

Committee of Adjustment AGENDA

CofA - Special Meeting

July 14, 2020

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**
3. **Disclosure of Pecuniary Interest and General Nature Thereof**
4. **Requests for Withdrawal or Adjournment**
5. **Applications for Minor Variance**

5.1 A4/2020P - 795 Canboro Road

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1. Town of Pelham Planning Department
2. Town of Pelham Public Works (January 20 and March 11 2020)
3. Town of Pelham Building Department
4. Public Comments ** For Copies of All Previous Public Comments Please See February 4, 2020 Agenda**
5. New Public Comments
 - Sandy Jeffs (March 9, 2020)
 - Sandy Jeffs (July 1, 2020)
 - Brian Prins (July 9, 2020)
 - David and Brenda Horton (July 1, 2020)
 - Mark Bay (June 30, 2020)
 - Steven Soos (June 23, 2020)

6. Applications for Consent

7. Minutes for Approval

8. Adjournment

Memo

To: Committee of Adjustment

From: Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Date: March 13, 2020

RE: Minor Variance Application A4/2020P
795 Canboro Road

I understand that the Committee of Adjustment deferred making a decision on the above referenced application for additional information relating to parking and servicing capacity.

At this time, Planning Staff have no further information to provide to the Committee with regards to parking. The Town does not currently have a cash-in-lieu of parking policy in effect. Further the Town does not have a parking reserve fund and no monies have been approved in the Town 2020 budget relating to parking in Fenwick. Council is considering a staff report at their meeting on March 23rd, 2020 which provides recommendations to Council with regards to the establishment of a parking reserve fund, the need to include a parking study/strategy for the Town in the 2021 budget deliberations, and the development of a cash-in-lieu of parking policy.

With regards to servicing capacity Public Works Staff advised that the Town's external consultant that updates and maintains the sanitary sewer model has advised there would be no immediate capacity issues with the addition of the proposed development. See the attached Memo.

Memorandum

Public Works Department - Engineering

DATE: March 11th, 2020
TO: Holly Willford, Deputy Clerk
CC: Nancy J. Bozzato , Clerk; Curtis Thompson, Planner; Jason Marr,
Director of Public Works
FROM: Derek Young, Manager of Engineering
RE: File A4/2020P – Request for addition information
Part of Lot 1 Plan 703

The Public Works Department has reviewed this application in detail, which also included a sanitary sewer assessment for potential capacity issues.

The review of the sanitary network by the Town's external consultant, that updates and maintains the sanitary sewer model, indicated that with the addition of the proposed development to the sanitary sewer, there would be no immediate capacity issues.

Therefore, the proposed development will not put additional strain on the existing sanitary sewer system.

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

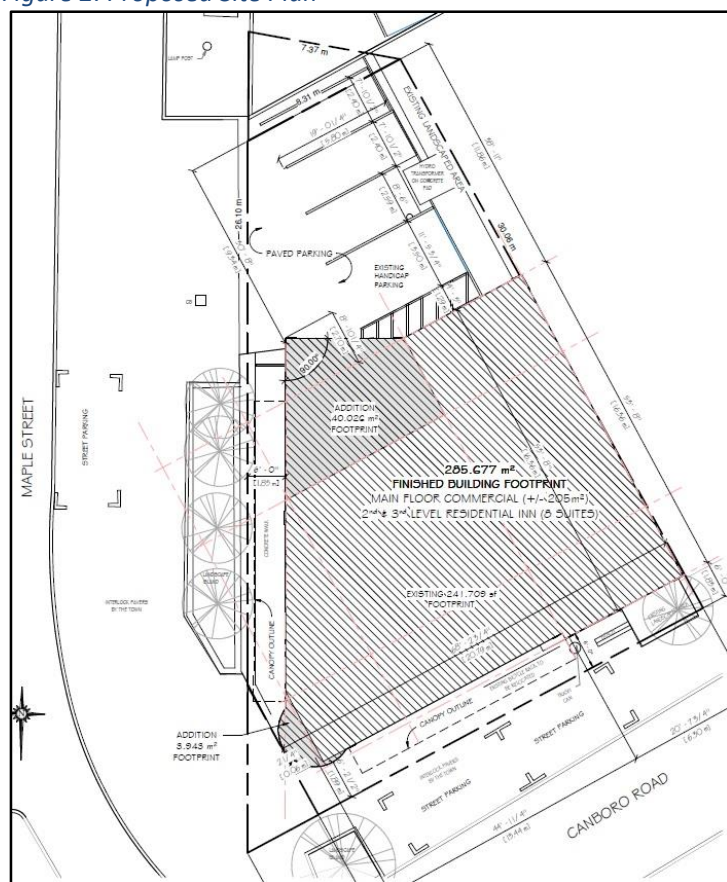
certain traditional architectural details that are often noteworthy such as cornices and brick details. The existing building appears in good exterior condition and has the potential to be further enhanced.

- 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,



Curtis Thompson, B.URPI
Planner

Approved by,



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

July 14, 2020

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

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

At the Committee of Adjustment meeting held on the 4th of February, 2020, the above noted development application was considered for the subject lands known as 795 Canboro Road. After a lengthy public hearing, the Committee **deferred** the application, sine die, requesting additional information to include:

1. Town staff work with the applicant in providing a parking solution; and
 - See Planning department Memo dated March 13, 2020.
 - Furthermore, Council did support the recommendation for a Comprehensive Parking Study, and on June 1, 2020 Council meeting they passed a resolution to undertake a Parking Study in 2020, to be completed in 2021.
 - Planning staff are of the opinion that this minor variance application can be supported on its merits alone in meeting the 4 tests under the *Planning Act* and relevant planning policies, notwithstanding the findings of a future Parking Study.
2. A *Functional Servicing Report* to be reviewed by the Town and Region engineering staff.
 - See Public Works Memo dated March 11, 2020.

Additional public comments were received after recirculation of the *Public Hearing* notice and are included in their entirety on this agenda. The new public comments that significantly differ from what was already presented have been summarized below with a response by Town staff:

- Hearing should be deferred until in-person meetings can reconvene.
 - Public Meetings have been being held remotely several times now, just like countless municipalities across the Province of Ontario. The Province has allowed municipalities to hold statutory public meetings if they have a by-law authorizing the same.
 - Furthermore, based on the current state of global affairs, and climate surrounding the covid-19 pandemic, deferring *Planning Act* applications until in-person meetings can re-convene would severely delay development and economic growth. With the concern around maintaining physical space for public gatherings, especially indoors, in-person meetings could be delayed well into next year, or even beyond 2021.
 - The public has a number of ways to provide input on an application beyond attending in-person, such as by writing mail, email or speaking directly at the remote Public Meeting using a phone to call in or a computer
- Where will delivery trucks park?
 - [Section 6.9 \(c\) \(ii\)](#) of the [Zoning By-law](#) requires 1 loading space for commercial uses between 185 m² and 930 m² in gross floor area (GFA). The proposed commercial GFA does not exceed

- the existing commercial GFA, which was deemed *legal non-complying*. Therefore, no loading spaces are required based on this proposal.
- Delivery trucks should be parking where they're permitted to do so, in accordance with the Town's current Parking By-law.
 - Concerned the lack of parking will impact the safety of pedestrians.
 - There is no evidence to suggest this. The subject land's parking lot, and the adjacent public parking lot, together with their driveway aprons are existing. Sidewalks are available for pedestrian use.
 - Concern over the reduction in the minimum side yard.
 - The horizontal difference in the side yard setback is minimal to accommodate the corner entrance and extension of the back wall. Even without these minor horizontal additions, zoning relief would still have been required to accommodate the vertical addition, because the existing building is *legal non-complying* in this respect. Based on the scope of zoning relief, the request to reduce the side yard setback (to match the existing ground floor walls with the upper floors alone) is appropriate and no adverse impacts are anticipated as the setbacks to the ground floor walls remain unchanged.
 - Objects to the reduced side yard setback because it will narrow the sidewalk near corner.
 - 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 entirely on private property.
 - 2) The corner extension will be occupying what is currently a concrete wheelchair ramp including its railing.
 - Issue with the Town commissioning an overall Parking Study during the current pandemic which has negatively impacted the economy and could yield erroneous results.
 - Town Council made this decision, which is outside of the Committee of Adjustment's authority. These concerns should have, and still could be raised with Council.
 - How will the developer construct an addition without disrupting traffic flow?
 - Construction impacts in compact, historic urban areas can be challenging at times to deal with, but it is certainly not a novel phenomenon. Temporary sidewalk and layby parking closures may be needed, and potentially traffic control on occasion. Regardless, these measures would be temporary.
 - How long before residents start suing the Town for not upgrading hydro infrastructure due to low voltage issues.
 - Hydro One and NPEI are responsible for maintaining Pelham's electrical grid, not the Town. Furthermore, both utility providers are always circulated on site plan development applications for comments.

The original staff *Recommendation Report*, dated January 28th 2020, still applies in its entirety and continues to represent Planning staff's professional opinion.

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 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

Memorandum

Public Works Department - Engineering

DATE: March 11th, 2020
TO: Holly Willford, Deputy Clerk
CC: Nancy J. Bozzato , Clerk; Curtis Thompson, Planner; Jason Marr,
Director of Public Works
FROM: Derek Young, Manager of Engineering
RE: File A4/2020P – Request for addition information
Part of Lot 1 Plan 703

The Public Works Department has reviewed this application in detail, which also included a sanitary sewer assessment for potential capacity issues.

The review of the sanitary network by the Town's external consultant, that updates and maintains the sanitary sewer model, indicated that with the addition of the proposed development to the sanitary sewer, there would be no immediate capacity issues.

Therefore, the proposed development will not put additional strain on the existing sanitary sewer system.

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: [Sarah Leach](#)
To: [Holly Willford](#); [Curtis Thompson](#)
Subject: FW: Town of Pelham Notice of Hearing A4/2020P
Date: Friday, June 19, 2020 8:42:53 AM
Attachments: [image003.png](#)



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

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From: Ramundo, Matteo <Matteo.Ramundo@niagararegion.ca>
Sent: Friday, June 19, 2020 8:37 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: Town of Pelham Notice of Hearing A4/2020P

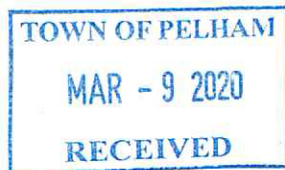
Good Morning Sarah,
Regional staff have reviewed the file noted and will not need to comment on this application. If you have any questions or concerns with this please feel free to contact me.
Sincerely,

Matteo Ramundo
Development Approvals Technician
Niagara Region
Tel. 905-685-4225 EXT. 3345



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permanently delete the original and any copy of it from your computer system. Thank you.



Sandy Jeffs
[REDACTED] Foss Road
Fenwick, ON
L0S 1C0

March 9, 2020

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

Re. FILE A4/2020P
Part of Lot 1, Plan 703, Pelham
795 Canboro Road, Pelham

Dear Ms. Bozzato,

I have reviewed this File and have concerns regarding the application for relief from the following sections of Pelham By-law 1136(1987), as amended:

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 0 stalls."

An important issue here is the definition of a building as a hotel or a motel. Wikipedia defines a motel or motor lodge as a hotel designed for motorists and usually having a parking area for motor vehicles.

Entering dictionaries after World War II, the word 'motel', coined as a contraction of 'motor hotel', originates from the Milestone Mo-Tel of San Luis Obispo, California, which was built in 1925. As large highway systems began to be developed in the 1920s, long-distance road journeys became more common, and the need for overnight accommodation sites, close to the main routes, led to the growth of the motel concept. This concept was in contrast to the to the high-rise urban hotels which had grown around train stations.

There is no longer a train station in Fenwick, so the only access to a 'motor hotel' is by motor vehicle. Therefore, for the 8 'hotel' suites in the proposed 'motor hotel', there should be 8 parking stalls, not zero; to avoid having cars parked on the street.

In fact, the Town of Pelham stipulates, **"Parking on any street in the Town of Pelham during the winter season is not permitted at any time during plowing, sanding or salting operations. Parking on the street in any way to interfere with winter maintenance operation will result in a parking ticket."**

Section 20.2 (c) "Maximum Lot Coverage to permit a maximum lot coverage of 57% whereas the by-law permits 40%."

The proposed lot coverage is 42.5% over the by-law maximum.

Section 20.2 (d) "Maximum Gross Floor Area to permit a gross floor area of 191% whereas the by-law permits 50%".

The proposed floor area is 382% over the by-law maximum.

In conclusion, I feel strongly that this application for a minor variance should be denied because:

- The lot is not suitable for the proposed purpose due to the increase in the size of the building and the number of hotel suites planned.
- There is no parking available for what, by definition, is a 'motel', not a 'hotel'.

Yours sincerely,


Sandy Jeffs

Re: Minor Variance Application
A4/2020
795 Canboro Rd. Fenwick
Plan 703 Part of Lot 1
Roll [REDACTED]
July 1, 2020

Dear Nancy Bozzato,

I am questioning **Section 6.16 (a) "Minimum Parking"** to allow 0 parking spaces as a minor variance .

When my husband and I were looking for land for his business, we knew we would require parking for our clients and also that the town required us to have parking. Thus, we looked for land that would accommodate both the building and parking. Providing parking space is an expected expense of running a business. In Fonthill, 'The Fonthill Inn' has 10 parking spaces in the back of the Inn and I often see that they are full. The Inn has 11 units. Businesses should be treated equally in Town.

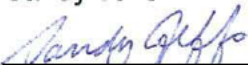
Secondly, visitors to Fenwick most likely have to arrive by car and 8 units will mean 8 parking spaces. Parking will also be needed for the bakery staff, patrons to the bakery, hotel receptionist and cleaning staff. Hotels in larger centres have other ways for patrons to arrive but in Fenwick most visitors arrive by car.

The Town planners in their report say that patrons would be able to use on street parking on Maple Street and Canboro Rd. The town site states "Parking on any street in the Town of Pelham during the winter is not permitted at any time during plowing, sanding or salting operations." Overnight parking will interfere with plowing operations. Parking at the fire hall, 300m. away, will not be easy with luggage for many people especially if it is raining or snowing. The Parking Impact Study done by the applicant found the North lot only at near capacity for a couple of hours but residents living there find a lack of parking many times already. We have been unable to park in Fenwick and have then gone elsewhere to eat.

I read the letter from Brian Prins from Clarences Service Centre. The Towns reply was to put up no parking signs. We found that this did not work at our business.

It is a great idea to have more accommodation in the area but it could be placed in another location. I have seen different commercial sites for sale on highway 20 that would accommodate a unique country setting for a hotel and bakery with room for parking and possible expansion.

Yours
Sandy Jeffs


[REDACTED]

From: [Nancy Bozzato](#)
To: [Holly Willford](#)
Subject: FW: 795 Canboro Rd
Date: Thursday, July 9, 2020 11:33:26 AM

From: Brian Prins [REDACTED] >
Sent: Thursday, July 9, 2020 11:26 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Fw: 795 Canboro Rd

Brian Prins

Owner
Clarence's Service Centre Ltd

From: Brian Prins
Sent: Thursday, January 16, 2020 10:34 AM
To: NJBozzato@pelham.ca <NJBozzato@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

Pelham re Royal Bank minor variance

To: Nancy Bozzato, Secretary-Treasurer of the Committee of Adjustment

From: David & Brenda Horton, Residents of Pelham

Re: Comments re Application for Minor Variance

File Number A4/2020P

795 Canboro Road, Pelham

Date: Wednesday July 1, 2020

Good Day Nancy:

The following are our comments re the above Application.

Section 6.16 (a) Minimum Parking Requirement. We are opposed to relief from the By-Law. The Parking Summary (Shoalts Cover Sheet, A101) notes 7 spaces are required for the commercial space, plus 8 spaces required for the hotel space: total spaces required, 15. To amend 15 to 0 and have commercial customers and hotel guests park in Town parking spaces property creates overnight parking in the Town parking lot and on the street, whereas with the bank and other businesses in the area, there was and is “coming & going” parking, not overnight parking. Other businesses (Broken Gavel, for example) may rightfully question why they have to offer parking spaces and demand permission to expand their patio facility and/or their inside seating capacity out into their present parking lot. Also there will be delivery trucks to this business – where are they going to park? I believe this lack of parking could impact the safety of pedestrians – of which our two grandchildren walk or ride their bikes through this area daily to school. We have a high foot traffic in that area due to the businesses plus the post office and library. Sufficient parking is a must to maintain safety. The debate from residents that was voiced about parking in front of their homes is an issue now. Therefore I believe we are creating an even more intolerable situation for our residents unless adequate parking is established.

Section 20.2 (c) Maximum Lot Coverage. We are opposed to relief from the By-Law. What will the impact be to the surrounding residents with a 3 story building of this size on that corner??

Section 20.2 (d) Maximum Gross Floor Area. We are opposed to relief from the By-Law.

Section 20.2 (e) Minimum Front Yard. We are opposed to relief from the By-Law.

Section 20.2 (f) Minimum Side Yard. We are opposed to relief from the By-Law. The requested amendment in (c), (d) and (f) are such a radical increase from the by-law maximums that they hardly seem like “minor” variances. In the case of 20.2 (f), 0.06m is less than 2 inches, versus a by-law requirement of 3m or approximately 10 feet!!!

General Comments

1. Is the current water, sewage and storm-water infrastructure sufficient to handle the increases which will be generated by this project?
2. There appears to be no provision for shipping and/or receiving activities...for example, where is the receiving door for the proposed bakery? Can we expect to see a Sysco truck & trailer off-loading supplies from Canboro Road?
3. The front entrance with no significant space to Maple Street and the tight turn necessary to turn left onto Maple Street, could very well pose a safety hazard for guests entering the facility. The bank has always had railings at that door to provide some safety barrier. Guests with suitcases I believe could be at risk. Should a car miss the turn and encroach on that sidewalk space a pedestrian has no escape. Should there be an accident at that site and the Town has provided a variance – who is legally responsible??
4. We have a concern for the safety of pedestrians (children, adults, hotel customers) in the vicinity of the building, in particular the main entrance located at the corner of Canboro Road and Maple Street. There is very little side walk area and no buffer from parking spots.
5. What liability is the Town taking on, should Pelham approve the variances and then there is an accident which may be argued is the result of the relaxed by-laws?
6. The overall feel of this Application is that the relief requested is much greater than just a “minor variance” to the existing by-laws.
7. There is a loose plan to put a bakery on the main floor, but can the owners create several small business spaces with this area in the future?? What impact could that have on parking and safety?? There have been two failed bakery businesses in Fenwick in the recent past.
8. From the drawings it appears there is a proposed awning on Canboro Road side. Water run off of that awning will land on the parking area and perhaps on persons exiting cars. Also run off in cold months could cause an ice issue.

Thank you for taking our comments.

Sincerely

David & Brenda Horton

██████ Balfour Street,
Fenwick, Ont. L0S 1C0

██████████

Cell ██████████

From: [Nancy Bozzato](#)
To: [Holly Willford](#)
Subject: Fwd: Written submission for Public Hearing July 14, 2020- Receive for Information
Date: Tuesday, June 23, 2020 8:30:21 PM

Sent from my iPhone

Begin forwarded message:

From: Steven S [REDACTED] >
Date: June 23, 2020 at 5:31:15 PM EDT
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Written submission for Public Hearing July 14, 2020- Receive for Information

Dear Ms. Bozzato,

Please accept this email as my written submission for the public meeting slated for July 14, 2020 @ 4:00pm.

File#A4/2020P

Subject Lands: 795 Canboro Road, Pelham

Legal Description: Part of Lot 1, Plan 703, Pelham

After reviewing section 45(1) of the Ontario Planning Act, 1990, it is clear that the proposed development for the subject land of 795 Canboro Road does not meet at least two of the four tests to grant a minor variance.

The four tests are as follows; and for a minor variance to be passed, the application must pass all (4) requirements. Those requirements are as follow:

1. **Is the application minor?**
2. **Is the application desirable for the appropriate development of the lands in question?**
3. **Does the application conform to the general intent of the Zoning Bylaw?**
4. **Does the application conform to the general intent of the Official Plan? It is important to note that to consider any application a minor variance it must meet all four tests.**

The application specifically fails Test #1 and Test #2.

Test #1- Is the application minor? In the notice of the public hearing on this file; the developer is asking for a variance on the gross floor area of 191%; whereas the bylaw only permits 50%. This is a 141% percent differentiation. A 141% differentiation is simply not minor in nature.

Test #2: Is the application desirable for appropriate development of the lands in question? I would like to reference the request in the application to waive the parking requirement to zero, whereas the by-law states a minimum requirement of three spaces. The lack of planning surrounding parking would cause significant stress to the immediate intersection, and would also impact surrounding businesses negatively. We need to be mindful of how congestion could negatively affect emergency vehicle access as well. This is certainly something that needs to be addressed when considering a development of this magnitude in a village. There are also already existing issues around delivery trucks blocking lanes of traffic, and large farm vehicles needing use of the road on a daily basis. These issues will only escalate when the winter season rears its head again.

Two Big Questions:

1. Has the developer consulted with surrounding businesses to discuss how this may impact (positively or negatively) their business?
2. It is also not 100% clear on the intended use of the development. Many residents fear that the proposed "hotel" will end up looking a lot like an air BNB, used to host parties; which could end up as interfering with the reasonable the quiet/small town lifestyle that residents have always valued in this area. It is also unclear what the developer plans to build on the ground floor- could the developer clarify intended use?

To the committee of adjustment: Procedurally, I do not think that it would be appropriate to grant this application. With the large differentiation identified in Test #1, along with the argument of appropriateness in Test #2, it is clear that this application must be escalated to Town Council.

I am not writing this letter as an individual who is against the developer/ or development; but am simply stating that the application is not a good fit in the location it is being proposed. I am also in favor of seeing something done with the vacant RBC bank; that would serve the residents; but not inconvenience them.

I wish the developer all the best, and thank the Clerk and the committee for accepting my written submission.

Steven Soos.

Pelham Resident.

Steven Soos