENT AND MINOR VARIANCE

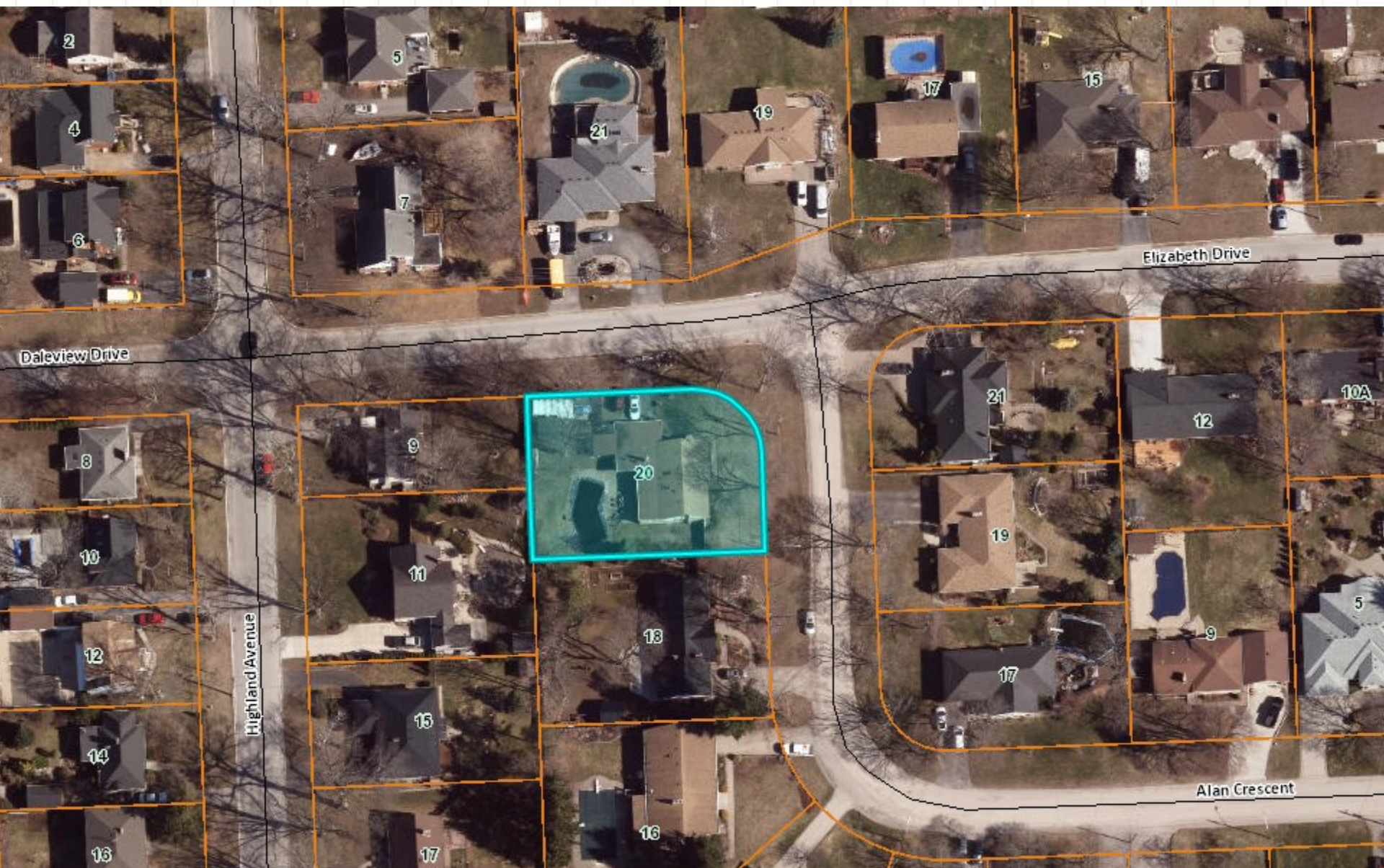
CONSENT FILE NO. B11/2019P

MINOR VARIANCE FILE NOS. A28/2019 & A29/2019P

Craig Rohe, MCIP, RPP
Senior Planner
Upper Canada Consultants



**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS







Applications for Consent and Variance

To create a new 432.82 square metre lot for residential development.

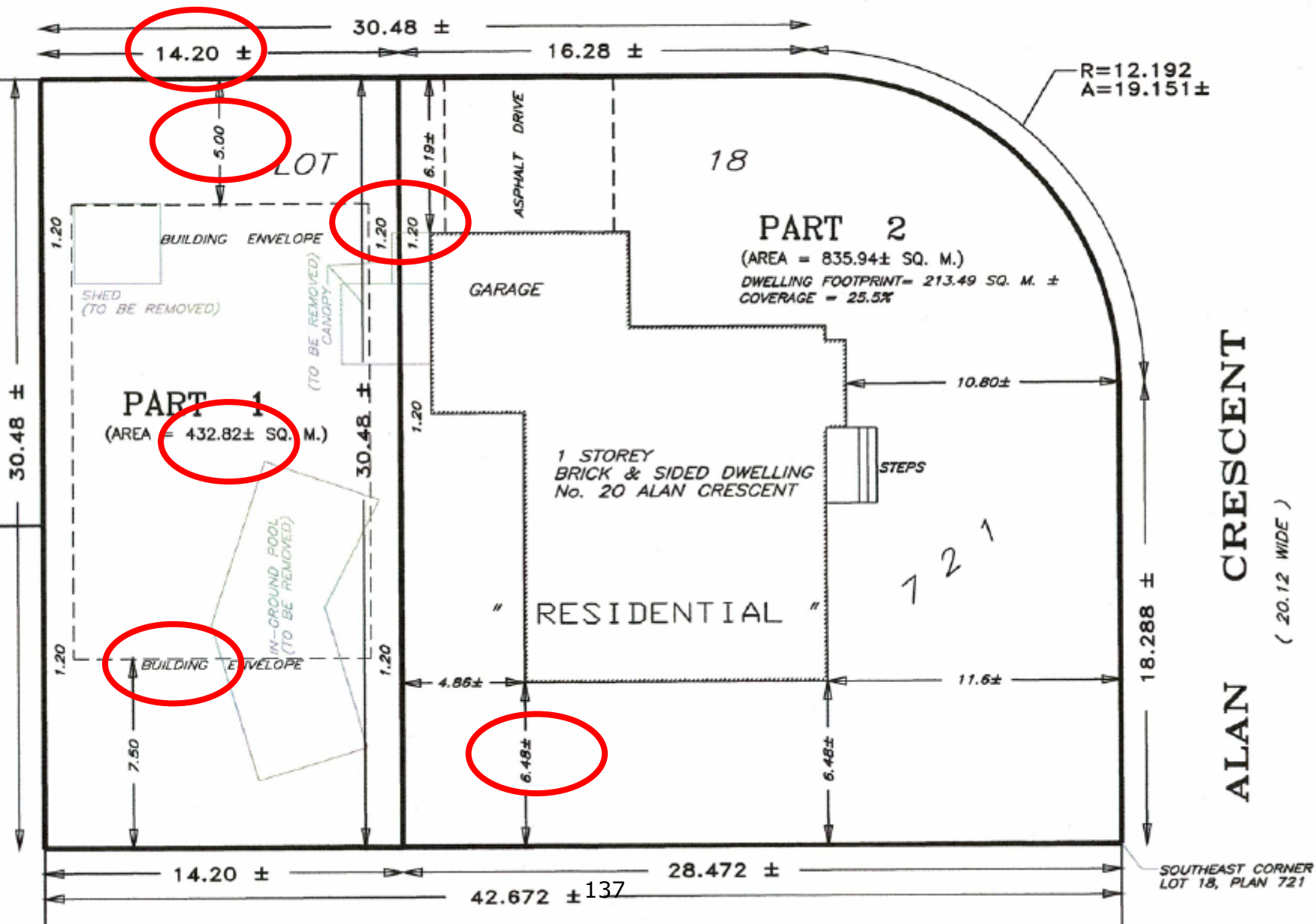
Remnant parcel will be 835.90 square metres

Variances are for:

- Minimum Lot Area
- Minimum Lot Frontage
- Maximum Lot Coverage
- Minimum Front Yard
- Minimum Interior Side Yard
- Minimum Rear Yard

(20.12 WIDE)

ELIZABETH DRIVE



January 14, 2020

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

Re: Consent Application B12/2019P
686-690 Quaker Road, Pelham
Part of Lot 177, RP 59R-3067, Part 1
Roll No. 2732 030 019 04100 – 2732 030 019 04200

The subject parcel, shown as Part 1 on the attached sketch, has 22.56 m of frontage on the northwest corner of Quaker Road and Clare Avenue, legally described above, and known locally as 690 Quaker Road in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 907 m² of land (Part 1) for future development, undetermined at this time. 1382 m² of land (Part 2) is to be retained for continued commercial use known as 686 Quaker Road.

Note: The severance is intended to divide the parcel along the pre-existing lot line which formerly separated the two parcels before they inadvertently merged in title under the same ownership.

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 severance seeks to (re-)create a separate building lot and will allow the current owner to dispose of this land which is surplus to their needs. The proposed consent application on its own does not facilitate any direct or specific *intensification* which is a result of the zone category in effect. The lot geometry is traditional and will not cause any adverse impacts as a result of its re-creation.

Provincial Policy Statement (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.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.3 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 creation of this lot will not hinder, nor facilitate future redevelopment and intensification as the separate lot is not required for new real estate development or *Planning Act* applications. Instead, approving the proposed lot to re-exist will allow the current owner to sell Part 1 to a prospective buyer who may have the capacity to undertake future development projects on the under-utilized *urban land*.

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 2.2.7 Designated greenfield areas – states that new development in *designated greenfield areas* will be planned, designated, zoned and designed in a manner that:

- a) Supports the achievement of *complete communities*;
- b) Supports *active transportation*; and
- c) Encourages the integration and sustained viability of transit services.

The minimum density target applicable to the *designated greenfield areas* of Niagara Region is not less than 50 residents and jobs combined per hectare.

The proposed severance will help to (re-)create a separate building lot and will allow the current owner to

dispose of this land which is surplus to their needs. The proposed consent application on its own does not facilitate any direct or specific *intensification* which is a result of the zone category in effect. The lot geometry is rudimentary and will not cause any adverse impacts as a result of its re-creation as the lot is large enough for several future development options.

Regional Official Plan (Consolidated August 2014)

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

Policy 4.C.5.1 states *Designated Greenfield Areas* will be planned as compact, complete communities by, where limited by scale or configuration, making a significant contribution to the growth of the respective *urban area* and providing integrated, mixed land uses.

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

The proposed severance conforms to the Regional Official Plan because the lands will continue to be appropriately suited for several future development scenarios, forms and scales while still being able to satisfy the minimum gross density target of 50 people & jobs per hectare.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' with a *Greenfield Overlay*.

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

Policy B1.8.4 states that for other *Greenfield Overlay* lands in Fonthill, the policies and land use permissions of the applicable land use designation shall apply provided that any application for development shall demonstrate that these sites can achieve the required population and / or employment density (50 PJ/H).

The subject lands (Part 1) is large enough that a variety of development options are available and present the ability to easily satisfy the 50 PJ/H policy requirement on a 907 m² parcel under future development applications.

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;
 - ✓ Yes.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Grading Plan required as a condition of approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Conforms because the *designated greenfield area* lands to the north were recently built upon as a compact townhouse development while the abutting lands to the east and west continue

- to remain viable with large road frontages and access available.
- 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.

It is noted that the application is for consent to partial discharge of mortgage and to convey vacant land (Part 1) for future undetermined development use. Granting the proposed lot will allow the current owner to dispose of lands which are surplus to their needs and help facilitate a future development scenario with a new owner.

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

The subject land is currently zoned 'Neighbourhood Commercial' (NC) according to the Zoning By-law. The permitted uses (among others) include:

- a) Banks, barber shops, beauty salons;
- b) Offices;
- c) Convenience retail stores;
- d) Restaurants;
- e) Studios;
- f) Dwelling units above ground floor; and
- g) Accessory uses.

The resulting parcel configuration will continue to comply with all applicable zoning regulations. Any future development of a permitted use under Section 19 will require Site Plan Approval by Town Council. Any future development beyond that which is permitted under Section 19 would require a Zoning By-law Amendment.

Agency & Public Comments

On November 27, 2019 a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (Dec 2, 2019)
 - No comments.
- Public Works Department (Jan 2, 2019)
 - See conditions.
- Bell Canada (Dec 4, 2019)
 - No objections.

Comments were received from three (3) neighbouring residents which are summarized as follows.

1. Objects to the 'Neighbourhood Commercial' (NC) zoning as the proposed lot seems too small for the NC zone and the noise / activity likely to be generated from those permitted uses would be intrusive to the residential properties.
 - ✓ The subject land has been zoned 'NC' since at least 1987. The commercial zoning actually dates back to 1971 which pre-dates most of the surrounding residential subdivisions which were built over the last 3 decades.

2. Desire to know what the future undetermined development will be?
 - ✓ Unknown. The property is currently zoned 'Neighbourhood Commercial' (NC) which permits mixed use Residential-Commercial buildings.
3. The severance approval should be conditional upon rezoning to single detached residential use.
 - ✓ This is not an appropriate condition given the context and historic status of the 'NC' zoning. The mixed use 'NC' zone conforms with Provincial, Regional and Town policies and represents wise land use planning due to its geography and location along a collector road.

Planning Staff Comments

The subject application deals with the severance of a westerly side yard to re-create a parcel which formerly was independent but had inadvertently merged as a result of title under one ownership. The current land owner wishes to convey Part 1 likely with the goal of selling to a new owner. The application for consent to partial discharge of mortgage and to convey 907 m² of land does not directly cause *intensification* via an increased density as a result of the new lot, but it is likely correlated with a pending proposal sometime in the future. This is because the separation (or conveyance) of a new lot does not induce more development since the current zoning regulations in effect do not stipulate any number of dwelling units / commercial gross floor area per lot, as would be the case in other zones like the R1 or R2 zones (i.e. one (1) house per lot). Any new mixed used or commercial building construction would require a Site Plan Approval, and perhaps further zoning or minor variance approval depending on the design. Instead, there are provisions such as a maximum gross floor area requirement which is based on a percentage (%) of the lot's area

A pre-consult was held with the applicant(s) of the property and staff from the Town on November 4, 2019 to discuss the subject application to re-create the formerly separate parcel. The applicant submitted a Planning Justification Brief which helps detail the purpose, nature of the application and applicable policies.

The subject lands are located on the northwest corner of Quaker Road and Line Avenue and are surrounded by:

- North – Multi-unit townhouse residential
- East – (1-storey) commercial building
- South – Single detached residential
- West – Single detached residential

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood is currently undergoing some construction and future projects are also imminent. This area of Quaker Road is characterized by sporadic commercial uses, large and small lot single detached residences as well as townhouses.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate lot creation principles such as traditional lot geometry and location without hindering future development opportunities on existing urban land. The severance will not impede the subject lands, or the neighbouring lands from any future development opportunities in any tangible way. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a 1-storey commercial building until such time as the land owner explores alternative development options, uses or alterations.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Planning staff recommend that the consent known as file B12/2019P **be granted** subject to the following condition(s):

THAT the applicant

- Ensure the new lot is serviced with an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. The applicant shall bear all costs associated with these works.
- Submit a drawing indicating the locations of the individual water service and sanitary laterals for all lots to confirm no existing service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for all lots shall be required after the installation of new services.
- Submit a comprehensive overall lot grading & drainage plan demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- 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 \$395, 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, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: January 2, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Corey Sciarra, Engineering Technologist
RE: File B12/2019P
686 Quaker Road

We have completed the review of the consent application B12/2019P for consent for partial discharge and to convey 907 square meters of land (Part 1) for future development, undetermined at this time. 1,382 square meters of land (Part 2) is to be retained for the existing commercial use. The application proposes to divide the parcel along pre-existing lot lines wherein the lots inadvertently merged in title.

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. The provision of any missing services shall be completed through a Temporary Works Permit prior to consent and the applicant 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. If installation of new services is required, locate cards shall be submitted upon completion.

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.).

To: Nancy Bozzato, Holly Willford
Cc: Curtis Thompson, Sarah Leach
From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development
Date: December 2, 2019
Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 14, 2019 hearing. **File B12/2019P**

Comment:

The Building Department offers no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

From: [Sarah Leach](#)
To: [Holly Willford](#)
Subject: FW: Correction of CofA Hearing Date - Pelham - 905-19-440
Date: Wednesday, December 4, 2019 11:21:46 AM

Please see below.



Sarah Leach, BA.

Administrative Assistant to the Clerk
Town of Pelham

T: 905-892-2607 x322 | E: sleach@pelham.ca

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Wednesday, December 4, 2019 11:15 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: RE: Correction of CofA Hearing Date - Pelham - 905-19-440

Hi Sarah,

Re File:

- Severance
- B9/2019P to B12/2019P
- 686 Quaker Rd
- Pt Lot 177, Thorold

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Severance.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you,
Carrie

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

From: Sarah Leach <SLeach@pelham.ca>
Sent: Friday, November 29, 2019 4:05 PM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>;
MR18Enquiry@mpac.ca; ROWCC <rowcentre@bell.ca>
Subject: [EXT]Correction of CofA Hearing Date - Pelham

Good afternoon,

Attached, please find a date revision letter relating to committee of adjustment files A28/2019P, A29/2019P, B9/2019P, B10/2019P, B11/2019P and B12/2019P. The hearing will occur in **2020**, not 2019.

Our apologies for the date confusion.

Thank you,
Sarah



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

External Email: Please use caution when opening links and attachments / **Courriel externe:** Soyez prudent avec les liens et documents joints

Ruth and Ken Shugart

██████ Line Ave., Unit ██████

Welland, Ontario

██████████

Town of Pelham Committee of Adjustment

20 Pelham Town Square

P.O. Box 400

Fonthill, Ontario

L0S 1E0

Attention: Ms. Nancy Bozzato, Secretary-Treasurer

Dear Ms. Bozzato:

RE: File B12/2019P – 686 Quaker Road, Pelham

I am in receipt of a Notice in regards to an application for severance to be heard by the Committee of Adjustment on January 14, 2020 (the Notice actually says 2019 but I assume that is in error) at 4:00 p.m. The Applicant seeks to sever off a vacant lot (described as Part 1 in the application) for future development, undetermined at this time.

My wife and I are the owners of Unit ██████, ██████ Line Ave. (Ryan's Walk), which is directly behind Part 1. I am also the President of our Condominium Association and have been authorized by all of the owners to write this letter on behalf of the Association.

The Association is not opposed to the concept of Part 1 being severed *per se*, however, we are very concerned about what sort of development might occur on this property in the future. As can be seen on the sketch attached to the Notice of Application, with the exception of the property to be retained by the Applicant, all of the properties surrounding Part 1 and in the rest of the surrounding area are residential. While the property of which Part 1 is presently part is currently zoned "Neighbourhood Commercial," it seems clear that the property would be very small for the type of uses contemplated by that zoning designation and that the noise and level of activity likely to be generated by such uses would be highly intrusive to the surrounding residential properties. It seems obvious that the most appropriate use for Part 1 would be a single family residence, similar to those to the west of Part 1 along Quaker Avenue.

Accordingly, provided that it is a condition of the approval of the severance that the property be rezoned "Residential 1 R1," we would have no objection to the Applicant's proposal. Unless such a condition is imposed, however, we would be opposed to the granting of the severance.

My wife and I are presently in Florida and do not plan to return to Fonthill until approximately the middle of April. My preference would be to appear in person at the hearing on behalf of the Association and therefore I would ask that it be adjourned until after the end of April, 2020. Given that the Notice I received refers to a hearing date which is in advance of the date of the notice and that I would have to incur the cost of a flight home in order to attend on January 14, 2020, this does not appear to be an unreasonable request.

I look forward to hearing from you.

Yours Truly,

Ken Shugart

December 30, 2019



Town of Pelham Committee of Adjustment
Att: Nancy Borys, Secretary Treasurer

Re: Public Hearings for File B9, B10, B12 / 2019 P

I don't necessarily object to the application, but without knowing in more detail what is being proposed, I don't support them.

Regarding File B12, I would like to know what the future undetermined development would be.

Regarding Files B9 and 10, I would like to know the extent of the development. How many units would be proposed for Part 5? How many additional units would be created with the addition of Parts 2 and 4? Is there only 1 entrance/exit onto Quaker Rd? Is the necessary legal sign? Are there regulations regarding the distance from neighbouring buildings? Would the wording be acceptable for emergency vehicles? Traffic would be a major concern with this proposal.

I would like to be notified of the decision of the Committee of Adjustment in respect to the three applications.

Yours truly,
Dave Robertson

Quaker Rd, Welland L3C 3H4

From: [Nancy Bozzato](#)
To: [stan pazour](#)
Cc: [Curtis Thompson](#); [Holly Willford](#)
Subject: RE: File B12/2019P – 686 Quaker Road, Pelham
Date: Thursday, January 2, 2020 9:37:30 AM

Thank you for your correspondence, Mr. and Mrs. Pazour.

This will be added to the hearing agenda for the consideration of the Committee of Adjustment, and we will provide you with a copy of the Notice of Decision.

Best regards,
Nancy

From: stan pazour [REDACTED]
Sent: Friday, December 27, 2019 1:29 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: RE: File B12/2019P – 686 Quaker Road, Pelham

Stan and Petra PAZOUR
[REDACTED] **Line Ave., Unit [REDACTED]**
Welland, Ontario
L3C 3C3

Town of Pelham Committee of Adjustment
20 Pelham Town Square
P.O. Box 400
Fonthill, Ontario
L0S 1E0
Attention: Ms. Nancy Bozzato, Secretary-Treasurer
Dear Ms. Bozzato:

RE: File B12/2019P – 686 Quaker Road, Pelham

We have received Your notice regarding an application for severance of a lot on the Quaker Road, Pelham, which directly behind our Condominium Association property, located at [REDACTED] Line avenue.

We are concerned with the part “for future development, undetermined at this time”. We are not opposed to the severance itself, but believe that the severance should be conditional to a specific future use. Because of the size of the lot Part 1 and it's location, it should be single family residence. We would be opposed to the severance, with a different future designation. I would like to be informed about the Jan, 14, 2020 Committee's decision by Email at [REDACTED], since we will be away from home.

Looking forward to hear from You,
Stan Pazour