

Committee of Adjustment AGENDA

CofA 2/2020

February 4, 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 A1/2020P - 813 Foss Road (Part 1)

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

5.2 A2/2020P - 813 Foss Road (Part 2)

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

5.3	A4/2020P - 795 Canboro Road	23
	1. Town of Pelham Planning Department	
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	4. Brian Prins Comments	
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	6. Terri and Barry Robins Comments	
	7. Niagara Catholic District School Board	
	8. Joanne Catena Comments	
5.4	A5/2020P - 1121 Effingham Street	60
	1. Town of Pelham Planning Department	
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	3. Town of Pelham Building Department	
	4. Niagara Region	
	5. NPCA	
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5.5	A7/2020P - 6 Brucewood Street	77
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	4. Onalee J Gaje Comments	
	5. Alix and Rich Morgan Comments	
	6. Barbara Lemieux and Robert McIlveen Comments	

6. Applications for Consent

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

6.2 B2/2019P - 813 Foss Road 96

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

7. Minutes for Approval

8. Adjournment

February 4, 2020

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

Re: Minor Variance Application A1/2020P
815 Foss Road, Pelham
Part of Lot 19, Plan 703
Roll No. 2732 010 016 14300

The subject parcel, shown as Part 1 on the attached sketch, has 13.72 m of frontage on the north side of Foss Road, lying west of Church Street, legally described above, in the Town of Pelham.

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

- **Section 9.2 (a) "Minimum Lot Area"** to permit a lot area of 689 m², whereas 836 m² is required.
- **Section 9.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 13.72 m, whereas 18 m is required.

Both variances are required to legalize the proposed lot and facilitate the severance approval under file B2/2020P.

Note: File B2/2020P & A2/2020P 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 two (2) zoning provisions in order to legalize the proposed lot within the RV1 zone regulations 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 severance 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 Fenwick.

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 Fenwick neighbourhood, with single detached dwellings making up the majority of that mix. Single detached dwellings are also the only permitted use under the RV1 zone of the current Zoning By-law (1987).

The subject lands are located around 1 km from Downtown Fenwick, various other commercial uses along Canboro Road two public elementary schools. The local public high school is nearby just west of the Village of Fonthill.

The proposal will facilitate the construction of one new single detached dwelling on a fairly large (1533 m²) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Village of Fenwick. 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 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 and housing 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* 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 around 1 km to Downtown Fenwick.

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 Fenwick. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots.

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 50 metres from Church Street, being the closest collector road.
- 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 on a deep lot.
- 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;
 - ✓ The proposed zoning (minor variances A1-A2/2020P) both seek to legalize the RV1 zone lot frontage and/or lot area deficiencies.
 - ✓ 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 very similar to the surround neighbourhood, which consists of single detached, semi-detached and apartment dwellings. The minor variance application does not propose any change of use beyond what is already permitted.
 - ✓ The RV1 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 both of these performance standards of the RV1 zone.
 - ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density.
- 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 RV1 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 the minimum lot frontage and minimum lot area requirements of the default RV1 zoning provisions to facilitate the concurrently proposed severance (B2/2020P). 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.

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

The subject land is currently zoned 'Residential Village 1' (RV1) according to the Zoning By-law. Only one single detached dwelling, related accessory buildings and home occupations are permitted.

Section 9. – Regulations for dwellings permitted in the RV1 zone:

a) Minimum Lot Area	836 m ²	Request-	689 m ²
b) Minimum Lot Frontage	18 m	Request-	13.72 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 reduced lot area can still comfortably accommodate the proposed dwelling while accommodating the existing dwelling on the remnant parcel.</p> <p>Both proposed variances will facilitate the additional residential building lot to be created 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 within the Village of Fenwick <i>urban settlement area</i>.</p> <p>Plenty of open space amenity area remains on this deep lot for recreation and stormwater drainage purposes. The proposed lot dimensions are also consistent with contemporary development standards and should not adversely impact the leisure and privacy of others.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<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 within the <i>built-up area</i>, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a fairly large existing residential lot. 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> (Policy A2.2.2).</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>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<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.</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.
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Agency & Public Comments

In accordance with the *Planning* Act, on January 9, 2020 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 (Jan 21, 2020)
 - No comments.
- Public Works Department (Jan 23, 2019)
 - No comments.

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

Planning Staff Comments

The proposed minor variance application seeks zoning relief from two (2) RV1 zoning regulations. The relief is required to facilitate the approval of the concurrent severance approval (B2/2020P).

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on September 6, 2018 to discuss the subject applications.

The subject lands are located on the north side of Foss Road, lying west of Church Street and is surrounded by single and semi-detached residential dwellings from all directions.

At present, the immediate neighbourhood is not in the midst of any development projects. This area of south Fenwick is characterized by many large lot ground-oriented residences and some apartment dwellings to the west.

It is a well-accepted planning principle that all communities have a role to play in helping to manage population growth. *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 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 applicant did supply a letter of rationale prepared by their solicitor speaking to planning policy. The agent

has indicated that the existing detached garage on Part 1 will be relocated to Part 2.

The proposed minor variance helps facilitate the creation of a new residential building lot and is considered to be a *gentler* form of residential intensification, because of minimal neighbourhood disruption, no significant demolition is warranted and the impacts are rather minor overall.

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 the consent known as file A1/2020P **be granted**.

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 23 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 A1/2020P
813 Foss Road (Part 1)

Public Works has completed a review of the minor variance application A1/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 9.2 (a) – “Minimum Lot Area – With Municipal Services” – to permit a minimum lot area of 689 square metres whereas the by-law requires a minimum lot area of 836 square meters.
- Section 9.2 (b) – “Minimum Lot Frontage – With Municipal Services” – to permit a minimum lot frontage of 13.72 metres whereas the by-law requires a minimum lot frontage of 18 metres.

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: January 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 4, 2020 hearing. **File A1-2020P**

Comment:

- A demolition permit will be required for the existing garage to be removed.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

February 4, 2020

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

Re: Minor Variance Application A2/2020P
813 Foss Road, Pelham
Part of Lot 19, Plan 703
Roll No. 2732 010 016 14300

The subject parcel, shown as Part 2 on the attached sketch, has 16.76 m of frontage on the north side of Foss Road, lying west of Church Street, legally described above, and known locally as 813 Foss Road in the Town of Pelham.

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

- **Section 9.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 16.76 m, whereas 18 m is required.

The variance is required to legalize the proposed severance approval under file B2/2020P.

Note: File B2/2020P & A1/2020P are being considered concurrently.

Applicable Planning Policies

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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 50 metres from Church Street, being the closest collector road.
- 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 on a deep lot.

- 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;
 - ✓ The proposed zoning (minor variances A1-A2/2020P) both seek to legalize the RV1 zone lot frontage and/or lot area deficiencies.
 - ✓ 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 very similar to the surround neighbourhood, which consists of single detached, semi-detached and apartment dwellings. The minor variance application does not propose any change of use beyond what is already permitted.
 - ✓ The RV1 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 both of these performance standards of the RV1 zone.
 - ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density.
- 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 RV1 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 the minimum lot frontage requirement of the default RV1 zoning provisions on the proposed remnant Part (2) to facilitate the concurrently proposed severance (B2/2020P). 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.

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

The subject land is currently zoned 'Residential Village 1' (RV1) according to the Zoning By-law. Only one single detached dwelling, related accessory buildings and home occupations are permitted.

Section 9. – Regulations for dwellings permitted in the RV1 zone:

b) Minimum Lot Frontage	18 m	Request-	16.76 m
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The Committee of Adjustment, in Section 45 (1) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

Minor Variance Test	Explanation
1. The variance is minor in nature.	The proposed reduced lot frontage is minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province. The reduced lot frontage can still comfortably accommodate the existing dwelling while accommodating the proposed dwelling on the severed parcel.
2. The variance is desirable for the development or use of the land.	<p>The variance to reduce the minimum lot frontage is desirable for the lands because it will allow for the creation of an additional residential building lot on a fairly large, underutilized open space within the Village of Fenwick <i>urban settlement area</i>.</p> <p>The proposed remnant lot dimensions are also more consistent with contemporary development standards and should not adversely impact the leisure and privacy of others.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The variance to reduce the minimum lot frontage maintains the policy intent of the Official Plan because it will allow for <i>intensification</i> of an existing neighbourhood within the <i>built-up area</i>, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a fairly large existing residential lot. The minor reduction in 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> (Policy A2.2.2).</p> <p>Planning staff are of the opinion that the amended zoning provision 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>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The variance seeking reductions to the minimum lot frontage provision maintains the general intent of the Zoning By-law because it will continue to allow for the existing single detached residential dwelling to function unchanged, albeit on a slightly smaller parcel. The proposed lot frontage is still in keeping with the surrounding neighbourhood, not just those dwellings immediately adjacent.</p> <p>The proposed variance maintains 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

In accordance with the *Planning Act*, on January 9, 2020 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 (Jan 21, 2020)
 - No comments.
- Public Works Department (Jan 23, 2019)
 - No comments.

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

Planning Staff Comments

The proposed minor variance application seeks zoning relief from one (1) RV1 zone regulation. The relief is required to facilitate the approval of the concurrent severance approval (B2/2020P).

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on September 6, 2018 to discuss the subject applications.

The subject lands (Part 2 – 813 Foss Road) are located on the north side of Foss Road, lying west of Church Street and is surrounded by single and semi-detached residential dwellings from all directions.

At present, the immediate neighbourhood is not in the midst of any development projects. This area of south Fenwick is characterized by many large lot ground-oriented residences and some apartment dwellings to the west.

It is a well-accepted planning principle that all communities have a role to play in helping to manage population growth. *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 recently updated household growth forecast to 2041 now incorporates 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 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 applicant did supply a letter of rationale prepared by their solicitor speaking to planning policy. The agent has indicated that the existing detached garage on Part 1 will be relocated to Part 2.

The proposed minor variance helps facilitate the creation of a new residential building lot and is considered to be a *gentler* form of residential intensification, because of minimal neighbourhood disruption, no significant demolition is warranted and the impacts are rather minor overall.

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 the consent known as file A2/2020P **be granted**.

Prepared by,

A handwritten signature in black ink that reads "Curtis Thompson". The signature is written in a cursive, flowing style.

Curtis Thompson, B.URPI
Planner

Approved by,

A handwritten signature in blue ink that reads "Barbara Wiens". The signature is written in a cursive, flowing style.

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

Memorandum

Public Works Department - Engineering

DATE: January 23 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 A2/2020P
813 Foss Road (Part 2)

Public Works has completed a review of the minor variance application A2/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 9.2 (b) – “Minimum Lot Frontage – With Municipal Services” – to permit a minimum lot frontage of 16.76 metres whereas the by-law requires a minimum lot frontage of 18 metres.

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: January 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 4, 2020 hearing. **File A2-2020P**

Comment:

- Building department has no comment at this time.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

January 28, 2020

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

Re: Minor Variance Application A4/2020P
795 Canboro Road
Plan 703, Part of Lot 1
Roll No. 2732 010 015 03500

The subject land is located on the northeast corner of Canboro Road and Maple Street, known locally as 795 Canboro Road and legally described above, in the Town of Pelham.

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

- **Section 6.16 (a) "Minimum Parking"** to allow 0 parking stalls, whereas the By-law requires 3 stalls for 8 hotel suites;
- **Section 20.2 (c) "Maximum Lot Coverage"** to allow 57%, whereas 40% is required.
- **Section 20.2 (d) "Maximum Gross Floor Area"** to allow a GFA of 191%, whereas 50% is required.
- **Section 20.2 (e) "Minimum Front Yard"** to allow a front yard of 1.83 m, whereas 6 m is required.
- **Section 20.2 (f) (iii) "Minimum Side Yard abutting a street"** to allow 0.06 m for the corner entrance and 1.83 m for the west wall, whereas 3 m is required.

Relief is sought to redevelop an existing 1-storey commercial building into a 3-storey, mixed-use building consisting of ± 206 m² of commercial space at-grade with 8 new hotel suites above via a 2-storey building addition. Two small ground floor additions are proposed, one (40 m²) to the northwest accommodating an elevator, and another (4 m²) at the southwest corner for an entry feature. These (two) horizontal additions will expand the footprint of the building to approximately 280 m², however, with the basement and ground floor proposing reconfigured floorplans, less space is allocated for commercial use (bakery) overall than previously existed with the former bank. The balance of the existing space is proposed to be used in support of the eight (8) hotel units for storage and a lobby.



Figure 1: Subject Lands

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

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

Regarding Policy 1.1.3.2 a) – The proposed development is seeking to make more efficient use of the land by building a vertical addition and utilize the existing public parking areas surrounding the subject land. Confirmation of adequate servicing capacity is required prior to Site Plan Approval. The development is situated in Downtown Fenwick and is within walking distance to local businesses, restaurants, Maple Acre Library, Centennial Park and is well connected to the rest of the Niagara Region road network recognizing the proposed hotel use which would likely welcome tourists.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for redevelopment 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 compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.7 states long-term economic prosperity should be supported by:

- a. Promoting opportunities for economic development and community investment-readiness;
- b. Optimizing the long-term availability and use of land, resources and infrastructure;
 - ✓ Redevelopment of existing land is widely considered the most optimal use of land, resources and infrastructure as it reduces pressure on the urban periphery with less infrastructure and more of a demand on transportation networks.
- c. Maintaining and, where possible, enhancing the vitality and viability of downtowns;
 - ✓ The proposed redevelopment represents an investment and commitment to Downtown Fenwick.
- d. Encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources*;
 - ✓ The existing 1-storey orange brick building is not a Part IV designated heritage building. However, the Town of Pelham and particularly the Village of Fenwick has a long history of orange, brown and red brick clad building styles, albeit the existing structure does lack

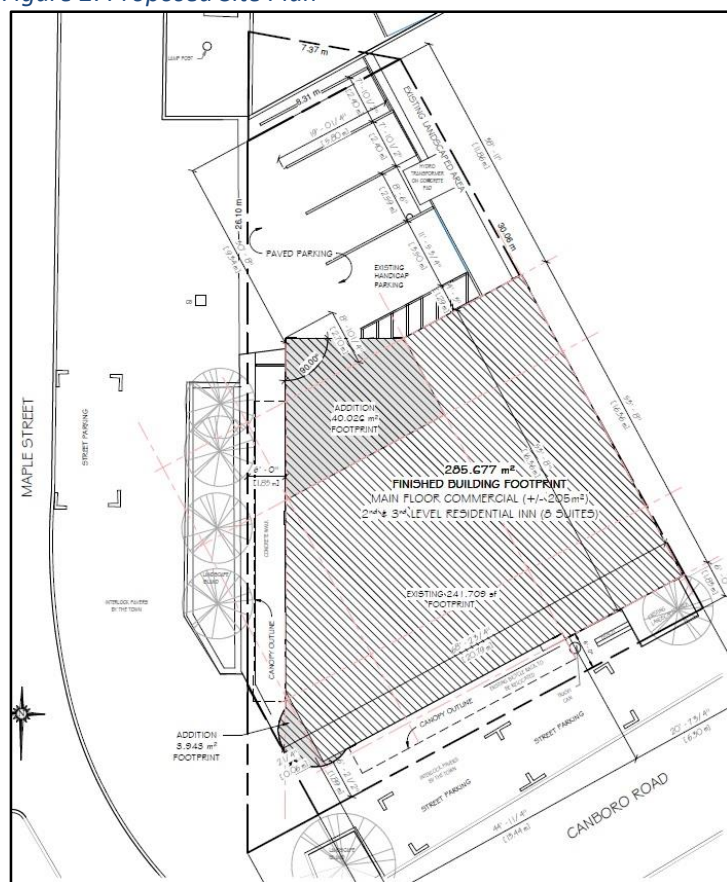
certain traditional architectural details that are often noteworthy such as cornices and brick details. The existing building appears in good exterior condition and has the potential to be further enhanced.

- g. Providing opportunities for sustainable tourism development;
 - ✓ The proposal consists of a Downtown redevelopment that would provide new hotel suites, likely for tourists or the visiting public.
- h. Providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product business by protecting agricultural resources, and minimizing land use conflicts.
 - ✓ The proposed bakery on the ground floor and additional hotel suites is situated in Fenwick with full municipal services which is also nestled amongst a very productive agricultural region. There exists a proximate geographic advantage for promoting the agricultural industry whilst avoiding land use conflicts due to the urban-rural separation.

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. Archaeological resources have been discovered within 300m of the subject lands and further, the Town's Heritage Master Plan identifies this area as having high archaeological resource potential. However, considering how disturbed the site is and the overall extent of the proposed horizontal building addition, both the Region and Town staff waived the requirement for an Archaeological Assessment.

The proposed development seeks to redevelop the existing 1-storey commercial building by reconfiguring the ground floor / basement for a bakery, as well as adding 8 new hotel suites on the 2nd and 3rd floor addition. Planning staff are of the opinion the requested zoning relief is consistent with the PPS as it promotes appropriate development standards in a downtown neighbourhood, supports economic development, the tourism industry, potentially the agri-food network and also enhances the cultural heritage of the community.

Figure 2: Proposed Site Plan



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.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Support and enhance the long-term viability and productivity of agriculture by protecting *prime agricultural areas* and the *agri-food network*.
- 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 2.2.5 Employment – states that economic development and competitiveness in the GGH will be promoted by integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The proposed hotel suites and bakery are all permitted uses under the Zoning By-law and are considered desirable from a planning perspective in a downtown neighbourhood setting such as Fenwick.

The subject lands are located at the main intersection of Downtown Fenwick and is surrounded by a parking lot to the north, restaurants, offices, a library and mechanics garage on all other sides. Although the Village of Fenwick lacks some critical features of a *complete community* (i.e. grocery store, pharmacy, banks etc.), it contains other essential daily amenities for the Village such as public elementary schools, a convenience store, service garages, veterinary clinic etc., the subject lands is situated in the most walkable location possible given the context.

The proposed variances will help facilitate the construction of 8 new hotel suites for the travelling public and a reconfigured ground floor and basement for a proposed bakery. The proposal will also help contribute towards the municipal property tax base which helps towards maintaining existing infrastructure and *public service facilities*. Existing stormwater facilities, water and sanitary sewer mains extend along the lot's frontages. Evidence of adequate municipal servicing capacity will be required at the Site Plan Control stage, and prior to building permit.

Regional Official Plan (Consolidated August 2014)

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

Policy 2.A.1.2 states the Region supports and encourages the continued expansion and development, within *settlement areas*, of tourism opportunities.

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

Policy 4.J.4 states the Region encourages private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

The proposed site design positively reinforces the Canboro Road and Maple Street streetscape using compact, front-facing built form with principle entrances and active glazing at the sidewalk providing *eyes-on-the-street*. The active front façades enhance the pedestrian experience and comfort levels along both public streets. Therefore, Town Planning staff is of the opinion the development conforms to Regional policy.

Regional staff did not object to the proposal at the Pre-Consultation, nor request to be circulated the proposed minor variance application.

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 community vision (Policy A1) of the Official Plan assumes the quality of life now enjoyed by residents of Pelham can be maintained and enhanced if the Town's distinct urban and rural character is maintained and enhanced. However, change is inevitable and it must be managed in an efficient and orderly manner to maximize the benefits of new development and minimize any impacts.

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

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* (i.e. *Significant Woodlands, Provincially Significant Wetlands or valleylands* etc.) are located near the subject lands. It should also be noted that the addition of new short-term rental / hotel accommodations may help reduce the demand currently being expressed elsewhere in the Town by landowners. Some of which have landholdings in the rural area and although rural hospitality accommodations are attractive to some of the travelling public, an abundance of them can pose problems particularly with respect to limitations on private septic system servicing capacity, potable water, impacts on the rural street network which are not always capable of the same service level of arterial or collector roads and / or unwanted encroachment upon sensitive *key natural heritage features* (i.e. expanded amenity areas into *significant woodlands* or *Provincially significant wetlands*).

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to reinforce the function of the Downtowns as the primary business, entertainment and commercial focal point of the community and to encourage redevelopment within the Urban Area specifically in the Downtowns.

The subject lands are situated at the main Downtown Fenwick intersection and is closely situated near several

businesses, institutional uses and parks.

Policy A2.3.2 Urban Character – stated objectives of this Plan include (among others):

- To enhance the *urban areas* as diverse, livable, safe, accessible and attractive communities.
- 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 foster a sense of civic identity through a high standard of urban design in private development.

The proposed development is principally a vertical addition with a small horizontal expansion to provide an elevator and lobby. The proposed building Elevation Plans appear to architecturally define the prominent corner with noteworthy features such as new ground-floor glazing, a prominent corner turret entrance and a steel mansard inspired roof (Figure 1).

Policy A2.4 Economy – stated objectives of this Plan include (among others):

- To contribute to maintenance of a competitive and positive business climate in the Niagara Region.
- To facilitate the provision of a range of services to the public within Pelham.
- To promote active transportation and the use of open space to encourage tourism.
- To encourage the development of additional employment and service commercial uses in the Downtowns.

The proposed redevelopment conforms with Policy A2.4 as it will help contribute towards the business community with an alternative commercial use together with hotel accommodations for the travelling public tending to visitors.

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.

The existing character of Downtown Fenwick's commercial area can be described by many older 1, 2 & 3-storey brick and vinyl sided mixed-use buildings. It is probable that many of the older, neighbouring sided buildings may have covered up an original brick exterior, which was a common practice, and still continues to be (Figure 1). The nearby branching streets, share a rich cultural built-form filled with mostly older single detached residential dwellings, the old Baxter Lane school and Fenwick United Church have complementing architecture (Figure 2). Unfortunately, some of the more recent infill residential dwellings do not emulate these character traits as they deploy larger front yard setbacks and have garage dominated front façades.

Based on the supplied building Elevation Plans, the proposed redevelopment seeks to enhance the urban aesthetic and public realm of Downtown Fenwick by using a combination of stone and brick exterior cladding materials while maintaining most of the original orange brick. New window openings are proposed along the west ground floor wall which will help animate the Maple Street frontage. A mansard inspired steel roof with a corner turret at Canboro Road helps define the prominent Fenwick intersection.

The subject lands are not a Part IV designated heritage property and the requirement for an archaeological assessment was waived by Regional and Town staff because of the limited extent of the proposed horizontal addition and the existing site which is considered heavily disturbed.

Policy A2.8 Community Improvement – stated objectives of this Plan are to encourage improvement and rehabilitation of older areas of the community and to improve the property tax base in commercial areas by stimulating private investment.

No CIP (Community Improvement Plan) applications have been submitted.

Policy B1.2.4.1 Mixed Use Intensification (Downtown) states that in considering mixed-use *intensification* proposals, developments are encouraged to incorporate high quality urban design, landscaping treatments and accessibility. The Town may enforce urban design guidelines through Site Plan Control.

The redevelopment proposed incorporation of an elevator for barrier free access. Extensive landscaping in downtown contexts is often not possible, practical, or necessarily even desired given how constrained some sites are and the historic urban built form. Urban design is discussed in more detail below and under the Downtown Master Plan section.

Policy B1.2.4.3 Downtown Development & Urban Design Policies – states the following policies (among others) are intended to guide redevelopment proposals along the *intensification corridors* in the Downtown designation:

- a) The maximum height of buildings fronting Canboro Road in Fenwick is 3-storeys;
- b) New buildings should be located at, or near the front lot line;
- c) Parking should not be permitted at the front of buildings, but instead accommodate either on-site at the rear, on the streets or in a communal parking area;
- d) The maximum retail floor area for a single building in Fenwick shouldn't exceed 500 m²;
- f) Buildings should be oriented to the street, consistent with adjacent buildings and provide clearly defined and accessible entry points from the sidewalk;
- g) Pedestrian weather protection is encouraged by using awnings or canopies;
- h) Building frontages are encouraged to be highly transparent with at least 50% glazing;
- j) Preferred building materials include brick, wood, stone, glass, in-situ concrete and pre-cast concrete. Vinyl siding, plastic, concrete block, metal siding and tinted/mirrored glass is discouraged.

Policy B1.2.4.5 provides the design guidelines for Downtown parking areas, however, the development proposes utilizing the existing parking areas to its rear (north) and existing on-street supply. It also states that where a new use cannot accommodate the Town's (off-street) parking requirement, the Town may accept cash-in-lieu where it's demonstrated that the parking can be accommodated in an alternate location.

In the absence of a *cash-in-lieu of parking by-law*, (and long-term Downtown parking strategy), Town staff cannot mobilize on this specific policy. Town staff also consulted with external legal counsel and confirmed requiring the payment of cash-in-lieu of parking cannot be imposed as a condition of minor variance, as the cash-in-lieu framework serves as an alternative to zoning relief, not in conjunction with a minor variance.

Policy E1.5 Minor Variances – states that in determining whether a variance is minor, the Committee of Adjustment will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. In addition, applicant should demonstrate a need for the relief on the basis that the subject zoning provision isn't warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

The *Planning Justification Report* submitted with the minor variance application describes how the Zoning By-law requires relief from parking despite the subject lands having a net surplus of *legal non-complying* parking stalls under the current situation which is greater than what is currently proposed.

Downtown Master Plan (2014)

This Plan provides a framework for shaping the physical form, relationships and character of the Downtown areas. Fenwick should promote its "village character" by maintaining its residential built form and promote local specialized businesses to attract local residents and visitors.

Section 3.13 Public Parking – notes that on-street parking areas are mostly asphalt and are not clearly

demarcated from the travelled roadway. A 2009 review of the parking supply in Downtown Fenwick comprised of approximately 95 off-street parking stalls, 23 on-street stalls along Canboro Road, and 20 stalls at the Fire Hall. An additional 25 on-street stalls could be accommodated along Welland Road.

Town Planning staff note that the 20 stalls cited above for the old Fenwick Fire Hall are now under private ownership. The new Fenwick Fire Hall (Station 2) was built 200 metres east of its predecessor, providing approximately 59 parking stalls on the south side of Welland Road. Though this municipal parking lot is public, it is not advertised and is slightly out of the way for the subject lands being located 300 metres away. Though this is just a 3-minute distance to walk, it's not quite direct or intuitive for visitors.

It should also be noted that on-street parking is permitted along both sides of Maple Street. These spaces are anticipated to handle some of the spillover parking demand during peak periods, given its proximity and availability. Town staff are aware local residents (in any neighbourhood) find it aggravating to find other vehicles parking in front of their property. However, on-street parking is a public good and is meant to serve the entire community. On-street parking also helps calm the speed of thru traffic by narrowing the carriageway, causing *edge friction* for drivers similar to street trees or other vertical obstructions along the periphery. On-street parked cars also help buffer the sidewalk and enhance the comfort of people walking.

Section 4.4 Village Built Form – states this *village built form* accounts for most of the Downtown. New proposed development should be subject to the following guidelines:

- Minimum of 2-storeys and maximum of 3-storeys
- New buildings should be setback more generously from the street between 1-5 metres, allowing room for landscaped areas and / or patios
- All required parking should be handled through on-street parking or in consolidated rear parking lots

The proposed redevelopment principally is a vertical addition which actually maintains the existing *legal non-complying* building setbacks, save for the corner and west wall extensions. Only the proposed corner extension would technically contravene the suggested minimum setback of 1 m outlined above, however, as detailed throughout this Master Plan, prominent visual sites should be afforded special consideration for increased building height and architectural provisions. The application also proposes to utilize the existing on-street parking supply, together with the consolidated municipal parking lot to the north. Accommodating any more parking on the subject lands is virtually impossible given the existing lot geometry and building situate.

Section 4.10 Retail frontage – states the ultimate goal is to make Downtown Fenwick (and Fonthill) a successful pedestrian environment and vibrant shopping destination by enhancing the continuous rhythm of small-scale shops and restaurants. The Built Form Framework Plan identifies required retail frontages along properties that flank onto certain streets, including portions of Maple Street and Canboro Road in Fenwick. At-grade retail uses that address the sidewalk should be required along these frontages to encourage an active streetscape.

The proposed redevelopment would activate the west wall by providing new glazing which will enhance the Maple Street streetscape.

Section 4.12 Prominent Visual Sites – states that highly visible building sites at key corners are identified for special architectural treatments to enhance the quality of the public realm, strengthening the Downtown's distinct identity and serve as orienting devices to people. These sites should permit distinct building massing in addition to using high quality exterior cladding / building materials.

The proposed minor variance application was accompanied by conceptual building Elevation Plans which illustrate a pronounced corner entrance in the form of a raised 'turret' integrated with a steel mansard style roof. The Committee should be aware that the building Elevation Plans would likely be further refined during the Site Plan Control process, prior to Council's consideration of the Site Plan Agreement.

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

The subject lands are zoned 'General Commercial' (GC) according to the Zoning By-law No. 1136 (1987), as amended. The minor variance application requests relief from:

Section 6.16 Parking Area Regulations

a) Minimum Parking Requirements (Hotel)

Minimum:	3 stalls (1 per 3 suites)	Request:	0 stalls
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Section 20.2 Regulations for 'General Commercial' uses

c) Maximum Lot Coverage

Maximum:	40%	Request:	57%
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d) Maximum Gross Floor Area (% of lot area)

Maximum:	50%	Request:	191%
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e) Minimum Front Yard

Minimum:	6 m	Request:	1.83 m
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f) Minimum Side Yard (abutting a street)

Minimum:	3 m	Request:	0.06 m (For corner entrance)
Minimum:	3 m	Request:	1.83 m (For west wall)

With respect to the requested zoning relief for minimum parking requirements detailed above, Section 6.16 (g) does grant permission to *legal non-complying* uses that existed at the date of the (Zoning) By-law's passing to survive. However, it continues, so long as the floor area of the building is not increased and the building is used for a purpose which does not require more parking spaces, according to paragraph (a) of Section 6.16, no additional parking stalls are required. If an addition or change of use is made to a building as it existed at the date of the Zoning By-law's passing, then additional parking spaces shall be provided to the number required for such addition or change in use.


Therefore, because the proposed hotel suites (x8) are a different commercial use as defined in Section 5 of the Zoning By-law, and they are in addition to the existing *legal non-complying* main floor + basement commercial use, the additional parking requirement for zoning relief of Section 6.16 (a) was identified. Town Planning staff and the consultant planner have had differing interpretations of subsection 6.16 (g), and how it relates to *legal non-complying* situations in this case.

Principally worth noting, is that the existing commercial bank (Fenwick RBC) at 352 m² in GFA required 12 parking stalls, assuming a zoning provision rate of 1 stall / 30 m² of GFA, thus yielded a legal deficiency of 8 parking stalls. Under the proposed development scenario, the minimum overall parking space requirement is actually less (10 stalls) than what existed under the former bank's operation and use of gross floor area. This item is discussed more thoroughly throughout the *Report* and under the *four tests*.

With respect to the balance of the requested zoning provisions, (max lot coverage, max GFA, minimum setbacks), it is worth noting that the current Zoning By-law in effect was last consolidated in 1987. It is also worth noting that the current (GC zone) provisions affecting this development actually date back to at least 1978. The 1978 Zoning By-law enforced special regulations for the Downtown Fenwick commercial buildings, similar to the *Central Business District* (GC) zoning provisions we currently have in Downtown Fonthill. These provisions recognize historic downtown type built form by legalizing 0 metre front & side yard setbacks. However, for some reason the 1987 Zoning By-law removed these permissions for historic Downtown Fenwick thus requiring the land owner to apply for relief of the proposed redevelopment, regardless of the horizontal expansion, the vertical addition still warrants the zoning relief in this By-law.

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
<p>1. The variance is minor in nature.</p>	<p>Reducing the minimum parking requirement is minor overall considering the existing <i>legal non-complying</i> situation of the former occupant being the bank which required 12 parking stalls. The proposed redevelopment requires 10 parking stalls, effectively netting a lower parking requirement. The submitted <i>Parking Impact Study</i> indicated that the adjacent municipal parking lot only approaches capacity around Saturday evening for a couple hours. Adequate on-street parking is also available on both sides of Maple Street together (Figure 3) with the demarcated stalls along Canboro Road. Providing additional off-street parking stalls on the subject lands is not physically possible given the triangular shaped parcel and existing structure which is planned to be retained.</p> <p><i>Figure 3: Maple Street looking north from the subject lands</i></p>  <p>Increasing the maximum GFA from 50% to 191% appears dramatic but is, in Planning staff's opinion actually quite typical of downtown style buildings and compact mixed-use neighbourhoods. Lots are often quite small and support multi-storey buildings. The subject lands can comfortably support this type of building given the local context and the proposed GFA can be inferred minor overall.</p> <p>Increasing the maximum lot coverage from 40% to 57% is minor overall because little additional storm water runoff will be induced as the majority of the subject lands were hard surfaced originally. The proposed lot coverage is also a response to the more compact, urban-village character of the historic Downtown Fenwick built-form.</p> <p>Reducing the side yard setback to Maple Street is minor in nature given the downtown village context which consists of other compact, multi-storey buildings located close to public streets. No adverse impacts are anticipated, including safety related concerns such as from obstructed sight lines.</p> <p>Reducing the front yard setback does not pose any safety concerns because the horizontal encroachment is marginal at only several inches while the real addition is vertical in nature.</p> <p>Promoting the tourism industry by providing accommodations for the visiting public will help to ensure the long term vitality of local</p>

	businesses, parks and institutions, as well as helping to diversify Downtown land uses.
2. The variance is desirable for the development or use of the land.	<p>The requested variances, including reduced parking, yard setbacks, increased lot coverage, and gross floor area (GFA) articulate a normal response to downtown style development and Fenwick Village architecture (Figure 3). The proposed setbacks are marginal in nature because the majority of the building footprint will remain as is, with essentially the bulk of expansion being vertical in nature. The default lot coverage and max GFA regulations are characteristic of mid-20th century suburban planning which doesn't positively reflect the historic cultural heritage of Downtown Fenwick. The intersection of Maple Street and Canboro Road serves as the identifiable focal point of the Village of Fenwick and have helped define its unique character of compact mixed-use buildings situated on smaller lots along Canboro Road, notwithstanding the traditionally larger lot residential neighbourhoods surrounding the downtown commercial area.</p> <p><i>Figure 3: Proposed Rendering</i></p>  <p>Together, the requested variances are considered desirable for the subject lands and the larger community as they help maintain local business, residential conveniences, municipal tax base, infrastructure and cultural charm.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The variance to reduce the hotel parking requirement maintains the general intent of the Official Plan as the applicant has demonstrated adequate parking is available with surrounding on-street parking supply, the adjacent municipal parking lot and the four (4) off-street parking stalls that currently exist. Consolidated parking arrangements are also encouraged in the Downtown Master Plan and Official Plan, specifically under Policy B1.2.4.5. Shared parking lots help make more efficient use of finite urban land, reduce overburdened costs associated with supplying, maintaining and dedicating land for (often 'free') parking. It is not uncommon for restrictive parking regulations to thwart an otherwise ideal redevelopment opportunity because the feasibility of providing a certain number of parking stalls is extremely expensive (i.e. structured / underground), physically difficult or near impossible to engineer.</p>

	<p>The relief requested for the balance of the zoning provisions maintain the general intent of the Official Plan because they collectively recognize a <i>legal non-complying</i> situation, enable the progressive expansion and redevelopment of the single use commercial building into a more productive 3-storey, mixed-use building which positively activates the streetscape with new door entries / windows, and improves the built character of Downtown Fenwick.</p> <p>Planning staff are of the opinion the proposed redevelopment articulates a positive response to the Town's Official Plan policies which call for investment in the business, tourism and hospitality industries to grow the Village of Fenwick as a walkable, diverse and desirable Regional destination and community for local residents.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The requested reduction in parking stalls for the proposed hotel suites maintains the overall intent of the Zoning By-law because Section 6.16 (g) is intended to both recognize and protect <i>legal non-conforming uses</i> and <i>legal non-complying</i> situations. A strict interpretation of this subsection by Town staff warrants the trigger to request zoning relief for the proposed hotel's parking stall requirement. However, the effective net result on 795 Canboro Road's parking requirement is actually less than what previously was required for the former banks operation.</p> <p>Considering it's physically impossible for the subject lands to accommodate any more off-street parking without demolishing the existing building on its constrained, triangular shape, together with the reason outlined above, Planning staff are of the opinion the variance maintains the general purpose and intent of the Zoning By-law.</p> <p>It can reasonably be argued that the current max lot coverage, max GFA and minimum front / side yard setback regulations enforce a suburban built form typology not in keeping with the historic character of Downtown Fenwick's commercial area. Specifically, almost all of the established multi-storey, mixed-use buildings along Canboro Road employ a 0-2 metre front yard setback with similar side yard setbacks.</p> <p>The variances do not compromise the ability to comply with the <i>Ontario Building Code</i>, manage stormwater runoff and support essential services. The proposed uses are also permitted under the GC zone.</p>

Agency & Public Comments

On December 17, 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 (Jan 14, 2020)
 - A building permit will be required.
- Public Works Department (Jan 20, 2020)
 - At the Site Plan Control stage the following is required:
 - Stormwater Management Brief outlining the proposed stormwater management strategy using runoff calculations based on *pre-to-post*.
 - Functional Servicing Report, confirming adequate capacity in both the water and sanitary mains to accommodate post-development discharge rates.
 - Site Servicing Plan also showing existing topographic elevations on the Survey Plan.
- Niagara Catholic District School Board (NCDSB) (Jan 29, 2020)
 - Objects to the reduced front yard setback and side yard setback because it will narrow the sidewalks forcing students closer to traffic and parked cars, creating a safety concern.
 - ✓ Town Planning staff connected with Niagara Student Transportation Services (NSTS), whom commented on behalf of NCDSB, after they had provided comments clarifying this misinterpretation of the Site Plan and requested zoning setbacks.
 - ✓ The reduced front yard setback (Canboro Road frontage) is actually maintaining the existing front yard setback at the sidewalk by growing vertically, not horizontally (Figure 1).
 - ✓ The reduced side yard setbacks are not impacting or encroaching upon the public sidewalk because:
 - 1) The travelled sidewalk is on public property and the proposed wall extensions are exclusively on private property.
 - 2) The corner extension will be occupying what is currently a concrete wheelchair ramp including its railing.
 - 3) The west wall extension will be occupying what is currently private lawn and asphalt parking. This wall extension is \pm 4 metres (13') from the Maple Street sidewalk.

Three (3) public comments were received at the time of this writing and are summarized as follows:

- Concerns with lack of parking:
 - Visitors regularly park in my parking lot (at Clarence Service Centre) which is open Mon-Fri 8:00am-5:00pm.
 - Unfortunately, this is an existing situation. Perhaps, the installation of additional or alternative 'No parking / Towing' type signage may improve the situation.
 - The proposed redevelopment may be required to install signage directing customers / visitors to specific public parking areas. However, these details would be addressed as part of the Site Plan Control application.
 - Concern that an increase of vehicles parking in my private lot will be dangerous.
 - Unauthorized vehicles parking on private property unlawfully is trespassing.
 - Dangerous driving habits within parking lots can be reduced or eliminated through design measures such as directional pavement markings, physical obstructions and / or signage etc.
 - The municipal parking lot is full on most occasions and vehicles park on the street.
 - The Parking Impact Survey supplied by Associated Engineering found that this lot was only near capacity for a couple hours on Saturday evening in the summer.
 - On-street parking is permitted on both sides of Maple Street and this helps handle the overflow during peak periods. Vehicles parked on-street also help to calm the speed of passing traffic and improve the pedestrian sidewalk experience as parked vehicles provide an additional buffer between the sidewalk and moving traffic.
- Is there a need for 8 hotel rooms in Fenwick? Fenwick does not need short-term rentals.

- Policy B1.2.4.1 of the Official Plan states that the financial feasibility of, or market potential for mixed-use redevelopment proposals will not form the basis of any decision.
- Hotels & motels are permitted uses in the 'GC' (General Commercial) zone.
- The proposed hotel use would serve Fenwick and the surrounding area. The applicant is satisfied that there is a viable business case in this regard.
- Three (3) stories is a monstrosity size of building, how does it 'fit' the small Town feel.
 - The building height complies with the Zoning By-law.
 - The Downtown Master Plan actually calls for building heights of a minimum 2-storeys and a maximum of 3-storeys.
- The prescribed 60 metre radius for Public Notice circulations is inadequate and it should have based on the Town owned parking lot.
 - These are prescribed requirements under the *Planning Act*. Though the 60m radius is a minimum, *cherry-picking* which development applications should receive additional public notice requirements may be considered discriminatory to an applicant. Without some type of *good faith* policy or by-law adopted by Town Council to direct staff, this is an unreasonable practice. Two *Public Notice* signs were also posted on the subject lands providing supplementary notice, one for each street.
- Why the rush for the Public Hearing?
 - Because the *Planning Act* requires municipalities to hold a hearing for minor variance applications within 30 days of receiving the application.
- Has a traffic evaluation been done?
 - A Parking Impact Study prepared by Associated Engineering was submitted with the application. A Traffic Impact Study was not requested by either Town or Regional staff as the impact on the transportation network resulting from the proposed development is marginal overall.
- Reducing the yard setbacks is a safety concern for drivers.
 - The requested front yard setback is principally associated with the vertical addition. The proposed changes on the ground floor relevant to this safety concern are for the proposed corner entrance which expands westward towards Maple Street by 1.2 m (4'). The only sight line concern would be for southbound vehicles turning off of Maple Street. The line of sight for a driver positioned at the Maple Street 'STOP' bar looking for westbound Canboro Road vehicles is not impacted as the building wall is approximately 15 metres northeast of this 'STOP' bar, and the front yard building wall in question is already existing. The corner expansion is actually behind the driver's line of sight.

Planning Staff Comments

The subject lands are located on the northeast corner of Canboro Road and Maple Street. The lands are surrounded by a municipal parking lot to the north and mixed-use commercial buildings on all other sides.

It is noted that a Site Plan Control application will be required to facilitate the proposed development, this will warrant Council approval. A pre-consult was held with the applicant(s) of the property and staff from the Town with comments from Niagara Region Planning & Development Services on April 18, 2019 to discuss various development applications.

Planning staff are familiar with the quiet Downtown Fenwick neighbourhood, the proposed redevelopment and understand the local context which consists of traditional, compact downtown style mixed-use buildings ranging in height from 1 to 3-storeys, common of their era, (Figure 4). A *Planning Justification Report* was submitted in support of the application by Craig Larmour, MCIP, RPP dated 2019-12-16 and staff generally agree with its commentary.

Figure 4: Surrounding Fenwick neighbourhood



Planning staff wish to note that the ability for the subject parcel to provide any additional off-street parking is essentially impossible given the triangular shape, limited size, and local constraints present. Even if the existing building were not to exist, or the horizontal expansions weren't proposed, the provision of extra surface parking stalls would be so marginal and uneconomical that it wouldn't be feasible. Surface parking stalls require a significant amount of land to be exclusively dedicated to them, including drive aisles. Planning staff are also of the opinion it is hardly fair to prohibit an existing, legal lot of record from exploring redevelopment opportunities for what would otherwise comply with the historic scale, permitted uses and building mass typical of small town Ontario villages. The redevelopment provides an economic, social and cultural enhancement for Downtown Fenwick.

Planning staff also reviewed the submitted *Parking Impact Study* prepared by Associated Engineering, dated 2019-07-4 in support of reducing the parking stalls on the subject land after redevelopment. Though we understand its conclusions, and recommendation that in order for the redevelopment not to exceed the adjacent municipal parking lot's carrying capacity, the future bakery should not operate during the peak parking demand time. Though this is plausible, it is not enforceable under the Site Plan Control process nor is it within the Town's authority. Only the business owner and landlord would have jurisdiction to that effect.

It is for this reason, (together with the balance of this *Recommendation Report's* analyses that Town Planning staff are of the opinion the variance to reduce the parking requirement to zero (0) parking stalls is not considered to pose any adverse impacts to the community or users of the Town owned parking lot.

As described earlier in this Report, the variances associated with the minimum front and side yard setbacks are connected to both of the horizontal expansions. However, zoning relief for these two provisions would actually still be required even if the existing building footprint were maintained based purely on the vertical addition.

There is no remote prospect for any adverse impact associated with these setback reductions as minimally setback downtown buildings define the character of this neighbourhood and are widely considered desirable from an urban design perspective in downtown neighbourhoods.

Planning staff understand the proposal to be an ideal application of current planning and development goals outlined by upper levels of government and local Town policies dealing with appropriate *intensification*, redevelopment and land use diversification. The proposal will enhance the Canboro Road and Maple Street streetscape, help support other local businesses, public service facilities and share nearby amenities, increase the property's value and thus, tax productivity while making more efficient use of an existing lot on a fully serviced public street.

There are currently sanitary sewer capacity issues downstream towards the Fenwick pumping station. There are several capital works projects that will be carried out by both the Region and Town in the near future. In the meantime, the Site Plan Control application is required to be accompanied with a Functional Servicing Report, prepared by a *Professional Engineer* addressing the servicing matters and capacity issues associated with the redevelopment.

Town of Pelham Council approval will still be required prior to building permit for the Site Plan Control application to affect the legally binding Site Plan Agreement.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate *redevelopment* and *intensification* Downtown, making more efficient use of the designated urban area lands, where suitable to do so. The proposed minor variance should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, parking, safety and storm water runoff.

In Planning staff's opinion, the application is considered an innovative form of compact, walkable, urban redevelopment, is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Planning staff recommend that minor variance file A4/2020P **be approved**.

Prepared by,

A handwritten signature in black ink, appearing to read 'Curtis Thompson'.

Curtis Thompson, B.URPI
Planner

Approved by,

A handwritten signature in blue ink, appearing to read 'Barbara Wiens'.

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

Memorandum

Public Works Department - Engineering

DATE: January 20, 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 A4/2020P
Part of Lot 1 Plan 703

Public Works has completed a review of the minor variance application A4/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 6.16 (a) Minimum Parking Requirement – to permit a reduction in parking wherein the by-law requires 3 stalls for 8 hotel suites and the proposal is for 0 stalls;
- Section 20.2 (c) Maximum Lot Coverage – to permit a maximum lot coverage of 57% whereas the by-law permits 40%;
- Section 20.2 (d) Maximum Gross Floor Area - to permit a gross floor area of 191% whereas the by-law permits 50%.
- Section 20.2 (e) Minimum Front Yard – to permit a minimum front yard of 1.83 meters whereas the by-law requires 6 meters, and;
- Section 20.2 (f) Minimum Side Yard – to permit a minimum side yard of 0.6 meters for the corner entrance and 1.83 meters for the west entrance wall whereas the by-law requires 3 meters.

Public Works has the following conditions;

- A Stormwater Management Brief is required, outlining the stormwater management strategy to be used. Runoff is to be pre-to-post.
- A Functional Servicing Report is required, confirming adequate capacity in both services and mains to accommodate post development outletting rates
- Site Plan and Site Servicing and Grading Plan drawings are required as part of a complete submission

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

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

Date: January 14, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 28, 2020 hearing. **File A4/2020P**

Comment:

- A building permit will be required for the proposed building.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

From: [Nancy Bozzato](#)
To: [Holly Willford](#); [Curtis Thompson](#)
Subject: Fwd: 795 Canboro Rd
Date: Thursday, January 16, 2020 11:02:52 AM

Sent from my iPhone

Begin forwarded message:

From: Brian Prins [REDACTED]
Date: January 16, 2020 at 10:33:48 AM EST
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: 795 Canboro Rd

Hello and Good Day!! I am sending this email to you with regards to the application for 795 Canboro rd in Fenwick. I am all for new growth however i have a huge concern with this building as the owner would like to get rid of parking. I am a new business owner in Fenwick and one thing i have noticed and hear from the people in this town is there is a huge lack of parking spaces. I run a business that is open from 8-5pm monday to friday and i constantly have to ask people not to park in my lot which is conveniently located right across the road from The Grill on Canboro. At night and on weekends my parking lot gets pretty busy. I have three young boys who are active and play in the yard after work hours. Last thing i need is someone hitting my kids with a vehicle. My concern would be that i would have more cars trying to park on my lot and property which i have put up signs to let people know its parking for customers only. My second concern would be the monstrosity size of this building, is there really a need for 8 hotel rooms in Fenwick? I could see him doing two stories but i think three is a little much. Again, i am all for new growth in Fenwick but with in reason, i personally would like to see the old fire hall knocked down and a parking lot made there or beside the Avondale, big empty lot and it could be utilized a lot better than what it is.

Thanks for your time

[Brian Prins](#)
Owner
Clarences Service Centre ltd

Sarah Leach

From: Holly Willford
Sent: Thursday, January 23, 2020 12:18 PM
To: Sarah Leach
Subject: FW: Application for Minor Variance, 795 Canboro Road, File A4/2020P

From: Bay Construction [REDACTED]
Sent: Thursday, January 23, 2020 9:23 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Re: Application for Minor Variance, 795 Canboro Road, File A4/2020P

Good Morning Nancy:

Once again thank you for your time and the forwarded information regarding 795 Canboro Road. As we discussed on the telephone yesterday, this proposal only came to my attention yesterday. As such, a fellow member of the community and myself met with other neighbours, last night, regarding this issue. I don't think I would be out of line to state that the request for "minor variance" on this property does not have majority support. One would suggest that the term "minor" should be reconsidered.

As I am sure you (and council) are well aware the core centre of Fenwick has a traffic/parking concern. This is nothing new to the Town. Parking and accessibility has been an issue multiple times; during the core restoration/beatification, building of the new Fire Station #2, and most recently during the renovation of Maple Acres Library. As it stands the town owned parking lot is a well utilized property. To the extent, that at present, the parking lot is full on most occasions. Depending on the season this lot is woefully undersized. During summer months there are many evenings per week when residents on Maple Street deal with their front yards becoming over flow parking areas. We are aware the town owns the land from the sidewalk to the street centre line. However, we are tasked with the upkeep of this land. We do not under take this task to make it available for over flow parking. This issue has been a growing concern to many. To this point, I see the proposed "minor variance" for 795 Canboro Rd., is to waive the stipulated parking requirement needed for a short term rental and bar. The existing 4 parking spaces allotted to this property is not enough for what we have as of this date, let alone for what is proposed. Should the proposed business intended for this new building venture be successful, where do they intend to have their customers park? If I read the paperwork correctly, the intension is to increase the foot print of the building as well, no room to add parking there!

'Short term Rental'. Is this a euphemism for Air B N B. I am aware this may be the legal term for this type of rental property. However, and forgive me I am not up to speed on the Towns latest stance on these types of rentals with-in town limits. But if memory serves, during the last election cycle it was a vary divisive matter. Fenwick doesn't need a Short term rental property or a hotel for that matter.

I/we are concerned that this proposal will create issues which that community is unwilling dealing with.

As a side note, as per the town by-laws posting and notices were issued based on the letter of the law. However, I would venture more consideration to the proposal and its effects should have entered the equation. Notices were issued to property owners within a 60M radius. The Town owned parking lot encompasses the majority of this area. A "good faith" gesture should have been implemented. The Town

already has a image issue with residents. That radius should have been increased to encompass those residents potentially effected by this proposal. In addition, the notices posted on the property were January 13th. As noted in the paperwork, grievances where given a date of Jan 16th for written submission. 3 days, *really?* If memory serves one sign doesn't mention the date of the meeting or deadlines. I would suggest even though 10 days is the towns responsibility (in fairness more should be given) it is winter time. People are not outside as much as in warmer weather. Speaking for myself, when out, I am going from point A to B and don't take in much else, this time of year. Why the rush for the planned meeting. I have seen signs on property for months, adds in the paper for planned building sites. Yet to my knowledge, nothing more than what previously mentioned in this letter.

Please don't misinterpret this letter as Letter from the "miserable old guy who lives down the street, who doesn't like anything new" I want the businesses in our community to succeed. I believe this proposal will hinder the existing business. Parking for the Avondale is already hampered by congestion. As I am sure the 2 existing restaurants and library note on occasion, as well. If there is a parking issue now, it will become far worst, eventually killing business for all those concerned and no one will use the area. We loose the Avondale, we will kill the core of Fenwick. By all means, lets attract small business to Fenwick. LETS BE SMART ABOUT IT

Thank you, again. I hope to see you at the meeting Jan. 28th.

Mark Bay

From: Nancy Bozzato
Sent: Wednesday, January 22, 2020 3:56 PM
Cc: Holly Willford
Subject: Application for Minor Variance, 795 Canboro Road, File A4/2020P

Hello, Mark

As a follow-up to our telephone conversation of this afternoon, attached please find a copy of the Notice of Public Hearing and sketches pertaining to this minor variance application. I have also included the radius map used to generate the 60m notification. I see that your property falls outside of the radius. The Planning Act also requires that Public Notice posters be placed on the subject lands at least 10 days prior to the hearing, to further inform residents in the vicinity of the proposal. It is my understanding that these posters have been placed on the property, January 13th.

As I advised during our conversation, all interested parties are invited to submit written comments, attend the hearing to make oral submissions, or both. People do not have to pre-register to address the Committee of Adjustment at this public hearing.

I trust this is the information you require, but do not hesitate to contact me should you have any further questions.

Best regards,



Nancy Bozzato, Dipl.M.M.

Town Clerk

Town of Pelham

T: 905-892-2607 x315 | E: njbozzat

20 Pelham Town Square | PO Box 4

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.

Jan. 24, 2020.



File A4/2020P

Part of Lot 1, Plan 703 Pelham.
795 Canboro Rd.

Section 6.16(a) - parking requirement -
we object to this amendment. There is very
limited parking in the Fenwick business area at
present and we cannot afford to give up existing
parking slots to accommodate a 2 storey hotel.

Section 20.2(c) - lot coverage
We object to the possible expansion of lot coverage
because it will confiscate existing parking lands.

Section 20.2(e) - minimum front yard/side yard.
We object because the existing building already
encroaches on sidewalk area in the downtown core of
Fenwick. There is no room for any yard expansion.

Overall we object to these amendments - there
is no room for additional parking that this enterprise
would require.

The existing building is suitable for a business
that needs only limited parking available on their property.
A new feasibility plan needs to be done for the Fenwick
downtown core.

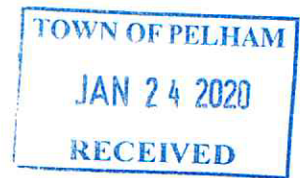
Terri + Barry
Robins Robins

- [redacted] Welland Rd.
Fenwick

Jan 24, 2020.

Please be advised that we wish to
be notified of the decision of the
Committee of Adjustment in regards of the
possible amendment of

File A4/2020P
Part of Lot 1, Plan 703, Pelham,
795 Canboro Rd.



Terri + Barry
Robins Robins

Welland Rd
Box 236
Fenwick, L0S1C0



NIAGARA CATHOLIC
DISTRICT SCHOOL BOARD

January 29, 2020

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

Attention: **Nancy J. Bozzato**, Town Clerk, Secretary-Treasurer

RE: MINOR VARIANCE APPLICATION NOTICE – FILE A4/2020P
Part of Lot 1, Plan 703, Pelham, 795 Canboro Road, Pelham

Thank you for the opportunity to comment on the minor variance application notice at 795 Canboro Road. This location is close to St. Ann Catholic Elementary School located at 832 Canboro Road.

We received the following feedback from staff at Niagara Student Transportation Services:

1. Section 20.2(e) "Minimum Front Yard" to permit a minimum front yard of 1.83m (requirement of 6m),
2. Section 20.2(f) "Minimum Side Yard" to permit a minimum front yard of 0.06m for the corner entrance and 1.83m for the west wall (requirement of 3m),

Students attending St. Ann Catholic Elementary School would be walking past this location to and from school. The narrowing of the sidewalk connection in front of this development will put the students closer to the roadway traffic as well as parked cars, creating a greater safety concern. This would be compounded during the winter season with the addition of snow accumulation on the sidewalk.

If you have any questions or concerns please contact Kathy Levinski at 905 735-0240 ext. 273.

Sincerely,

Scott Whitwell
Controller of Facilities Services

cc:
Lori Ziraldo (Powell), Executive Director, NSTS
Rob Berketo, Manager, NSTS
Kathy Levinski, Administrator of Facilities Services

ed

From: [Nancy Bozzato](#)
To: [Joanne Van Liefland](#)
Cc: [Curtis Thompson](#); [Bolly Willford](#)
Subject: RE: File A4/2020P
Date: Thursday, January 30, 2020 3:47:48 PM

Dear Joanne;

Thank you for this correspondence relating to File A4/2020P. The correspondence will be provided to the Committee of Adjustment for their consideration in their deliberations on this application. This correspondence will be added to the public agenda, with your personal contact information removed. You are also invited to attend the hearing, and we will forward a copy of the Committee's decision once it has been rendered.

Best regards,
Nancy



Nancy Bozzato, Dipl.M.M.
Town Clerk
Town of Pelham
T: 905-892-2607 x315 | E: njbozzato@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: Joanne Van Liefland [REDACTED]
Sent: Thursday, January 30, 2020 2:34 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: File A4/2020P

Good Afternoon Nancy,

My name is Joanne Catena.

I send you this email as I have questions and concerns about the proposal as it pertains to the file mentioned above.

As a business owner and a resident of Fenwick I understand the towns desire to promote local business and encourage growth in Pelham.

However, this proposal raises many red flags in the way of questions and safety concerns that I wonder if the planning committee has addressed.

I will list these in no particular order:

1. Thousand of dollars were spent on benches, interlock brick, special lighting etc. to give Fenwick a small town feel. How does a large 3 story building "fit" into the small town nature of Fenwick?
2. This is the one of the busiest intersections (Maple and Canboro) of Fenwick where there are a number of businesses. Parking is difficult to find at the best of times. How can you allow a building with retail on the bottom floor and 8 hotel rooms to have "no" parking.
3. The proposal is asking to increase the footprint and decrease the front and side yard. Plus the building will be three stories high. Have you done a traffic evaluation? You have school buses, public transportation buses and large trucks trying to maneuver that intersection. By decreasing the front and side yard and increasing the height of the building this is a huge safety concern for all drivers.
4. Speaking of safety, if you allow no additional parking for this building. I can only assume that the people working in this proposed building will be parking on the streets and the public parking behind. This public parking is currently being used by the local business workers, employees of the library and the patrons of these businesses. There is no room for additional parking of a business this size being proposed. Plus there will be added truck traffic for the hotel and commercial space. There are over a hundred people including senior citizens that need to pick up their mail at the post office on Canboro, children walking home from two schools (St. Ann's and EW Farr) . Is it worth risking their safety??

I ask that you take the time to fully investigate this proposal.

I support growth and would love to see a business move into the old RBC building.

However, this proposal, this building is NOT the right fit for all the reasons I have listed above.

The Town of Pelham and the planning committee need to think about the safety and well being of all concerned.

Can you please send a reply email letting me know that you have received this email.

Joanne Catena

I have lived at [REDACTED] Maple St. for 42 years, 5 doors down from the proposed hotel project in the old bank in Fenwick. Allow me say that I am not against development nor am I against change. I would like to see development downtown in Fenwick. Some people are quick to label you as some sort of dinosaur if you do not agree with their proposals. I am eager to see Fenwick develop. I believe this council was elected as a common sense council. Common sense tells me that if variances to this degree are required, this location might not be appropriate for this type of building. Just because a building is "Great Looking", does not qualify it as great planning. As a longtime resident, I would like to express some of my concerns and observations, most of which I am sure that anyone driving through Fenwick on a daily basis are keenly aware of.

The Church St. and Canboro Rd. intersection, with its "Traffic Calming" features has made it a difficult, if not a dangerous corner to navigate. Vehicles are constantly going around the flag pole in the wrong lane at Canboro Rd. and Maple St. I have almost been hit a number of times by vehicles using the wrong lane. Problems with the line of sight will be hampered even more for vehicles pulling onto Canboro Rd. from Maple St. These problems will only increase as new development brings increased traffic. Delivery trucks are already blocking lanes of traffic on a regular basis. Large greenhouse trucks, nursery trucks and farm equipment use these roads daily.

Is the infrastructure in Fenwick adequate to handle the anticipated growth? The water and sewer systems are almost 40 years old. Water to Fenwick is supplied via a single 12 inch asbestos cement main. An underwriter's survey has reported that a lack of a redundant water supply for Fenwick is an area of concern. As east Fenwick and downtown Fenwick develop and come on line, is the Town ready?

The builder wants to make this building a feature destination, whatever that is? At the end of the day, he can go home to his quiet rural home, but those of us who will be living in the shadow of this building have nowhere else to go. We will be living with increased traffic, noise and all the other inconveniences associated with this proposed establishment. Apparently “occasional inconveniences” are OK as long as it inconveniences someone else.

Mr. [REDACTED] seems to think that he can use the municipal parking lot for his customers. This is a Municipal Parking lot built and maintained by the taxpayer. The lot is already used by patrons of The Broken Gavel, The Maple Acres Library, The Model Railroad Club, The Grill on Canboro and other businesses in the downtown core. A small commercial building on the east side of the former bank is for sale and will also require parking when it is sold. The fire hydrant in front of The Grill on Canboro is constantly being blocked by parked cars and numerous other parking bylaw violations are occurring. Businesses have placed No Parking signs on their private parking lots. I don’t understand how a parking study can conclude that there is adequate parking when there will be future development of the old fire hall, the post office, the old school building, among others, which could not possibly have been included in the study. Proponents of this project think that a lack of parking is a minor issue or occasional inconvenience. It is not a minor issue.

Fenwick does not have a problem attracting residents. Homes usually sell quite quickly and I don’t believe anyone is moving to Fenwick for the night life. Some people think a hotel is a good idea. Let us not forget that some people thought that Cannabis grow ops were good for Fenwick.

Lack of enforcement of existing By-laws seems to be a growing issue in the Town of Pelham. If Fenwick development is not done properly, parking may be the least of the Town's issues. Hopefully this won't be another, "If you don't like it, you can move" scenario.

I feel that future development should enhance the quality of life for all Fenwick residents. I have enclosed a few photos of my observations.

Respectfully yours

Otto Heinrich

██████████ cell

██████████ home







NO
PARKING
PRIVATE
DRIVE







February 4, 2019

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

Re: Minor Variance - Application A5/2020P
1121 Effingham Street, Pelham
Concession 9, Part of Lots 5-6, and Part of Road Allowance (closed by RO778042)
Roll No. 2732 030 012 04600

The subject land is located on the east side of Effingham Street, lying north of Welland Road, legally described above, and known municipally as 1121 Effingham Street.

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

- **Section 7.7 a) "Max Accessory Lot Coverage"** seeking 2.1 %, whereas 1% is permitted.
- **Section 7.7 d) "Max Accessory Building Height"** seeking 6 m, whereas 3.7m is permitted.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) designates the subject land within the 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Policy 2.6.2 states *development* and *site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless significant *archaeological resources* have been *conserved*.

Greenbelt Plan (2017)

The subject parcel is designated 'Tender Fruit & Grape Lands' within the Greenbelt Plan's *Protected Countryside*.

Policy 4.5 states that all existing uses are permitted, including single dwellings on existing lots of record, provided they were zoned for such prior to the Greenbelt Plan coming into force. Expansions to existing buildings which bring the use more into conformity with this Plan are permitted so long as new municipal

services are not required and the addition does not expand into key natural heritage / hydrologic features.

The proposed accessory building does not conflict with Greenbelt Plan policy.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Unique Agricultural Area' as part of the Protected Countryside lands in the Greenbelt Plan.

Policy 10.C.2.1.13 states that *development* and *site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Regional staff are requesting that, as a condition of approval, a Stage 1-2 Archaeological Assessment, prepared by a licensed archaeologist, be required for the areas of the property subject to the proposed disturbance.

Pelham Official Plan (2014)

The Town Official Plan designates the subject parcel as 'Specialty Agricultural'. The purpose of this designation is to implement the Greenbelt Plan and recognize the importance of specialty croplands. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Policy D4.3 Archaeological Resources – states that Council recognizes that there are archaeological remnants of pre-contact and early historic habitation as well as archaeological potential areas within the Town. Council shall require archaeological assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial guidelines, requirements and protocols.

Based on the Town's Heritage Master Plan, the subject lands are identified as having high potential for deeply buried archaeological material. This is likely a result of its proximity two watercourses and a historic transportation route.

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

The subject land is zoned 'Agricultural' (A) according to the Zoning By-law. Section 7 of the 'A' zone permits one single detached dwelling and accessory buildings, among other uses.

Section 7.7 Requirements for buildings and structures accessory to dwellings

- | | | |
|----------------------------|-------|----------------|
| a) Maximum Lot Coverage | 1% | Request = 2.1% |
| d) Maximum Building Height | 3.7 m | Request = 6 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 variance to increase accessory building lot coverage to 2.1 % is minor overall as adequate land area remains available to handle stormwater runoff, the septic system and preserve a rear yard amenity area.</p> <p>Increasing the accessory building height to 6 m is minor given the rural context. No negative impacts are anticipated by the adjacent neighbors as over 20m separates the nearest residential neighbour</p>

	from the building site together with some large deciduous trees acting as an addition buffer screen.
2. The variance is desirable for the development or use of the land.	<p>Increasing the accessory building lot coverage is desirable for the land because it will allow for enhanced use of the rural residential property which is relatively small in size and constrained for an agricultural area or traditional farming operation.</p> <p>The variance request to increase the accessory building height is desirable for the property as it allows for enhanced storage and use of the facility. The adjacent dwelling to the south is setback over 20m and is buffered by some large deciduous trees. No adverse impacts are anticipated on the surrounding lands.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The proposed use of a building accessory to a single detached house is permitted in the 'Specialty Agricultural' designation of the Official Plan and the policy does permit uses which are compatible with agriculture. Given the proposed location of the accessory building, the requested increase in building height will not compromise the objectives of the Official Plan, particularly with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities.</p> <p>The requested increase of accessory building lot coverage directly impacts the development's horizontal footprint upon the lands. Given the high potential for discovery of archaeologically significant resources, without the benefit of an archaeological assessment confirming otherwise, this increased lot coverage variance in the proposed location is considered to conflict with Policy D4.3. However, pending a Ministry archaeological clearance resulting from an Archaeological Assessment, this would conform with the Official Plan. As a result, Town and Regional staff have recommended an archaeological assessment / Clearance as a condition of approval.</p> <p>The variances are appropriate given the site's rural context and meet the general intent of the Town Official Plan policies.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	The size of the proposed accessory building's height to 6 m, and increased lot coverage to 2.1 % is appropriate given the rural context. Reasonable amounts of open space remain available on the site for amenity area, stormwater runoff and sewage system purposes, thus the increased height and lot coverage will not adversely impact the rural character of the area or the surrounding countryside. The variance maintains the intent of the Zoning By-law with respect to accessory building massing, siting and locational scale.

Agency / Public Comments

On January 9th 2020, a notice was circulated to agencies directly affected by the proposed application including internal Town departments and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Niagara Peninsula Conservation Authority Planning & Development Services (January 13, 2020)
 - No objections.
- Niagara Region Planning & Development Services (January 13, 2020)
 - Requesting the applicant conduct a Stage 1-2 Archaeological Assessment, prepared by a licensed archaeologist, as a condition of approval.
 - No objections respecting natural heritage policies.
 - No objections respecting private septic system regulations.
- Public Works Department (January 27, 2020)
 - The proposed driveway requires an Entrance Permit obtained through the Public Works department. The applicant shall bear all costs associated with these works.
- Building Department (January 21, 2020)
 - A building permit will be required.

One (1) public comment was received and is summarized as follows:

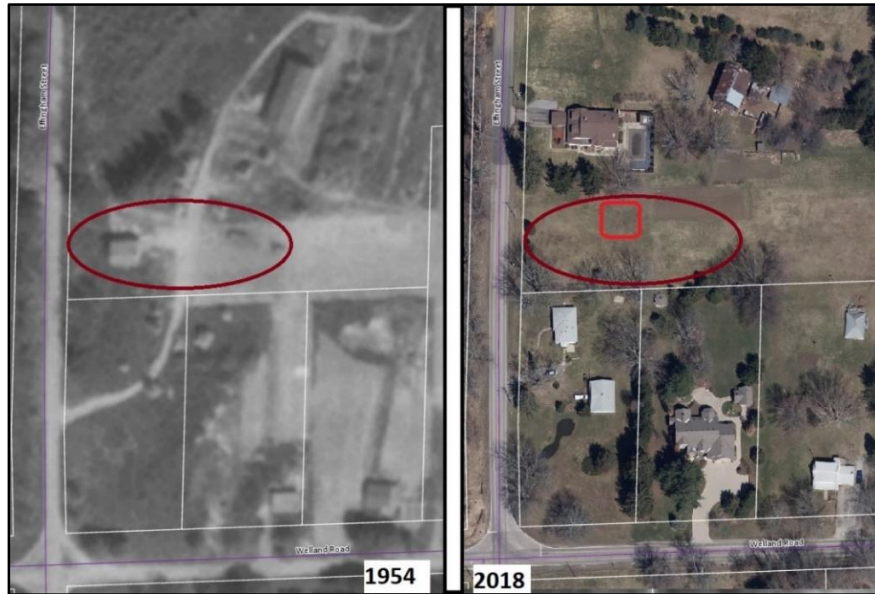
- The proposed garage is situated in a bad location due to its topography, its vertical impact is even more pronounced.
 - Planning staff agree and would rather have seen the proposed garage be located north / northeast of the principle residence and within the cluster of buildings. However, the septic system is located directly north of the residence which restricts construction and vehicle access in that area.
- Concern that the proposed placement and height of the garage will decrease the real estate value of 1109 Effingham Street.
 - There is no evidence present that would indicate a reduced real estate valuation.
- Suggests relocating the garage closer to the principle residence or further to the rear.
 - Normally Planning staff would echo the good practice of locating the buildings closer together within the existing cluster. However, as described above regarding the septic system constraint to the north and also mature trees flank the south wall of the dwelling and would need to be removed should the building relocate in this direction. In terms of relocating the garage to the rear, it may help reduce the vertical impact, but it will also result in a much larger driveway which usually is associated with additional impervious surface and stormwater runoff.

Planning Comments

The subject lands are surrounded by rural residential dwellings, large open spaces and some pockets of *significant woodlands*. The proposed minor variance to increase the accessory lot coverage and accessory building height should not facilitate any adverse impacts with regards to land use incompatibility, storm water runoff or privacy etc. However, the variance for increased accessory lot coverage may adversely impact local cultural heritage and archaeological resources which conflicts with Provincial policy, Regional and Town Official Plan policies.

After reviewing historical aerial imagery (1934 / 1954), it appears there was a former building aligned longitudinally with the proposed accessory building, with a similar footprint. However, this structure was setback approximately 18 m from the eastern limits of Effingham Street (Figure 1). Whereas the proposed accessory building is situated 28.5 m from Effingham Street.

Figure 1: Aerial imagery of the subject lands from 1954 – 2018



Considering the proposed building's location, Planning staff can infer the proposed location is not considered to be heavily disturbed which would otherwise have been grounds to waive any archaeological assessment requirement of the Region and Town.

Town Planning staff recognize the Region of Niagara is comfortable supporting the proposed development with the benefit of a condition of approval requiring the submission of a stage 1-2 archaeological assessment. Town Planning staff agree and will also be recommending the condition for the archaeological assessment be submitted to the Ministry of Heritage, Sport, Tourism & Culture for a standard Clearance Letter prior to issuance of a building permit.

Planning Staff is of the opinion that the application has satisfied the *Planning Act*, is consistent with the PPS and conforms to Provincial, Regional, and local plans. The proposal is compatible with adjacent uses and the rural agricultural character of the area.

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number A5/2020P **be approved**, subject to the following conditions.

THAT

- The applicant conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture prior to the issuance of a building permit.
- Obtain approval for a Driveway Entrance & Culvert Permit prior to the issuance of a building permit to the satisfaction of the Director of Public Works.

Prepared by,

Curtis Thompson
Planner, B.URPI

Approved by,

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

Memorandum

Public Works Department - Engineering

DATE: January 27, 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 A5/2020P
1121 Effingham Street

Public Works has completed a review of the minor variance application A5/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.7 (a) to allow a maximum accessory lot coverage of 2.1% whereas the by-law permits 1%, and;
- Section 7.7 (d) to allow a maximum accessory building height of 6 meters whereas the by-law permits 3.7 meters

Public Works has the following comments;

- The proposed driveway is to be constructed through an Entrance permit obtained through the Town of Pelham. The applicant is to bear all costs associated with this permit.

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

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

Date: January 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 4, 2020 hearing. **File A5/2020P**

Comment:

- A building permit will be required for the proposed accessory building.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

VIA E-MAIL ONLY

January 16, 2020

Sarah Leach, BA.

Administrative Assistant to the Clerk

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

Submission for Minor Variance Application

Location: 1121 Effingham Street

In the Town of Pelham

Our File: MV-20-0001

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a minor variance at 1121 Effingham Street in the Town of Pelham:

- Site Plan, Prepared by Max Ferri

The above-noted documents were received by Regional staff on January 9, 2020. The submitted Minor Variance application is proposing to request an increase in maximum accessory lot coverage and an increase in maximum accessory building height in order to construct a garage. The following comments are provided from a Regional and Provincial perspective based on the information submitted in order to assist the Town in reviewing the application.

Core Natural Heritage System

The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS on and adjacent to the property consists of Provincially Significant Fonthill Kame Wetland (PSW) Complex and Significant Woodland. The property is also partially mapped as part of the Greenbelt Plan (2017) Provincial Natural Heritage System (NHS). As such, the CNHS features on and adjacent the property are considered Key Natural Heritage/Key Hydrologic Features (KNHFs/KHFs) and the natural heritage policies identified in the Provincial Greenbelt Plan apply accordingly.

Greenbelt Plan policies require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 m of PSW and/or 50 m of

Significant Woodland. Further, Greenbelt Plan policies also require that a 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KHF/KNHF, be established as natural self-sustaining vegetation. In the case of KHF's and Significant Woodland, the vegetation protection zone shall be a *minimum of 30 metres*. Development and/or site alteration is not permitted within a KHF/KNHF or its VPZ.

The proposal is to construct a garage and driveway on the subject property. As all development is proposed more than 120 metres from the identified natural heritage features, no further studies are requested.

Archaeological Potential

The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development (including the construction of buildings and structures requiring approval under the *Planning Act*) and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The land has high archaeological potential, as a result of proximity to two watercourses and a historic transportation route between Lots 5 and 6, Concession 9. Regional staff request that, as a condition of approval, a Stage 1 and 2 Archaeological Assessment, prepared by a licensed archaeologist, be required for the areas of the property that will be disturbed as a result of the proposed development.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommends that the owner also be advised that:

Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) must be notified and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture Industries should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

Private Sewage System Review

According to the plan submitted, the application is to permit the construction of a detached garage with requested relief regarding building height and accessory lot coverage.

According to our records, the sewage system servicing the dwelling was installed in 1994 with approval by the Regional Niagara Health Services Department. The septic system is located on the west side of the property, north of the dwelling. No visible defects were observed at the time of inspection. The proposed detached garage will be located near the southwest corner of the lot, south of the dwelling, and will not encroach onto the sewage system. There also appears to be usable area at the north and southeast corner of the lot for any future septic system repair/replacement that may be required.

Therefore, based on the information submitted for the minor variance application, we have no objections to the proposed garage, provided no plumbing or living space is included.

CONCLUSION

Based on the analysis and comments above, Regional staff offers no objection to the application, subject to the Conditions outlined in the Appendix.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo
Development Approvals Technician
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Elissa Quintanilla, Development Planner, Niagara Region
Susan Dunsmore, Manager Development Engineer, Niagara Region
Michael Lim, Private Sewage System Inspector, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region

APPENDIX
Regional Conditions for Minor Variance
1121 Effingham Street, Town of Pelham

1. That a Stage 1 and 2 Archaeological Assessment, prepared by a licensed archaeologist, be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval with a copy provided to the Niagara Region. The report must cover the areas of the property that will be disturbed as a result of the proposed development, and must be accepted by the MHSTCI, to the satisfaction of Niagara Region, prior to clearance of this condition. It should be noted that subsequent Stage 3 or 4 study may be recommended to mitigate any adverse impacts to significant archaeological resources found in the area of development, through preservation or resource removal and documentation. If the licensed archaeologist or the MHSTCI recommends/requires further Stage 3 or 4 Archaeological Assessments, these report(s) must also be submitted to and accepted by the MHSTCI, to the satisfaction of Niagara Region. NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the MHSTCI confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

Via Email Only

January 14, 2020

Regional File: **MV-20-0001**

Nancy J. Bozzato, Dipl.M.M., AMCT,
Town Clerk / Secretary-Treasurer
Administration Services
20 Pelham Town Square, P. O. Box 400
Fonthill, Ontario L0S 1E0

Re: Application for Minor Variance
Location: 1121 Effingham Street, Town of Pelham
Town File NO.: A5/2020P

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

Private Sewage System Review

According to the plan submitted, the application is to permit the construction of a detached garage with requested relief regarding building height and accessory lot coverage.

According to our records, the sewage system servicing the dwelling was installed in 1994 with approval by the Regional Niagara Health Services Department. The septic system is located on the west side of the property, north of the dwelling. No visible defects were observed at the time of inspection. The proposed detached garage will be located near the southwest corner of the lot, south of the dwelling, and will not encroach onto the sewage system. There also appears to be usable area at the north and southeast corner of the lot for any future septic system repair/replacement that may be required.

Therefore, based on the information submitted for the minor variance application, we have no objections to the proposed garage, provided no plumbing or living space is included.

Respectfully,



Michael Lim, BCIN #113843
Private Sewage System Inspector
Planning and Development Services

cc: Matteo Ramundo, Development Approvals Technician, Planning and Development Services

From: [Sarah Leach](#)
To: [Curtis Thompson](#); [Holly Willford](#)
Subject: FW: Pelham Notice of Hearing - February 4th
Date: Monday, January 13, 2020 3:16:18 PM
Attachments: [image001.jpg](#)

See comments below.

Sarah Leach Signature 2019



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From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: Monday, January 13, 2020 2:53 PM
To: Sarah Leach <SLeach@pelham.ca>
Subject: RE: Pelham Notice of Hearing - February 4th

Hi Sarah,

Please be advised that the NPCA offers no objections to the approval of Minor Variance application A5/ 2020P.

Thank you.

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

[NPCA Watershed Explorer](#)

From: Sarah Leach <SLeach@pelham.ca>

Sent: Thursday, January 9, 2020 8:40 AM
To: Sarah Mastroianni <smastroianni@npca.ca>
Subject: Pelham Notice of Hearing - February 4th

Good morning,

Attached, please find the notice of hearing for Pelham minor variance file A5/2020P.
The fee has been sent to you via regular mail.

Thank you,
Sarah

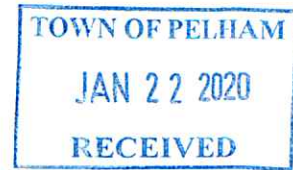
Sarah Leach Signature 2019



TOWN OF PELHAM CONFIDENTIALITY NOTICE

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Re. File A5/2020P

January 22, 2020

To Whom It May Concern

I have received a letter addressed to my late mother, Dorothy Ziemniak. Acting as estate trustee, I am writing to address the variances being proposed, regarding the adjacent property's planned garage, at 1121 Effingham Street, Pelham. It is not my intention to cause hardship to the neighbouring family that we have lived beside since 1959.

There is a large barn and numerous outbuildings on the property, as they were a necessity for the owners to operate a market garden and house animals and fowl. As these buildings are located approximately in the middle of their large property and well maintained, I have no objection to a change of Section 7.7(a), regarding lot coverage of accessory buildings.

Since the neighbours intended to build a garage a few years ago and discussed their plans with my mother, I feel confident that I represent her concerns as expressed to me. She herself, felt that the building's location would be less than desirable. If one looks at the property from the road, you would note that the house is situated on the lowest elevation of the property, while the proposed building site would be on the highest elevation. The proposed variance to the height, from the present bylaw is considerable! Therefore, elevation and proposed height considered, the garage would be the tallest building rising along this eastern section of Effingham Street. My late mother's home is situated in line of the proposed garage, near the property line. Given that the home is a single storey bungalow, it would be overshadowed and overlooked by the proposed building. At the advice of my mother's lawyer, I include these details, as it is believed that the placement and height of the garage would decrease the real estate value of a picturesque and valuable piece of land.

As the proposed garage appears to be located on the plan, more than twenty feet from their home, perhaps it would be better situated closer to their house, or further back, therefore within the lower sloping area of the property and aligning its' height in a more similar manner to the peaks and rooflines of their house. I understand that it is not my place to object to the location of a building, but given the elevation and proposed height of what is an accessory building, not a proposal for a two storey home, I ask that the present bylaw height restriction remain as is.

Potential purchasers of large building lots, outside of the town itself, do so, recognizing the lack of town services available and considering the extra maintenance required of a large property. They do this in exchange for privacy. A triple garage, overlooking our home, would not afford us the privacy that we have long enjoyed.

I would like to be notified of the decision reached by the Committee of Adjustment, at the address below. Thank you for considering my objection.

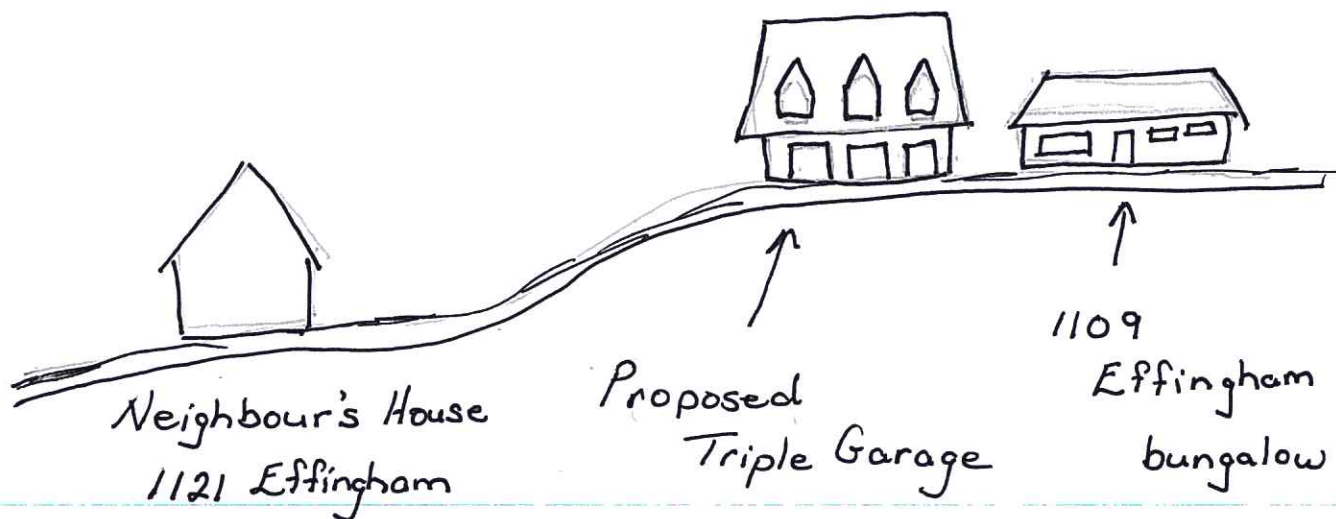
Sincerely,

Melody Burnham (Estate Trustee for Dorothy Ziemniak)

██████ Effingham Street

R.R.#5 Fenwick ON L0S 1C0

I enclose a very rough sketch of the elevation and location of the present two houses and the proposed triple garage, from road level.



February 4, 2020

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

Re: Minor Variance Application A7/2020P
6 Brucewood Street, Pelham
Concession 8, Part Lot 1, RP 59R-537 Part 1 and RP 59R-2848 Parts 3-4
Roll No. 2732 030 011 07501

The subject parcel is located on the east side of Brucewood Street, lying south of Oak Lane, 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 (c) "Maximum Lot Coverage"** to permit a lot coverage of 32.6 %, whereas 30 % is required.

Note: The application is made to demolish and reconstruct a new single detached dwelling.

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.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) *Redevelopment*, including the reuse of *brownfield sites*;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; and
- d) The expansion or conversion of existing buildings.

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.

This application is not considered *intensification* by definition as there are no new net dwelling units being added to the Village of Fonthill's *urban settlement area* housing supply.

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, however, the proposed house is mostly built within the same footprint of the original house. Considering how disturb the subject lands grounds are, requiring an archaeological assessment would not be warranted.

The proposed variance seeks to replace the existing single detached dwelling with a larger footprint dwelling in its place.

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.

This application is not considered a form of *intensification* because there are no new net dwelling units being added to the Village of Fonthill's *urban area* housing supply.

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).

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

The proposed minor variance does not conflict with 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. Although the proposed development is not considered *intensification*, it is a redevelopment and the requested building footprint is not anticipated to cause any adverse impacts under the Regional or Provincial planning scope.

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* or *valleylands* etc. are located on or 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 proposed *redevelopment* is not defined as *intensification* as no new net dwelling units are being added to the local housing supply.

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 replacement of one single detached dwelling with a larger footprint (via increased lot coverage) single detached dwelling within an existing established residential subdivision. The neighbourhood character consists of predominantly 1 & 1.5-storey residential dwellings on large lots. One of the unfortunate consequences with continued use of single-storey (bungalow style) dwellings is that they have more of an impact on the natural ground cover (and by extension stormwater runoff) because in order to maintain desired floor areas by the market, the building footprint must grow horizontally. At the same time, the local Official Plan policies speak to maintaining compatible scale and character of Pelham's neighbourhoods and the local residents want to maintain the status quo built form.

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 are within the vicinity of the proposed redevelopment. An archaeological assessment requirement is not considered by Town staff as the dwelling is essentially occupying the existing footprint with minimal expansion, therefore the area of interest was previously heavily disturbed

and an evaluation would not likely uncover potential archaeological resources.

Policy E1.5 Minor Variances – states that in making a determination of whether a variance is minor as required by the *Four Tests*, the Committee of Adjustment will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. In addition, applicants should be prepared to demonstrate a need for the variance on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

The applicant has indicated that the covered porches and roof design are integral to the design. It should be noted that this does not address the rationale for an increased footprint of the building but it is obvious that the floor area of the proposed new dwelling is larger than what previously existed.

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

The subject land is currently zoned 'Residential 1' (R1) according to the Zoning By-law. Only one single detached dwelling, related accessory buildings and home occupations are permitted.

Section 13.2 – Regulations for dwellings permitted in the R1 zone:

c) Maximum Lot Coverage	30 %	Request-	32.6 %
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The Committee of Adjustment, in Section 45 (1) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

Minor Variance Test	Explanation
1. The variance is minor in nature.	The requested increase in lot coverage is minor overall as the deviation from the Zoning By-law is marginal considering the size of the subject lands. The potential for negative impacts connected to drainage issues, incompatible neighbourhood character appear a remote prospect. Stormwater runoff concerns are unlikely and can be managed a variety of different ways which be reviewed during the building permit stage via an approved Lot Grading & Drainage Plan.
2. The variance is desirable for the development or use of the land.	The requested increase in lot coverage is desirable for the subject lands and the neighbourhood as it will provide a net increase of the residential dwelling which is comparable to the subdivision which currently supports large gross floor area housing. Plenty of open space amenity area remains on this large lot for recreation and stormwater drainage purposes.
3. The variance maintains the general intent and purpose 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 increase in building lot coverage on the subject lands is not foreseen to negatively impact the neighbourhood character with respect to urban design, drainage, privacy, and land use compatible built form.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed variance maintains 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.

Agency & Public Comments

In accordance with the *Planning Act*, on January 9, 2020 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 (Jan 21, 2020)
 - A Demolition Permit is required to remove the existing dwelling and a new Building Permit is required for the new dwelling.
- Public Works Department (Jan 28, 2020)
 - A review of existing drainage and runoff conditions were examined and no adverse impacts are anticipated based on the proposed redevelopment. A comprehensive Overall Lot Grading & Drainage Plan is required at building permit, complete with municipal service locations, downspout discharge locations, and overland flow arrows.
 - If a new driveway is proposed, then an Entrance Permit will be required at the applicant's expense.

Public comments (x3) were received from the public at the time of this writing and are summarized as follows:

- The proposed house is not in proportion to the other houses in the area.
 - The proposed increased building footprint (lot coverage) is actually more consistent with the neighbouring dwelling to the north which is considerably larger than the existing dwelling on the subject lands.
- We don't want this zoning request to set a precedent for future demolition and reconstruction of residential dwellings.
 - All *Planning Act* development applications are considered independently and on their own merits.
 - Unless a building is a designated heritage structure under Part IV of the *Heritage Act*, the Zoning By-law and *Ontario Building Code* cannot prohibit the authorizing of a building permit to reconstruct a dwelling that complies with the Zoning By-law.

Planning Staff Comments

The proposed minor variance application seeks zoning relief from maximum lot coverage in the R1 (Residential 1) zone from 30 % to 32.6 %. The increase would allow for the redevelopment of the existing house to be replaced with a new, larger footprint 1-storey house.

The subject lands are located on the east side of Brucewood Street, lying south of both Damude Drive and Oak Lane and is surrounded by single detached residential dwellings from all directions. The existing residential dwelling was built in 1974 (46 years old) according to MPAC records.

The property has considerable tree cover which helps define the character of the neighbourhood. Staff note that the new dwelling will be located generally in the same location of the existing dwelling's footprint, and as such there should be minimal, to no necessary tree removal. To help ensure the protection of as many trees as possible, staff are recommending a Tree Savings Plan be submitted as a condition of approval.

Planning staff is of the opinion that the proposed minor variance should not negatively impact the surrounding neighbourhood with regards to incompatibility, privacy and storm water runoff. The use of the subject lands will continue to be used as a single detached residential use for the foreseeable future and the increased lot

coverage is marginal given the size of the lot.

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 A7/2020P **be granted** subject to the following condition(s):

THAT the applicant

- Prior to the issuance of a building permit, prepare a Tree Saving Plan demonstrating the impact on all existing trees and indicating where new plantings will occur, to the satisfaction of the Director of Community Planning & Development.

Prepared by,

A handwritten signature in black ink, appearing to read "Curtis Thompson".

Curtis Thompson, B.URPI
Planner

Approved by,

A handwritten signature in blue ink, appearing to read "Barbara Wiens".

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

Memorandum

Public Works Department - Engineering

DATE: January 28, 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 A7/2020P
6 Brucewood Street

Public Works has completed a review of the minor variance application A7/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 to allow a maximum lot coverage of 32.6% whereas the by-law permits 30%

Public Works has the following comments;

- A review of existing drainage and runoff conditions of the property was examined, and no adverse effects are anticipated based on the development. A comprehensive overall lot grading plan is required, complete with municipal service locations, downspout discharge locations, and overland flow arrows. The grading plan is to be to the satisfaction of the Director of Public Works.
- If the Applicant is to construct a new driveway, an Entrance Permit will be required. The Permit can be obtained through the Town of Pelham Public Works department

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

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

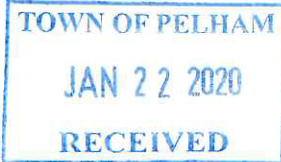
Date: January 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 4, 2020 hearing. **File A7/2020P**

Comment:

- A demolition permit will be required for the existing dwelling to be removed.
- A new building permit will be required for the proposed dwelling.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development



4 Brucewood Street
Fonthill, Ontario
L0S 1E0

January 15, 2020

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

Attention: Nancy J. Bozzato

To Whom It May Concern:

Re: File A7/2020P

We object to the variance application for 6 Brucewood Street (Lot 1, Concession 8, Part 1 of 59R-537, and Parts 2 and 3 on 59R-2848). The neighbourhood is characterized by treed lots with houses conforming to less than the allowed 30% lot coverage.

The applicants for the waiver have already altered the nature of the lot by removing several mature trees and the structure they are proposing is grossly out of proportion to the other houses in the area.

This house is already inconsistent with the neighbourhood, so I can see no reason to allow it to exceed the longstanding zoning regulation.

A handwritten signature in blue ink that reads "Onalee J. Gage".

Onalee J. Gage
■ Brucewood Street

From: [Alix Morgan](#)
To: [Holly Willford](#); [Nancy Bozzato](#)
Cc: [Rich Morgan](#)
Subject: File A7/2020P - 6 Brucewood St, Pelham
Date: Friday, January 17, 2020 2:49:14 PM

Based on the information we received in the mail, we would like to submit our opinion **not to approve** the request of a variance of 2.6% over the maximum for the above property.

This unique area of Fonthill is charming and all the homes presently are consistent within the guidelines. We don't want this request to set a precedence for future demolition and construction. Where does the Town draw the line with future building requests of this nature? The fact that this new home is going from 15.3% to 30%, almost doubling the existing footprint, is significant. However, a reduction of 2.6% from their proposal in order for the home to comply with the zoning, is not significant.

We are unable to attend the meeting on February 4, 2020 but would appreciate receiving information by email on the Notice of Decision of the Committee of Adjustment following the meeting. Thank you.

Regards,
Alix and Rich Morgan
■ Brucewood St, Fonthill, ON
L0S1E0



January 23, 2020

Nancy J Bazzato,
Secretary-Treasurer
Pelham Municipal Offices
20 Pelham Town Square, P.O. Box 400
Fonthill, Ontario L0S 1E0

Re: Town of Pelham Committee of Adjustment
FILE A7 / 2020P
6 Brucewood Street, Pelham

Dear Ms Bazzato,

Please be advised that we do not consent to the request for an exemption to the Zoning By-law 1136 (1987) regarding the maximum lot coverage. Specifically, the 30% rule should be adhered to.

A handwritten signature in blue ink, appearing to read "B. Lemieux" and "R. McIlveen" on two lines.

Yours truly,
Barbara Lemieux &
Robert McIlveen
■ Oak Lane, Fonthill, ON
L0S 1E0

February 4, 2020

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

Re: Consent Application B1/2020P
695 Quaker Road, Pelham
Part of Lot 237
Roll No. 2732 030 019 10000

The subject parcel, shown as Part 2 on the attached sketch, is an interior parcel of land situated 38.10 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 765.47 m² of land (Part 2) to merge with the abutting property to the west (701 Quaker Road), for residential use. Part 1 is to be retained for continued residential use of the single detached dwelling known as 695 Quaker Road.

Note: The boundary adjustment is intended to facilitate rear yard land consolidation for a future draft plan of subdivision or Site Plan Approval / draft plan of 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 with the lands to the west 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. Regardless of whether or not the concurrent Zoning By-law Amendment application is approved, both the severed and retain parts will continue to comply with the R1 zone.
- 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 retained part will maintain a smaller, more appropriately sized urban residential 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 west (701 Quaker Road) 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. There is also a concurrent Zoning By-law Amendment application proceeding to be heard by Council which seeks to rezone both Part 1 and Part 2, however, it is not required under this consent application.

Agency & Public Comments

On January 9, 2020 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 (Feb 4, 2020)
 - No comments.
- Public Works Department (Jan 28, 2020)
 - No comments.

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

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 765.47 m² of land (Part 2) to merge with 701 Quaker Road, will help facilitate the orderly development of future urban growth within the southern extent of the Fontheil 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 May 2, 2019 to discuss the subject application as well as the concurrent Zoning By-law Amendment application.

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, 1-storey neighbourhood commercial
- East – Single detached residential
- South – Vacant multi-unit residential zoned land
- West – Vacant multi-unit residential zoned land & 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 either side, some commercial uses near the Pelham Street and Clare Avenue intersections as well as agricultural land further 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 2 with 701 Quaker Road (Parts 4-5 on RP 59R-15976).
- 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 28, 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 B1/2020P
695 Quaker Road

We have completed the review of the consent application B1/2020P for consent to partial discharge mortgage and to convey 765.47 square meters of land (Part 2), to be added to the abutting property (Part 3, 4, and 5 on 59R-15976) for development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 695 Quaker Road.

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: January 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 4, 2020 hearing. **File B1/2020P**

Comment:

- Building department offers no comment at this time.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

February 4, 2020

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

Re: Consent Application B2/2020P
813 Foss Road, Pelham
Part of Lot 19, Plan 703
Roll No. 2732 010 016 14300

The subject parcel, shown as Part 1 on the attached sketch, has 13.72 m of frontage on the north side of Foss Road, lying west of Church Street, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 689.9 m² of land (Part 1) for construction of a residential dwelling. 842.7 m² of land (Part 2) is to be retained for continued use of the single detached dwelling known as 813 Foss Road.

Note: Files A1/2020P & A2/2020P are being considered concurrently to address zoning deficiencies.

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. Although the subject lands lot depth ± 50m is quite deep, it is not so deep as to reasonably invite further development proposals internally. Because of this, 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;
 - ✓ 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 drainage concerns under typical storm events.
- i) The adequacy of utilities and municipal services;
 - ✓ Available.
- j) The adequacy of school sites
 - ✓ Available nearby.

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 either nearby within Fenwick or a short drive from Fonthill.

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.

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 Fenwick.

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 Fenwick neighbourhood, with single detached dwellings making up the majority of that mix. Single detached dwellings are also the only permitted

use under the RV1 zone of the current Zoning By-law (1987).

The subject lands are located around 1 km from Downtown Fenwick, various other commercial uses along Canboro Road two public elementary schools. The local public high school is nearby just west of the Village of Fonthill.

The proposal will facilitate the construction of one new single detached dwelling on a fairly large (1533 m²) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Village of Fenwick. 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 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 and housing 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* 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 just over 1 km to Downtown Fenwick.

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 Fenwick. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots.

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 50 metres from Church Street, being the closest collector road.
- 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 on a deep lot.
- 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;
 - ✓ The proposed zoning (minor variances A1-A2/2020P) both seek to legalize the RV1 zone lot frontage and/or lot area deficiencies.
 - ✓ 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 very similar to the surround neighbourhood, which consists of single detached, semi-detached and apartment dwellings.
 - ✓ The RV1 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 both of these performance standards of the RV1 zone.
 - ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density.
- 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 RV1 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.
- 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 other 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.

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

The subject land is currently zoned 'Residential Village 1' (RV1) 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 A1/2020P}
 - Required → Minimum Lot Area & Minimum Lot frontage
- Part 2 (retained) {File A2/2020P}
 - Required → Minimum Lot Frontage

The resulting parcel configuration requires certain applicable zoning regulations to be legalized. Any future development other than that which is currently permitted under Section 9 (one single detached dwelling) would require a Zoning By-law Amendment.

Agency & Public Comments

In accordance with the *Planning Act*, on January 9, 2020 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 (Jan 21, 2020)
 - No comments.
- Public Works Department (Jan 23, 2019)
 - No objections, see conditions.

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

Planning Staff Comments

The subject application deals with the severance (& consent to partial mortgage discharge) of a large side yard on an interior lot which would seek to create one additional residential building lot for a 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 September 6, 2018 to discuss the subject applications.

The subject lands are located on the north side of Foss Road, lying west of Church Street and is surrounded by single and semi-detached residential dwellings from all directions.

At present, the immediate neighbourhood is not in the midst of any development projects. This area of south Fenwick is characterized by many large lot ground-oriented residences and some apartment dwellings to the west.

It is a well-accepted planning principle that all communities have a role to play in helping to manage population growth. *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 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 applicant did supply a letter of rationale prepared by their solicitor speaking to planning policy. The agent has indicated that the existing detached garage on Part 1 will be relocated to Part 2.

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 rather minor overall.

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 B2/2020P **be granted**, and subject to the following conditions:

THAT the applicant

- Obtain approval of minor variance files:
 - A1/2020P inclusive.
 - A2/2020P inclusive.
- Conduct an archaeological assessment and receive clearance from the Ministry of Tourism, Culture, Heritage and Sport.
- Ensure both lots are 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 are 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 both lots, as applicable, issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.

- In consultation with the Town's Arborist, plant at least one (1) appropriately sized street tree from the Town's approved Street Tree Planting Schedule along the Part 1 frontage, to the satisfaction of the Director of Community Planning & Development.
- Provide one (1) required parking stall in accordance with Section 6.16 of the Zoning By-law by obtaining and completing a building permit for the construction of a carport or garage on Part 2. Or, the applicant shall obtain zoning relief to amend this parking provision for the required carport / garage.
- Obtain and close a demolition permit for the existing detached garage on Part 1. If being relocated to Part 2, a demolition permit is still required, and to the satisfaction of the Director of Community Planning & Development.
- Demonstrate through a detailed Elevation Plan or Cross-Section, that the existing deck off the west wall, complies with Section 6.35 c) of the Zoning By-law. In the event the deck does not comply, zoning relief or its removal will be required, 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,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: January 23, 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 B2/2020P
813 Foss Road

We have completed the review of the consent application B2/2020P for consent to partial discharge of mortgage and consent to convey 689.9 square metres of land (Part 1) for construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 813 Foss Road.

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.). Locate cards to be provided to the Town once services are installed.
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 is to obtain approval through a Driveway Entrance and Culvert Permit from the Public Works Department for the installation of an entrance for both lots in accordance with Town standards. Installation of entrances shall be completed by and 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: January 21, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 4, 2020 hearing. **File B2/2020P**

Comment:

- Building department offers no comment at this time.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

