

Committee of Adjustment AGENDA

CofA 01/2021

January 12, 2021

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. A1/2021P - 1150 Live Avenue (Part 3)

1

1. Town of Pelham Planning Department

2. Town of Pelham Public Works

3. Town of Pelham Building Department

Public Comments

1. Shellee and Harry Niznik

2. Steve Talosi Jr.

Pre-Registered Members of the Public

1. Kevin Hooiveld

2. Steve Talosi Jr.

5.2.	A2/2021P - 695 Quaker Road	15
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
5.3.	A3/2021P - 1012 Cream Street (Part 1)	24
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
5.4.	A4/2021P - 1120 Haist Street (Part 1)	32
	1. Town of Pelham Planning	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	4. Rosemary Dougan	
5.5.	A5/2021P - 1120 Haist Street (Part 2)	45
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works Department	
	3. Town of Pelham Building Department	
	4. Rosemary Dougan (See A4/2021P for Comments)	
5.6.	A6/2021P - 1120 Haist Street (Part 3)	57
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	4. Rosemary Dougan (See A4/2021P for Comments)	

6. Applications for Consent

6.1. B1/2021P - 695 Quaker Road

69

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

7. Minutes for Approval

8. Adjournment

January 12, 2021

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

Re: Minor Variance Application A1-2021P
1150 Line Avenue, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 01600

The subject parcel, shown as Part 3 on the attached sketch, is located on the west side of Line Avenue, lying north of Bacon Lane, legally described above, in the Town of Pelham.

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law No. 2236 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 9.75 m, whereas 19 m is required.

Note: This application is being considered as a result of a condition of approval for the severance file B8-2020P which was conditionally approved by the Committee of Adjustment on October 6, 2020.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

Provincial Policy Statement (PPS) (2020)

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 development.

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 at least 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 the minimum lot frontage zoning provision in order to legalize the conditionally approved lot (being Part 2), within the R1 zone regulations.

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

The proposed application seeks to increase the residential housing supply within the *Urban Settlement Area* boundary of Fonhill by adding one additional dwelling unit on adjacent lands resulting from a severance approval. Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, avoids adverse impacts to provincial interest, public health, safety and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Growth Plan for the Greater Golden Horseshoe (2019)

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

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

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

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

- a) the vast majority of growth will be directed to *settlement areas* that:

- i. have a *delineated built boundary*;
- ii. have existing municipal water / wastewater systems; and
- iii. can support the achievement of *complete communities*.

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 minor variance will facilitate the construction of one additional single detached dwelling on a large urban lot. 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 default R1 zone of the current Zoning By-law (1987).

The subject lands are located about 1,500 m from Downtown Fonthill, various other commercial uses along Highway 20 West and two public elementary schools.

The proposal will facilitate the construction of one new single detached dwelling on a very large 5,136 m² (1.3 acre) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Fonthill Village. The proposed dwelling will also help contribute towards the municipal property tax base which helps financially support the maintenance of linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

Regional Official Plan (Consolidated August 2014)

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

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

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

Regional staff did not object, nor request to be circulated the proposed applications as the development aligns with Provincial and Regional policies. Any future development on Part 3 will require Regional involvement.

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 are compatible with the existing surrounding neighbourhood from a land use, housing and urban design perspective.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and

shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

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

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

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.

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 (on Part 2). The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses. The retained lot is compatible in area, frontage and orientation with the neighbourhood.

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

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

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry was 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 100 metres from Merritt Road, 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 minor variance would help yield one new single detached dwelling on an adjacent 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 would legalize the R1 zone lot frontage deficiency.
 - ✓ There are no traffic and parking issues anticipated with this minor variance application.
- 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 subject application is for a minor variance approval but is related to a conditionally approved severance.
 - ✓ The proposed use is directly identical to the immediate neighbourhood, that is being a single detached dwelling.
 - ✓ The R1 zone does not stipulate a maximum density but does have default minimum lot frontage requirement.
 - ✓ 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 R1 zoning does not permit second dwelling units nor has the applicant submitted a rezoning application requesting the additional permitted use.

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

It is noted that the minor variance application seeks to legalize the minimum lot frontage requirement of the default R1 zoning provisions to facilitate the proposed severance (B8-2020P). The proposed minor variance conforms with the Pelham Official Plan as it supports additional housing, appropriate lot geometry and urban

design, good land use planning and is a compatible form of residential intensification in the Village of Fonthill.

Policy E1.5 states that in addition to the *Planning Act's four tests* considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief 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.

Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of 'need' or 'hardship' as a *fifth test* of a minor variance, the local Official Plan raises this matter. The agent has indicated that the reason it is not possible to comply with the zoning provisions is because that in order to provide for efficient land development consistent with current planning policies, certain zoning provisions need to be amended to facilitate additional housing growth.

Town Planning staff are of the opinion the proposed minor variance conforms to the local Official Plan as it helps enable some gentle intensification within an existing residential neighbourhood and does not conflict with any policies subject to demonstration of appropriate urban design and fulfillment of the proposed conditions of approval.

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 minor variance application seeks relief from:

- **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 9.75 m, whereas 19 m is required.

The parcel configuration illustrated on the attached Sketch was conditionally approved by the Committee of Adjustment on October of 2020. The retained parcel, shown as Part 3 requires zoning relief for minimum lot frontage in order to fulfil the conditions of severance approval for Part 2 (file: B8-2020P).

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 and because it is wide enough to accommodate either, a single detached dwelling positioned near Line Avenue or a private laneway that could serve future internal development opportunities.
2. The variance is desirable for the development or use of the land.	The variance to reduce the minimum lot frontage is desirable for the lands because it will allow for the creation of an (adjacent) additional residential building lot on a large, underutilized open space within the <i>delineated built boundary</i> of the Fonthill urban

	<p><i>settlement area</i>. Planning staff are of the opinion that a variety of lot frontages are not inherently harmful to neighbourhood character, especially when contrasted to the potential for adverse impacts resulting from careless urban design and architectural practices. Adequate open space amenity area remains for resident recreation and for stormwater drainage purposes.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The variance to reduce the minimum lot frontage maintains the policy intent of the Official Plan because it will allow for intensification of an existing neighbourhood within the <i>delineated built boundary</i>, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The underutilized open space proposed for redevelopment is proximate to many daily amenities necessary for residents such as shopping, schools and other <i>public service facilities</i>. 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 of this performance standard is not foreseen to negatively impact the neighbourhood character with respect to urban design, drainage, privacy, and land use compatible built form.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The variance seeking a reduction of the minimum lot frontage provision maintains the general intent of the Zoning By-law Plan because the lot will continue to allow for single detached residential dwellings in the low density R1 zone, albeit on a narrower frontage. In Planning staff's opinion, adverse impacts associated with the proposed minor reduction in lot frontage appears to be a very remote prospect and unlikely to be alleviated through the process of rezoning.</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

On November 12, 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 (December 8, 2020)
 - No comments.
- Public Works Department (December 21, 2020)
 - No comments.

Comments were received from a neighbouring resident which are summarized below and include a staff response.

- 1) Reducing the lot frontage will set the homes too close to the road and create a building misalignment.
 - The *Minimum Lot Frontage* zoning provision is not the same thing as a *Minimum Front Yard* setback provision. No changes to the setback of a future dwelling in relation to the street are being proposed. There are no minimum dwelling width requirements that would prevent a builder from building a narrower house.
- 2) Adding two (2) more additional homes on the property will lead to 'overcrowding'.
 - No more houses or lots are being proposed from last October's (2020) Committee of Adjustment Hearing. This is the same Sketch however; this application is only in regards to Part 3.
- 3) Reducing the lot frontage will expose the house to snow plow windrows. (Existing problem in Downtown and suspects it is a problem for the new houses recently built along Port Robinson Road).
 - Again, 'lot frontage' is not synonymous with 'front yard setback'. Lot frontage essentially controls the width of a property along the front lot line (street), whereas a front yard setback controls the distance between building and the front lot line (street).
 - Based on these comments, it sounds like the concern was with the front yard setback. Snowplow windrows tend to be anywhere from 0.5 – 2 m in horizontal spread depending on the speed of the truck and volume of snow. The historic buildings in Downtown usually have 0 m front yard setbacks and because of the historic Regional widening of Highway 20 and additional vehicle lanes, the road pavement encroaches ever closer to the existing buildings.

Planning Staff Comments

The proposed minor variance application seeks zoning relief to reduce the minimum lot frontage of the default R1 zoning regulation on Part 3. The zoning relief is required to fulfil the conditions of the conditionally approved severance of Part 2 (file: B8-2020P).

Planning staff have reviewed the *Planning Justification Brief* submitted by Upper Canada Consultants dated October 28, 2020, as well as reviewed all agency and public correspondence submitted to date.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 2, 2020 to discuss the subject application.

The subject lands are located on the west side of Line Avenue, lying north of Bacon Lane and are surrounded by single detached residences as well as a stormwater management facility to the northeast.

Planning staff visited the site and reviewed aerial photography to better understand the local context. The

neighbourhood is currently dominated by single detached residential dwellings on fairly large lots.

The Official Plan recognizes that additional housing growth via residential intensification, especially in walkable neighbourhoods is an opportunity, and a way to achieve other important goals such as helping support the local business community, providing a diverse housing / demographic mix and maintaining existing infrastructure and neighbourhood vitality. The Official Plan is also vocal about ensuring neighbourhood character is appropriately considered within the decision making process and in keeping with the intent of the Zoning By-law.

It is noted that any future development on Part 3 besides one single detached dwelling will be subject to future *Planning Act* approvals, namely a Zoning By-law Amendment, and Site Plan Approval. Both of which will require Council approval, and the Zoning By-law Amendment will require further public circulation in accordance with the *Planning Act*.

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

Given this analysis, Planning staff recommend that minor variance file A1-2021P **be granted**.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: December 21, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A1/2021P
1150 Line Avenue

Public Works has completed a review of the minor variance application A1/2021P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (b) to permit a minimum lot frontage of 9.75 meters whereas the by-law requires 19 meters.

Public Works has no comments.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: December 8th, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 12th, 2021 Hearing

Comment for Re: Files #A1/2021P #A2/2021P #A3/2021P

The building department offers the following comment,

- No comment

Comment for Re: Files #A4/2021P #A5/2021P #A6/2021P

The building department offers the following comment,

- A building permit is required for the proposed dwelling(s)

Comment for Re: Files #B1/2021P

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

From: [shellee.niznik](mailto:shellee.niznik@pleham.ca)
To: nibozzato@pleham.ca; [Holly Willford](#)
Subject: comments regarding file # A1/2021P
Date: Sunday, December 27, 2020 2:33:09 PM

I am providing comments regarding the application for an adjustment to the frontage permitted on lands - at 1150 Line Ave. part 3 , Part of lot 177 , former township of Thorold, now Pelham.

We are in opposition to the adjustment of Section 13.2 to reduce the minimum lot frontage to 9.75m. from 19 meters. (basically reducing the frontage in half!)

This would set the two homes that are proposed onto this deep lot too close to the road and create a misalignment with the other homes along that section of the road. It will also allow for the density of the lot to be increased to - a very small and overcrowded land use. I realize that this lot will be used for townhomes which will be fine, but also adding two independent homes on the property again is leading our town to another example of overcrowding and "Toronto like" density. Inserting townhomes into a community that is already surrounded by single dwelling homes is bound to happen and this lot, will be suitable for such a development. However, we don't need to cover every square foot of it with dwellings. Let's leave some green space and create a pleasing balance of homes, greenspace, parking availability and adequate roadway allowance.

Cutting the frontage of these lots in half ,will expose these homes to also receiving snow plough ruffage onto its windows as I'm sure both the new properties on Port Robinson, and the businesses along Highway 20 are experiencing. I know this as I lived on Highway 20 for over thirty years, and that snow is flung high onto the properties along its path.

Also, it is my hope that this Council, begin to retrieve the philosophy that we have a very special town that needs to balance our quaintness by preserving some green space, creating pleasing developments, while increasing our population. The over development and poor management of the properties the Prior Council approved is an example of how poor planning can greatly impact a negative result on the Town of Pelham and its' special and reputable uniqueness. Your Council now has the opportunity to stop the bleeding and overcrowding of both commercial and housing developments, through careful and cautious overviews of all new developments now before you. When you now drive through some of the newer developments, the poor planning is evident - mostly through lack of parking and access to the road. Cars are lined along the roadways, prohibiting two way traffic and parked cars jut out onto the sidewalks, causing issues for walking traffic. Privacy in yards has become nonexistent and all they see is a sea of fencing and minimal spacing for leisure use. Please stop permitting this to continue and become the status quo. Take back our yards, trees and open spaces to ensure we don't become another overcrowded and ugly bedroom community to the larger cities.

Sincerely,

Shellee and Harry Niznik
■ Bacon Lane
Fonthill, ON. L0S 1E4

From: [Nancy Bozzato](#)
To: [Steve Talosi Jr.](#)
Cc: [Holly Willford](#); [Sarah Leach](#)
Subject: RE: File Number A1/2021P Notice of Objection from Property Owner 6 Steflar Street
Date: Friday, January 8, 2021 9:17:34 AM

Thank you Mr. Talosi.

We will add your correspondence to the agenda and register you as a meeting participant. Your comments will form part of the public agenda record on this file.

Best regards,
Nancy

From: Steve Talosi Jr. [REDACTED]
Sent: Friday, January 8, 2021 7:08 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: File Number A1/2021P Notice of Objection from Property Owner 6 Steflar Street

Dear Nancy:

Happy New Year! Hope you had a Blessed Christmas and peaceful New Year's.

I wish to apologize for misreading the Notice of Public Hearing. I thought that today at noon was the deadline for submitting written comments when in fact it was December 30th. I wish to participate in the virtual meeting on January 12th at 4:00 pm and provide some verbal input.

Please accept this email as our absolute OBJECTION to the application for a minor variance for the subject lands - 1150 Line Avenue Part 3, File Number: A1/2021P.

As you are well aware, we are not happy at all with the way in which the previous applications for variance on the subject lands went down. As clearly presented at that time, what is happening now is exactly what we were concerned about. The developer is going to continue to piece meal applications for variances on this subject land until he gets what he ultimately wants. It is totally unfair, unacceptable and disrespectful to the surrounding property owners that the developer is not submitting a complete plan for the subject lands. We do not believe for one minute that the developer does not have a final plan of how he wants to develop the subject lands and before any more approvals are granted, it is time for him to come clean!

Once again the developer is asking for a "Minor" variance which is a reduction in the order of 48.7% to the current by-law's Minimum Lot Frontage of 19 meters. I know from our last meeting that there is no definition for a "Major" variance in the "Planning World" but this is Major. What is developing here is a plan which clearly does not abide by the Town's Official Plan as it clearly does not complement the nature of the surrounding properties. We are going to be creating a high density development in a well established neighbourhood which will be an absolute MISFIT and totally disrespectful to the existing surrounding property owners. I suspect that the Planning Department does not agree with our perspective but the Planning Department does not live here.

We are the people who have invested a significant portion of our net worth into our properties

and have every right to preserve that. As taxpayers in the Town of Pelham, we expect the elected officials and staff of our Town to work with us and not against us.

It is time to put a STOP to these piece meal proposals and request a complete plan from the developer before any more damage is done.

Thank you for the opportunity to express very strong OPPOSITION to this application.



on behalf of Steve & Rita Talosi



Steve Talosi Jr.



January 12, 2021

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

Re: Minor Variance Application A2-2021P
695 Quaker Road, Pelham
Part of Township Lot 237, and Parts 2 – 3 on RP 59R-16726
Roll No. 2732 030 019 10000

The subject lands are shown as Parts 1 – 2 on the attached sketch, are located on the south side of Quaker Road, lying west of Clare Avenue, legally described above, and known locally as 695 Quaker Road in the Town of Pelham.

The subject land is zoned ‘Residential 2 – 297’ (R2-297) in accordance with Pelham Zoning By-law No. 2236 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 6.16 (a) “Parking Requirements”** to permit one (1) required parking stall outdoors, whereas the By-law requires that one (1) parking stall be located in a private garage or carport.

Note: This application is being considered concurrently with file B1-2021P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

Provincial Policy Statement (PPS) (2020)

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 development.

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 at least 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 in an effort to accommodate a new residential dwelling lot through *intensification* under file B1-2021P. As a means to accomplish the concurrent severance application, there is a zoning issue that requires single detached houses in Pelham to provide a garage or carport for their required parking stall. The retained parcel is certainly capable of building a garage or carport from a zoning perspective, but due to the cost and effort, the applicant has explored zoning relief as an alternative means to an end.

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 being requested as a condition of severance approval on B1-2021P.

Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Growth Plan for the Greater Golden Horseshoe (2019)

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

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

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

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

- a) the vast majority of growth will be directed to *settlement areas* that:

- i. have a *delineated built boundary*;
- ii. have existing municipal water / wastewater systems; and
- iii. can support the achievement of *complete communities*.

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 minor variance will help facilitate the construction of one additional single detached dwelling on a large urban lot. Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood, with single detached dwellings making up the majority of that mix.

Regional Official Plan (Consolidated August 2014)

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

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

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

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

The proposed minor variance conforms to the Regional Official Plan because the lands are located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term. The proposed zoning relief will not induce land use compatibility issues with the existing surrounding neighbourhood from a land use, housing and urban design perspective. Furthermore, the zoning provision to require a garage or actually harms housing affordability by adding unnecessary cost to the home owner simply to store private vehicles.

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

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 (on Part 2). The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses and limited neighbourhood commercial uses. It is noted that the minor variance application seeks to remove the zoning requirement for one (1) parking stall to be located in a garage or carport for single detached houses to facilitate the concurrent severance (B2-2021P). The proposed minor variance conforms with the Pelham Official Plan as it supports additional housing, improves housing affordability, *intensification*, and is good land use planning in the Village of Fonthill.

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.

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.

Policy E1.5 states that in addition to the *Planning Act’s four tests* considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief 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.

Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of ‘need’ or ‘hardship’ as a *fifth test* of a minor variance, the local Official Plan raises this matter. The agent has indicated that the reason it is not possible to comply with the zoning provisions, is because that in order to provide for efficient land development consistent with current planning policies, the garage must be removed to facilitate additional housing growth.

Town Planning only somewhat agree, but are of the opinion that this zoning requirement to build a garage or carport to shelter a private vehicle conflicts with the Town’s policy objectives to provide attainable, affordable housing for its residents. Considering the cost of a new detached garage can easily run several 10s of thousands

of dollars, it can place an unfair financial burden on the homeowner.

Town Planning staff are of the opinion the proposed minor variance conforms to the local Official Plan as it helps enable some gentle intensification within an existing neighbourhood, improves housing affordability (policy objective A2.2.2) and does not conflict with any policies.

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

The subject land is currently zoned 'Residential 2 – 297' (R2-297) according to the Zoning By-law. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) One second dwelling unit accessory to a principle dwelling; and
- d) Home occupations.

The minor variance application seeks relief from:

- i. **Section 6.16 (a) "Parking Requirements"** to permit one (1) required parking stall outdoors, whereas the By-law requires that one (1) parking stall be located in a private garage or carport.

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.	Requiring the parking stall for a single detached dwelling not necessarily to be located within a garage or carport is minor in nature as there is no substantiated negative impact that would result to either the homeowner, or neighbourhood, from not having the structure. Parking will be available in the new driveway(s).
2. The variance is desirable for the development or use of the land.	Removing the requirement for a garage or carport is desirable for the development and use of the land because it offers the homeowner flexibility to decide whether or not they choose to spend 10s of thousands of dollars to construct such a structure. Furthermore, removing this onerous requirement will provide significant cost savings to the end user and can help with housing affordability.
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The Official Plan does not contain policies requiring the sheltering of private vehicles for ground-oriented residential dwellings. However, the Official Plan does contain policies requiring adequate off-street parking standards, and striving to provide a more affordable housing supply.</p> <p>The proposed variance objectively helps accomplish the affordability policies, demonstrably can meet off-street parking requirements otherwise and does not conflict with any other Town policy.</p>

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 as adequate off-street parking can still be accommodated without the need for a garage or carport.
--	--

Agency & Public Comments

On November 12, 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 (December 8, 2020)
 - No comments.
- Public Works Department (December 21, 2020)
 - No comments.

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

Planning Staff Comments

The proposed minor variance application seeks zoning relief to remove the need for the required parking stall for a detached residential dwelling to be located within a garage or carport. The zoning relief is required to fulfil the conditions of the concurrent severance application recommended conditions of approval (file: B1-2021P). Although, should the Committee decide not to approve this variance, the applicant may also appeal the Town's decision or construct a garage / carport with the benefit of a building permit.

Planning staff have reviewed the *Planning Justification Brief* submitted by Upper Canada Consultants dated October 20, 2020, as well as reviewed all agency and public correspondence submitted to date.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on October 15, 2020 to discuss the subject application.

The subject lands are located on the south side of Quaker Road, lying west of Clare Avenue and are surrounded by single detached residences, vacant townhouse residential lands and neighbourhood commercial uses. Planning staff visited the site and reviewed aerial photography to better understand the local context.

The minor variance approval will not compromise the subject lands' ability to accommodate a future garage or carport, should that be proposed, because it is of a sufficient size with adequate rear yard access via the easterly side yard. The proposed variance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff.

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

Given this analysis, Planning staff recommend that minor variance file A2-2021P **be granted**.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: December 21, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A2/2021P
695 Quaker Road

Public Works has completed a review of the minor variance application A2/2021P 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) to permit 1 parking stall outdoors whereas the by-law requires 1 parking stall in a private garage or carport.

Public Works has no comments.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: December 8th, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 12th, 2021 Hearing

Comment for Re: Files #A1/2021P #A2/2021P #A3/2021P

The building department offers the following comment,

- No comment

Comment for Re: Files #A4/2021P #A5/2021P #A6/2021P

The building department offers the following comment,

- A building permit is required for the proposed dwelling(s)

Comment for Re: Files #B1/2021P

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

January 12, 2021

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

Re: Minor Variance Application A3/2021P
1012 Cream Street, Pelham
Concession 10, Part of Lot 12
Roll No. 2732 010 014 18300

The subject land is located on the north side of Chantler Road, lying east of Effingham Street, legally described above, and known locally as 257 Chantler Road in the Town of Pelham.

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

- i. **Section 7.2 (a) "Minimum Lot Frontage"** to permit a minimum lot frontage of 125.8 m, whereas 180 m is required;
- ii. **Section 7.2 (b) "Minimum Lot Area"** to permit a minimum lot area of 3.5 ha, whereas 10 ha is required;
- iii. **Section 7.2 (e) "Minimum Side Yard"** to permit a minimum side yard of 18 m, whereas 46 m is required.

The proposal seeks to legalize an existing 186 m² agricultural barn resulting from a conditionally approved consent application to convey a boundary adjustment, (file B10-2020P) that reduced the lot area and lot frontage and adjusted the side property line of Part 1.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2020)

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 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 1.1.4.1 states that healthy, viable *rural areas* should be supported by, among other things, promoting regeneration, promoting diversification of the economic base in *prime agricultural areas*, in accordance with policy 2.3 and conserving biodiversity.

The proposed minor variance will legally recognize the smaller agricultural parcel and existing barn which were legally established and undersized once the Fenwick urban settlement area was expanding in the 1980s. The minor variance will fulfill the conditions of severance approval and separate the southern agricultural lands from the northern urban lands. This will allow someone who is only interested in developing the urban lands to do so without the burden associated with the balance of the rural lands to the south, and vice-versa.

Greenbelt Plan (2017)

The northern half of the property (Parts 2 – 3) are located within the Village of Fenwick *settlement area* which the *Greenbelt Plan* designates as a ‘Town / Village’. However, the southern half of the property (Part 1) is designated ‘Tender Fruit & Grape Lands’ within the Greenbelt Plan’s *Protected Countryside*.

Similar to the PPS policies, the *Specialty Crop Area* designation is intended to be protected for long-term agricultural use. Lands within the *Towns and Villages* designation are governed by the Growth Plan policies.

Policy 4.6.1 e) states that lot creation is discouraged but minor lot adjustments or boundary additions may be permitted, provided they do not create a separate lot for a residential dwelling in *prime agricultural areas*, including *specialty crop areas*, and there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*.

The proposed application is for minor variance approval to legalize the existing undersized agriculturally zoned lands which are proposed to be detached from the urban lands to the north via a previously approved boundary adjustment. The consent does not create any new lots, nor does this zoning relief have the ability to facilitate any additional lots or frustrate other Greenbelt Plan policies. Therefore, the proposed application conforms to this Provincial land use 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 southern half (Part 1) is located within a ‘Prime Agricultural Area’ while the northern half (Parts 2 – 3) are identified as being within a ‘*settlement area*’ according to the Growth Plan. More specifically, Part 2 is a *designated greenfield area* while Part 3 is identified as being within a *delineated built-up area* due to the presence of existing development.

Policy 4.2.2.3 a) states that (among other things), within the *Natural Heritage System* new development or site alteration will demonstrate that there are no negative impacts on key natural heritage features, key hydrologic features or their functions.

Development is defined as the creation of a new lot, a change in land use, or the construction of buildings requiring approval under the *Planning Act*. The proposed zoning relief would help fulfil the conditions of approval for a recently approved consent application to convey a boundary adjustment. Boundary adjustments are not considered *development* by definition. The existing barn was legally established with the benefit of a building permit and the proposed variances do not alter the location of the barn as it related to the existing *key natural heritage features* present on the land. Also, given that there is no new development or site alteration induced, or being considered under these applications, the requirement for environmental evaluations to determine impacts is not required.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates Part 1 as 'Unique Agricultural Area' while Part 2 is identified as a 'Designated Greenfield Area' and Part 3 is identified as a 'Built-up Area', the latter two parts both being situated within the 'urban area boundary'. The subject land also shares the following environmental designations on at least part of the subject property: *Environmental Conservation Area (ECA)* and *Fish Habitat*.

Regional staff were satisfied with how the proposed boundary adjustment conforms with Provincial policies, avoids fragmentation of *key natural heritage features* and meets Regional lot creation criteria.

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 northern half (Parts 2 – 3) as 'Urban Living Area / Built Boundary', with Part 2 also containing a 'Greenfield Overlay' and subject to special policy B1.1.10 to the north. The southern half (Part 1) is designated 'Specialty Agricultural' and 'Environmental Protection Two' (EP2).

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. No Archaeological Assessment was submitted with this application because no development is being proposed in terms of construction or new lots. Should further redevelopment be proposed on Parts 2 – 3, an archaeological evaluation will be required.

Policy E1.5 (Minor Variances) – states that applicants should be prepared to demonstrate a need for the requested zoning relief 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 Planning Justification Brief submitted with the application addressed the 4 tests under the *Planning Act*. Planning staff recognize the proposed zoning relief as a demonstrated hardship because the existing lands designated and zoned for agricultural policies and permissions were legally established. Therefore, it is

impossible for all of the provisions to comply while still dividing the urban lands from the *prime agricultural* lands.

The proposed minor variance will facilitate the recently, conditionally approved severance that would separate the southern *prime agricultural* designated lands from the northern urban lands. This will allow someone whom is only interested in developing each respective parcel to do so without the burden associated with the balance of the agricultural (or urban) lands, as the case may be. Town Planning staff are of the opinion the requested minor variance conforms with the local Official Plan.

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

The subject land is currently zoned 'Residential Village 1' (RV1) to the north (Parts 2 – 3) and 'Agricultural' (A) the south (Part 1) according to the Zoning By-law. Under the default 'Agricultural' regulations of the Zoning By-law, the minor variance application requests relief from:

- i. **Section 7.2 (a) "Minimum Lot Frontage"** to permit a minimum lot frontage of 125.8 m, whereas 180 m is required;
- ii. **Section 7.2 (b) "Minimum Lot Area"** to permit a minimum lot area of 3.5 ha, whereas 10 ha is required;
- iii. **Section 7.2 (e) "Minimum Side Yard"** to permit a minimum side yard of 18 m, whereas 46 m is required.

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.	Granting the reduced lot area, lot frontage and side yard setback is minor overall because there are no negatively induced impacts to the subject lands or its surroundings. In fact, by refusal of the zoning request, and thus the conditionally approved severance, the urban lands to the north, which form part of the East Fenwick Secondary Plan area, will be frustrated in future development opportunities, or vice-versa, because of the added land holding cost and complexity. Furthermore, the variances do not result in a loss of <i>prime agricultural</i> lands and have no impact on the protections concerned with existing <i>key natural heritage features</i> nearby.
2. The variance is desirable for the development or use of the land.	Granting the requested zoning relief will help facilitate the orderly development of the urban designated lands to the north, and help maintain the long-term viability of <i>prime agricultural</i> lands situated outside of the <i>urban settlement area</i> boundary. The zoning relief will recognize an existing undersized (agriculturally designated & zoned) parcel of land which is understandably being severed from its urban half as this is clearly desirable from a land holdings perspective and future redevelopment opportunities on either segment.
3. The variance maintains the general intent and purpose of the Official Plan.	The requested zoning relief maintains the intent and purpose of the Official Plan because their permission will not negatively impact the agricultural ventures on Part 1. The agriculturally designated lands

	was already legally undersized from a policy perspective as the property was bisected by the urban settlement area boundary. The variances will facilitate the recently approved boundary adjustment and both individually, and collectively, these approvals do not have any material affect that would induce undesirable development practices on either parcel.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The requested zoning relief maintains the intent and purpose of the Zoning By-law because they would legally recognize the existing undersized 'A' (Agriculturally) zoned land which is still capable of serving a farming purpose. The existing 1-storey barn was legally established with the benefit of a building permit and can continue to be used for an agricultural purpose subject to these minor variances being approved.

Agency & Public Comments

On November 19, 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 agency and staff comments have been received:

- Building Department (December 8, 2020)
 - No comments.
- Public Works Department (December 21, 2020)
 - No comments.

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

Planning Staff Comments

The subject lands are located near the southwest corner of Cream Street and Welland Road within the *Village of Fenwick*. The property is currently surrounded by agricultural uses, natural heritage features and several residential dwellings.

The proposed minor variance application seeks zoning relief to reduce the minimum side yard setback for an existing agricultural building from 46 m, to 18 m in order to accommodate a conditionally approved boundary adjustment which moves the lot line closer to this building. Similarly, this application also seeks to reduce the minimum lot frontage and lot area to accommodate the agriculturally zoned (Part 1) parcel and maintain the existing agricultural use permissions as a result of the parcel being smaller overall and bounded by the *urban settlement area* boundary to the north.

Maintaining the existing agricultural zone use permissions of section 7.2 was important for Town Planning staff as it helps preserve and continue to promote the agricultural resources and economy of the Town perpetually. Should the retained parcel, (Part 1) only have been recognized and specified as a future rural residential dwelling lot (section 7.4) or greenhouse lot (section 7.3), zoning relief would not have been required for

minimum lot frontage and minimum lot area. Instead, zoning relief would have been required for the existing barn to recognize it as a new *legal non-conforming* use, or to allow for a stand-alone accessory building of sorts.

Therefore, requiring the full complement of agricultural use permissions to remain on Part 1, save for existing environmental restrictions, was important for Planning staff in offering support for the recent approved severance application.

It should be noted that having an *urban settlement area* boundary dissect an existing property into two different land designations from a policy perspective, and two different zone categories from a By-law perspective may not be unique, but it can definitely frustrate the ability to develop each part respectively. This may not necessarily be a problem for all land owners, but for some, it can pose an unnecessary burden when one has to carry land holdings which serve for more as a burden, then an opportunity – whether it be due to expensive carrying costs, limited capital, or conflicting priorities of current and prospective owners.

In Planning staff's opinion, the application is consistent with the PPS, Growth Plan and conforms to the local Official Plan, meet the *four tests* under the *Planning Act* and represents sound land use planning.

Given this analysis, Planning staff recommend that minor variance file A3/2021P **be granted**.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: December 21, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A3/2021P
1012 Cream Street

Public Works has completed a review of the minor variance application A3/2021P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.2 (a) to permit a minimum lot frontage of 125.8 meters whereas the by-law requires 180 meters;
- Section 7.2 (b) to permit a minimum lot area of 3.5 hectares whereas the by-law requires 10 hectares;
- Section 7.2 (e) to permit a minimum side yard of 18 meters whereas the by-law requires 46 meters.

Public Works has no comments.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: December 8th, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 12th, 2021 Hearing

Comment for Re: Files #A1/2021P #A2/2021P #A3/2021P

The building department offers the following comment,

- No comment

Comment for Re: Files #A4/2021P #A5/2021P #A6/2021P

The building department offers the following comment,

- A building permit is required for the proposed dwelling(s)

Comment for Re: Files #B1/2021P

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

January 12, 2021

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

Re: Minor Variance Application A4-2021P
1120 Haist Street, Pelham
Part of Lot 3, Concession 9, and Part 1 on RP 59R-16183
Roll No. NA

The subject parcel, shown as Part 1 on RP 59R-16183, is located on the west side of Haist Street, lying north of Welland Road, legally described above, and known locally as 1120 Haist Street in the Town of Pelham.

The subject land is zoned 'Residential 1 – 282' (R1-282) in accordance with Pelham Zoning By-law No. 1136 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 685 m², whereas 700 m² is required.
- ii. **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 18 m, whereas 19 m is required.
- iii. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 45%, whereas 30% is required.
- iv. **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.2 m, whereas 1.8 m is required.
- v. **Section 6.35 (c) "Yard Encroachments – Unenclosed Porches"** – to permit an unenclosed porch and steps to project into a required front yard a maximum distance of 2.2 m, whereas 1.5 m is required.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

Provincial Policy Statement (PPS) (2020)

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 development.

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 at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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

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

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential.

Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, avoids adverse impacts to provincial interest, public health, safety and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Growth Plan for the Greater Golden Horseshoe (2019)

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

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

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

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

- a) the vast majority of growth will be directed to *settlement areas* that:

- i. have a *delineated built boundary*;
- ii. have existing municipal water / wastewater systems; and
- iii. can support the achievement of *complete communities*.

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.

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.

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.

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' with a 'Special Policy Area' overlay according to Schedules A1 and A7.

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.

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.

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 approval to reduce the minimum lot frontage and lot area are meant to legally recognize the newly registered lots of record as described on Reference Plan 59R-16183 which was deposited by the Town. The other variance requests are to accomplish design measures that the new owner desires, such as increased lot coverage for a 1-storey dwelling.

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 properties under the *Ontario Heritage Act* exist adjacent to, or in proximity the lands. However, the Town’s Cultural Heritage Master Plan does identify these lands as having high potential for deeply buried archaeological resources. In the absence of an archaeological clearance from the Ministry of Tourism, Culture and Sport, it is recommended that a licensed archaeologist supervise the excavation activities during construction.

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.

It is noted that the minor variance application seeks to legalize the minimum lot frontage and minimum lot area requirements of the Zoning By-law to legally recognize the recently created parcels which were slightly deficient from the default R1 zoning provisions. The other zoning relief being sought is for various yard setbacks and lot coverage which are optional as they relate to the applicant’s design preferences. The proposed minor variances conforms with the Pelham Official Plan as it supports additional housing, appropriate lot geometry and urban design, good land use planning and is a compatible form of residential intensification in the Village of Fonthill.

Policy E1.5 states that in addition to the *Planning Act’s four tests* considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief 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.

Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of ‘need’ or ‘hardship’ as a *fifth test* of a minor variance, the local Official Plan raises this matter. The agent has indicated that the reason for increasing the lot coverage and reducing building setbacks is to allow for a dwelling that is actually more in keeping with the existing neighbouring dwellings and to construct a 1-storey dwelling.

Town Planning staff are of the opinion the proposed minor variance conforms to the local Official Plan as it helps enable appropriate redevelopment and *intensification* within an existing residential neighbourhood and

does not conflict with any policies subject to demonstration of appropriate urban design and fulfillment of the proposed conditions of approval.

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

The subject land is currently zoned 'Residential 1 – 282' (R1-282) according to the Zoning By-law. The permitted uses include:

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

The minor variance application seeks relief from:

- i. **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 685 m², whereas 700 m² is required.
- ii. **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 18 m, whereas 19 m is required.
- iii. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 45%, whereas 30% is required.
- iv. **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.2 m, whereas 1.8 m is required.
- v. **Section 6.35 (c) "Yard Encroachments – Unenclosed Porches"** – to permit an unenclosed porch and steps to project into a required front yard a maximum distance of 2.2 m, whereas 1.5 m is required.

The newly registered parcel configurations requests certain zoning regulations (lot frontage and lot area) to be legally recognized while others are merely desired by the applicant.

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, landscaped amenity area, parking and drainage.</p> <p>Increasing the lot coverage beyond 30% is reasonable and practical given modern civil design, house design and infrastructure standards.</p> <p>Reducing the side yard setbacks and increasing porch encroachments can still comfortably accommodate a new dwelling. The rear yard amenity area complies with the default R1 zoning requirements. The side yard setback reduction will not induce any land use incompatibility concerns. The reduced side yard setbacks accord to the Ontario Building Code which often contemplates 1.2 m side yard setbacks as the industry practice.</p>

	<p>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>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>The variances to reduce the minimum lot area and lot frontage are desirable for the lands because it will legally recognize the recently created residential building lot. The reduced lot size and lot frontage will be indistinguishable from surrounding residential lots. Planning staff are of the opinion that a variety of lot sizes are not inherently harmful to neighbourhood character, especially when contrasted to the potential for adverse impacts resulting from careless urban design and architectural practices.</p> <p>Though the proposed lot coverage increase is not required, some degree of increase is considered desirable in this instance because it will help facilitate a wider range of 1-storey (bungalow) house designs. This requested permission may help reduce any potential privacy concerns to adjacent neighbours. The increased lot coverage will help facilitate a larger building footprint / gross floor area for the new dwelling, which is in keeping with the large homes nearby, characteristic of the neighbourhood.</p> <p>Reducing the applicable building setbacks and increasing the unenclosed porch encroachment is desirable for the subject land because it will offer more design flexibility, help 'frame' the Haist Street streetscape while still avoiding any negative impacts associated with its permission. The reduced side yard setbacks proposed continue to accord to that of the Ontario Building Code. In addition, permitting the porch encroachment of 2.2 m will actually allow for a usable front porch whereas 1.5 m is not very practical.</p> <p>Adequate open space amenity area remains for resident recreation and for stormwater drainage purposes. The proposed spatial separation between property lines is also consistent with contemporary development standards and should not adversely impact the leisure and privacy of others.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The variances to reduce the minimum lot area and lot frontage maintain the policy intent of the Official Plan because they will allow for intensification of an existing neighbourhood within the <i>delineated built boundary</i>, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The minor reduction in lot area and</p>

	<p>lot frontage will not negatively impact the character of the neighbourhood.</p> <p>In Planning staff's opinion, the proposed increased lot coverage does not conflict with the purpose and intent of the Official Plan as it will help reinforce sensitive infill development and neighbourhood character by echoing similar built form and massing.</p> <p>The proposed reduction in yard setbacks and porch encroachments maintain the general intent of the Official Plan because it will help facilitate compatible residential development through the use of large(r) building footprints / gross floor areas given the reduced lot size, and compact urban development. The reduce yard setbacks will also help ensure the pedestrian-friendly policies of the Official Plan are upheld, particularly with respect to good urban design principles (i.e. visible front porches with less emphasis on the garage), and positive streetscape interfaces throughout the public realm.</p> <p>Planning staff are of the opinion that the amended zoning provisions, subject to conditions, 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. In Planning staff's opinion, adverse impacts associated with the proposed minor reductions in lot area and lot frontage appear to be very remote prospects.</p> <p>Planning staff are of the opinion that the 45% lot coverage increase will not conflict with the general intent of the Zoning By-law because it will continue to allow for adequate landscaped amenity area, stormwater management, and relatively compatible building scales. The increased lot coverage appears to offer more opportunity for the builder to explore 1-storey, bungalow style housing forms.</p>

	<p>The proposed reduction in yard and porch setbacks is less than what is required by By-law but still includes ample space for building maintenance purposes, spatial separations between uses and adequate open space amenity areas as the Zoning By-law was intended. The proposed encroachment of the front yard porch actually better complements the public realm and Haist Street streetscape.</p> <p>Together, the proposed variances maintain the intent of the Zoning By-law because adequate room is still available for open space / amenity area intentions, privacy buffers and storm water drainage without unduly affecting any neighbours.</p>
--	---

Agency & Public Comments

On November 25, 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 (December 8, 2020)
 - Building permit(s) will be required.
- Public Works Department (December 21, 2020)
 - No comments.

Public comments were received from a neighbouring resident which is attached and summarized below.

- Does not support amended zoning to add three (3) houses.
- Suggests a walkway be provided between 1122 Haist Street and subject land (1120 Haist Street) connecting parkland to Haist Street.
 - Although Planning staff are usually the proponents for new sidewalk connections, this type of consideration would have already been debated during the lengthy public consultation the Town underwent not long ago, during the public design charrettes, and statutory public meetings for the Official Plan and Zoning By-law Amendments of the internal lands.
 - Furthermore, not only has the Town deposited the reference plan for these lots fronting Haist Street, but the inherent value of a sidewalk connection in this location would be minimal. This is specifically because a new public street (with sidewalks) will be needed to serve the internal lands / parkland, just south of these lands.
- Would like to know about the tree line?
 - The existing coniferous trees to the north are located within the subject lands' boundary, and are on the inside of the chain-link fence.
 - Some of these trees will likely be impacted by building excavation.

Planning Staff Comments

Planning staff have reviewed the *Planning Justification Brief* submitted by Urban & Environmental Management Inc. dated November 17, 2020, as well as reviewed all agency and public correspondence submitted to date.

A pre-consult was held with the applicant(s) of the property and staff from the Town, NPCA and Niagara Region Planning & Development Services on November 5, 2020 to discuss the subject application.

The subject lands are located on the west side of Haist Street, lying north of Welland Road and are surrounded by single detached residences to the north and east. A public park and future residential development are situated to the south and southwest.

The Official Plan recognizes that additional housing growth via residential intensification, especially in walkable neighbourhoods is an opportunity, and a way to achieve other important goals such as helping support the local business community, providing a diverse housing / demographic mix and maintaining existing infrastructure and neighbourhood vitality. The Official Plan is also vocal about ensuring neighbourhood character is appropriately considered within the decision making process and in keeping with the intent of the Zoning By-law.

It is noted that the subject lands were part of a larger public consultation and design process with regards the redevelopment of the former arena lands and at that time the development of three (3) lots fronting on Haist Street for single detached residential lots was supported by the community and Council. The proposed variances will implement that vision for the three (3) lots on Haist Street.

The landowner has not submitted any formal *Planning Act* development applications to permit redevelopment to the rear at this time. Development of these internal lands will be subject to further *Planning Act* development approvals, namely a draft plan of subdivision.

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

Given this analysis, Planning staff recommend that minor variance file A4-2021P **be granted** subject to the conditions below:

THAT the applicant

- At the time of building permit, provide front dwelling *Elevation Plans* that positively contribute to the public street through the use of a covered front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., to the satisfaction of the Director of Community Planning & Development; and
- Ensure that a licensed archaeologist be present on the site during the time of excavation to supervise this process and ensuring that:
 - Should deeply buried archaeological remains / resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism & Culture Industries (416-212-8886) 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 & Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be in contravention of the *Ontario Heritage Act*.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: December 21, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A4/2021P
1120 Haist Street

Public Works has completed a review of the minor variance application A4/2021P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (a) to permit a minimum lot area of 685 square meters whereas the by-law allows 700 square meters;
- Section 13.2 (b) to permit a minimum lot frontage of 18 meters whereas the by-law requires 19 meters;
- Section 13.2 (c) to permit a maximum lot coverage of 45% whereas the by-law allows 30%;
- Section 13.2 (e) to permit a minimum interior yard setback of 1.2 meters whereas the by-law requires 1.8 meters;
- Section 6.35 (c) to permit an unenclosed porch and steps to project into a required front yard to a maximum distance of 2.2 meters whereas the by-law allows a maximum distance of 1.5 meters.

Public Works has no comments.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: December 8th, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 12th, 2021 Hearing

Comment for Re: Files #A1/2021P #A2/2021P #A3/2021P

The building department offers the following comment,

- No comment

Comment for Re: Files #A4/2021P #A5/2021P #A6/2021P

The building department offers the following comment,

- A building permit is required for the proposed dwelling(s)

Comment for Re: Files #B1/2021P

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

From: [Nancy Bozzato](#)
To: [Holly Willford](#); [Sarah Leach](#)
Cc: [Curtis Thompson](#); [Barbara Wiens](#)
Subject: FW: 1120 Haist rezoning
Date: Wednesday, January 6, 2021 10:22:15 AM

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

From: Rosemary Dougan [REDACTED]
Sent: Wednesday, January 6, 2021 10:17 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: 1120 Haist rezoning

I would like to comment for the record on the rezoning of 1120 Haist Street. I am In NO way in agreement with changing the zoning to add three houses. My suggestion for the record, leave a walkway between 1122 Haist and the first house being built, walking space to accommodate the kids along with adults entrance to the park and green space. I want to officially submit this suggestion, and would also like to know about the tree line. I would like this addressed in the January 12th meeting. You can reach me at this email or by phone at [REDACTED]. Rosemary Dougan

Sent from my iPhone

January 12, 2021

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

Re: Minor Variance Application A5-2021P
1118 Haist Street, Pelham
Part of Lot 3, Concession 9, and Part 2 on RP 59R-16183
Roll No. NA

The subject parcel, shown as Part 2 on RP 59R-16183, is located on the west side of Haist Street, lying north of Welland Road, legally described above, and known locally as 1118 Haist Street in the Town of Pelham.

The subject land is zoned 'Residential 1 – 282' (R1-282) in accordance with Pelham Zoning By-law No. 1136 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 685 m², whereas 700 m² is required.
- ii. **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 18 m, whereas 19 m is required.
- iii. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 45%, whereas 30% is required.
- iv. **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.2 m, whereas 1.8 m is required.
- v. **Section 6.35 (c) "Yard Encroachments – Unenclosed Porches"** – to permit an unenclosed porch and steps to project into a required front yard a maximum distance of 2.2 m, whereas 1.5 m is required.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

Provincial Policy Statement (PPS) (2020)

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 development.

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 at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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

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

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential.

Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, avoids adverse impacts to provincial interest, public health, safety and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Growth Plan for the Greater Golden Horseshoe (2019)

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

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

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

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

- a) the vast majority of growth will be directed to *settlement areas* that:

- i. have a *delineated built boundary*;
- ii. have existing municipal water / wastewater systems; and
- iii. can support the achievement of *complete communities*.

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.

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.

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.

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' with a 'Special Policy Area' overlay according to Schedules A1 and A7.

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.

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.

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 approval to reduce the minimum lot frontage and lot area are meant to legally recognize the newly registered lots of record as described on Reference Plan 59R-16183 which was deposited by the Town. The other variance requests are to accomplish design measures that the new owner desires, such as increased lot coverage for a 1-storey dwelling.

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 properties under the *Ontario Heritage Act* exist adjacent to, or in proximity the lands. However, the Town’s Cultural Heritage Master Plan does identify these lands as having high potential for deeply buried archaeological resources. In the absence of an archaeological clearance from the Ministry of Tourism, Culture and Sport, it is recommended that a licensed archaeologist supervise the excavation activities during construction.

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.

It is noted that the minor variance application seeks to legalize the minimum lot frontage and minimum lot area requirements of the Zoning By-law to legally recognize the recently created parcels which were slightly deficient from the default R1 zoning provisions. The other zoning relief being sought is for various yard setbacks and lot coverage which are optional as they relate to the applicant’s design preferences. The proposed minor variances conforms with the Pelham Official Plan as it supports additional housing, appropriate lot geometry and urban design, good land use planning and is a compatible form of residential intensification in the Village of Fonthill.

Policy E1.5 states that in addition to the *Planning Act’s four tests* considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief 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.

Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of ‘need’ or ‘hardship’ as a *fifth test* of a minor variance, the local Official Plan raises this matter. The agent has indicated that the reason for increasing the lot coverage and reducing building setbacks is to allow for a dwelling that is actually more in keeping with the existing neighbouring dwellings and to construct a 1-storey dwelling.

Town Planning staff are of the opinion the proposed minor variance conforms to the local Official Plan as it helps enable appropriate redevelopment and *intensification* within an existing residential neighbourhood and

does not conflict with any policies subject to demonstration of appropriate urban design and fulfillment of the proposed conditions of approval.

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

The subject land is currently zoned 'Residential 1 – 282' (R1-282) according to the Zoning By-law. The permitted uses include:

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

The minor variance application seeks relief from:

- i. **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 685 m², whereas 700 m² is required.
- ii. **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 18 m, whereas 19 m is required.
- iii. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 45%, whereas 30% is required.
- iv. **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.2 m, whereas 1.8 m is required.
- v. **Section 6.35 (c) "Yard Encroachments – Unenclosed Porches"** – to permit an unenclosed porch and steps to project into a required front yard a maximum distance of 2.2 m, whereas 1.5 m is required.

The newly registered parcel configurations requests certain zoning regulations (lot frontage and lot area) to be legally recognized while others are merely desired by the applicant.

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, landscaped amenity area, parking and drainage.</p> <p>Increasing the lot coverage beyond 30% is reasonable and practical given modern civil design, house design and infrastructure standards.</p> <p>Reducing the side yard setbacks and increasing porch encroachments can still comfortably accommodate a new dwelling. The rear yard amenity area complies with the default R1 zoning requirements. The side yard setback reduction will not induce any land use incompatibility concerns. The reduced side yard setbacks accord to the Ontario Building Code which often contemplates 1.2 m side yard setbacks as the industry practice.</p>

	<p>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>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>The variances to reduce the minimum lot area and lot frontage are desirable for the lands because it will legally recognize the recently created residential building lot. The reduced lot size and lot frontage will be indistinguishable from surrounding residential lots. Planning staff are of the opinion that a variety of lot sizes are not inherently harmful to neighbourhood character, especially when contrasted to the potential for adverse impacts resulting from careless urban design and architectural practices.</p> <p>Though the proposed lot coverage increase is not required, some degree of increase is considered desirable in this instance because it will help facilitate a wider range of 1-storey (bungalow) house designs. This requested permission may help reduce any potential privacy concerns to adjacent neighbours. The increased lot coverage will help facilitate a larger building footprint / gross floor area for the new dwelling, which is in keeping with the large homes nearby, characteristic of the neighbourhood.</p> <p>Reducing the applicable building setbacks and increasing the unenclosed porch encroachment is desirable for the subject land because it will offer more design flexibility, help 'frame' the Haist Street streetscape while still avoiding any negative impacts associated with its permission. The reduced side yard setbacks proposed continue to accord to that of the Ontario Building Code. In addition, permitting the porch encroachment of 2.2 m will actually allow for a usable front porch whereas 1.5 m is not very practical.</p> <p>Adequate open space amenity area remains for resident recreation and for stormwater drainage purposes. The proposed spatial separation between property lines is also consistent with contemporary development standards and should not adversely impact the leisure and privacy of others.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The variances to reduce the minimum lot area and lot frontage maintain the policy intent of the Official Plan because they will allow for intensification of an existing neighbourhood within the <i>delineated built boundary</i>, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The minor reduction in lot area and</p>

	<p>lot frontage will not negatively impact the character of the neighbourhood.</p> <p>In Planning staff's opinion, the proposed increased lot coverage does not conflict with the purpose and intent of the Official Plan as it will help reinforce sensitive infill development and neighbourhood character by echoing similar built form and massing.</p> <p>The proposed reduction in yard setbacks and porch encroachments maintain the general intent of the Official Plan because it will help facilitate compatible residential development through the use of large(r) building footprints / gross floor areas given the reduced lot size, and compact urban development. The reduce yard setbacks will also help ensure the pedestrian-friendly policies of the Official Plan are upheld, particularly with respect to good urban design principles (i.e. visible front porches with less emphasis on the garage), and positive streetscape interfaces throughout the public realm.</p> <p>Planning staff are of the opinion that the amended zoning provisions, subject to conditions, 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. In Planning staff's opinion, adverse impacts associated with the proposed minor reductions in lot area and lot frontage appear to be very remote prospects.</p> <p>Planning staff are of the opinion that the 45% lot coverage increase will not conflict with the general intent of the Zoning By-law because it will continue to allow for adequate landscaped amenity area, stormwater management, and relatively compatible building scales. The increased lot coverage appears to offer more opportunity for the builder to explore 1-storey, bungalow style housing forms.</p>

	<p>The proposed reduction in yard and porch setbacks is less than what is required by By-law but still includes ample space for building maintenance purposes, spatial separations between uses and adequate open space amenity areas as the Zoning By-law was intended. The proposed encroachment of the front yard porch actually better complements the public realm and Haist Street streetscape.</p> <p>Together, the proposed variances maintain the intent of the Zoning By-law because adequate room is still available for open space / amenity area intentions, privacy buffers and storm water drainage without unduly affecting any neighbours.</p>
--	---

Agency & Public Comments

On November 25, 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 (December 8, 2020)
 - Building permit(s) will be required.
- Public Works Department (December 21, 2020)
 - No comments.

Public comments were received from a neighbouring resident which is attached and summarized below.

- Does not support amended zoning to add three (3) houses.

Planning Staff Comments

Planning staff have reviewed the *Planning Justification Brief* submitted by Urban & Environmental Management Inc. dated November 17, 2020, as well as reviewed all agency and public correspondence submitted to date.

A pre-consult was held with the applicant(s) of the property and staff from the Town, NPCA and Niagara Region Planning & Development Services on November 5, 2020 to discuss the subject application.

The subject lands are located on the west side of Haist Street, lying north of Welland Road and are surrounded by single detached residences to the north and east. A public park and future residential development are situated to the south and southwest.

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

infrastructure and neighbourhood vitality. The Official Plan is also vocal about ensuring neighbourhood character is appropriately considered within the decision making process and in keeping with the intent of the Zoning By-law.

It is noted that the subject lands were part of a larger public consultation and design process with regards the redevelopment of the former arena lands and at that time the development of three (3) lots fronting on Haist Street for single detached residential lots was supported by the community and Council. The proposed variances will implement that vision for the three (3) lots on Haist Street.

The landowner has not submitted any formal *Planning Act* development applications to permit redevelopment to the rear at this time. Development of these internal lands will be subject to further *Planning Act* development approvals, namely a draft plan of subdivision.

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

Given this analysis, Planning staff recommend that minor variance file A5-2021P **be granted** subject to the conditions below:

THAT the applicant

- At the time of building permit, provide front dwelling *Elevation Plans* that positively contribute to the public street through the use of a covered front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., to the satisfaction of the Director of Community Planning & Development; and
- Ensure that a licensed archaeologist be present on the site during the time of excavation to supervise this process and ensuring that:
 - Should deeply buried archaeological remains / resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism & Culture Industries (416-212-8886) 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 & Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be in contravention of the *Ontario Heritage Act*.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



Barb Wiens, MCIP, RPP

Director of Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: December 21, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A5/2021P
1120 Haist Street

Public Works has completed a review of the minor variance application A5/2021P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (a) to permit a minimum lot area of 685 square meters whereas the by-law allows 700 square meters;
- Section 13.2 (b) to permit a minimum lot frontage of 18 meters whereas the by-law requires 19 meters;
- Section 13.2 (c) to permit a maximum lot coverage of 45% whereas the by-law allows 30%;
- Section 13.2 (e) to permit a minimum interior yard setback of 1.2 meters whereas the by-law requires 1.8 meters;
- Section 6.35 (c) to permit an unenclosed porch and steps to project into a required front yard to a maximum distance of 2.2 meters whereas the by-law allows a maximum distance of 1.5 meters.

Public Works has no comments.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: December 8th, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 12th, 2021 Hearing

Comment for Re: Files #A1/2021P #A2/2021P #A3/2021P

The building department offers the following comment,

- No comment

Comment for Re: Files #A4/2021P #A5/2021P #A6/2021P

The building department offers the following comment,

- A building permit is required for the proposed dwelling(s)

Comment for Re: Files #B1/2021P

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

January 12, 2021

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

Re: Minor Variance Application A6-2021P
1116 Haist Street, Pelham
Part of Lot 3, Concession 9, and Part 3 on RP 59R-16183
Roll No. NA

The subject parcel, shown as Part 3 on RP 59R-16183, is located on the west side of Haist Street, lying north of Welland Road, legally described above, and known locally as 1116 Haist Street in the Town of Pelham.

The subject land is zoned 'Residential 1 – 282' (R1-282) in accordance with Pelham Zoning By-law No. 1136 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 13.2 (b) "Minimum Corner Lot Frontage"** to permit a corner lot frontage of 19.5 m, whereas 20 m is required.
- ii. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 45%, whereas 30% is required.
- iii. **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.2 m, whereas 1.8 m is required.
- iv. **Section 13.2 (f) "Minimum Exterior Side Yard"** to permit an exterior side yard of 1.2 m, whereas 5 m is required.
- v. **Section 6.35 (c) "Yard Encroachments – Unenclosed Porches"** – to permit an unenclosed porch and steps to project into a required front yard a maximum distance of 2.2 m, whereas 1.5 m is required.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

Provincial Policy Statement (PPS) (2020)

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 development.

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 at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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

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

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential.

Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, avoids adverse impacts to provincial interest, public health, safety and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Growth Plan for the Greater Golden Horseshoe (2019)

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

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

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

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

following:

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

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.

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.

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.

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' with a 'Special Policy Area' overlay according to Schedules A1 and A7.

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.

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.

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 approval to reduce the minimum lot frontage and lot area are meant to legally recognize the newly registered lots of record as described on Reference Plan 59R-16183 which was deposited by the Town. The other variance requests are to accomplish design measures that the new owner desires, such as increased lot coverage for a 1-storey dwelling.

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 properties under the *Ontario Heritage Act* exist adjacent to, or in proximity the lands. However, the Town’s Cultural Heritage Master Plan does identify these lands as having high potential for deeply buried archaeological resources. In the absence of an archaeological clearance from the Ministry of Tourism, Culture and Sport, it is recommended that a licensed archaeologist supervise the excavation activities during construction.

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.

It is noted that the minor variance application seeks to legalize the minimum lot frontage and minimum lot area requirements of the Zoning By-law to legally recognize the recently created parcels which were slightly deficient from the default R1 zoning provisions. The other zoning relief being sought is for various yard setbacks and lot coverage which are optional as they relate to the applicant’s design preferences. The proposed minor variances conforms with the Pelham Official Plan as it supports additional housing, appropriate lot geometry and urban design, good land use planning and is a compatible form of residential intensification in the Village of Fonthill.

Policy E1.5 states that in addition to the *Planning Act’s four tests* considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief 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.

Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of ‘need’ or ‘hardship’ as a *fifth test* of a minor variance, the local Official Plan raises this matter. The agent has indicated that the reason for increasing the lot coverage and reducing building setbacks is to allow for a dwelling that is actually more in keeping with the existing neighbouring dwellings and to construct a 1-storey dwelling.

Town Planning staff are of the opinion the proposed minor variance conforms to the local Official Plan as it helps enable appropriate redevelopment and *intensification* within an existing residential neighbourhood and does not conflict with any policies subject to demonstration of appropriate urban design and fulfillment of the proposed conditions of approval.

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

The subject land is currently zoned 'Residential 1 – 282' (R1-282) according to the Zoning By-law. The permitted uses include:

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

The minor variance application seeks relief from:

- i. **Section 13.2 (b) "Minimum Corner Lot Frontage"** to permit a corner lot frontage of 19.5 m, whereas 20 m is required.
- ii. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 45%, whereas 30% is required.
- iii. **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.2 m, whereas 1.8 m is required.
- iv. **Section 13.2 (f) "Minimum Exterior Side Yard"** to permit an exterior side yard of 1.2 m, whereas 5 m is required.
- v. **Section 6.35 (c) "Yard Encroachments – Unenclosed Porches"** – to permit an unenclosed porch and steps to project into a required front yard a maximum distance of 2.2 m, whereas 1.5 m is required.

The newly registered parcel configurations requests certain zoning regulations (lot frontage and lot area) to be legally recognized while others are merely desired by the applicant.

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, landscaped amenity area, parking and drainage.</p> <p>Increasing the lot coverage beyond 30% is reasonable and practical given modern civil design, house design and infrastructure standards.</p> <p>Reducing the side yard setbacks and increasing porch encroachments can still comfortably accommodate a new dwelling. The rear yard amenity area complies with the default R1 zoning requirements. The side yard setback reduction will not induce any</p>

	<p>land use incompatibility concerns. The reduced side yard setbacks accord to the Ontario Building Code which often contemplates 1.2 m side yard setbacks as the industry practice.</p> <p>Reducing the exterior side yard to some degree, is minor overall. Planning staff are of the opinion that reducing the exterior side yard to 1.2 m flanking the future road to the south may negatively impact the pedestrian experience in this neighbourhood context. With a setback of 1.2 m, it will not be reasonable, or possible to allow for a wrap-around porch, should one be desired, if the house wall extends this close to the street line. Therefore, Planning staff have recommended a modified reduction to this setback of 3 m.</p> <p>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 legally recognize the recently created residential building lot. The reduced lot size and lot frontage will be indistinguishable from surrounding residential lots. Planning staff are of the opinion that a variety of lot sizes are not inherently harmful to neighbourhood character, especially when contrasted to the potential for adverse impacts resulting from careless urban design and architectural practices.</p> <p>Though the proposed lot coverage increase is not required, some degree of increase is considered desirable in this instance because it will help facilitate a wider range of 1-storey (bungalow) house designs. This requested permission may help reduce any potential privacy concerns to adjacent neighbours. The increased lot coverage will help facilitate a larger building footprint / gross floor area for the new dwelling, which is in keeping with the large homes nearby, characteristic of the neighbourhood.</p> <p>Reducing the applicable building setbacks and increasing the unenclosed porch encroachment is desirable for the subject land because it will offer more design flexibility, help 'frame' the Haist Street streetscape while still avoiding any negative impacts associated with its permission. The reduced side yard setbacks proposed continue to accord to that of the Ontario Building Code. In addition, permitting the porch encroachment of 2.2 m will actually allow for a usable front porch whereas 1.5 m is not very practical.</p>

	<p>However, reducing the exterior side yard setback to as low as 1.2 m may not be desirable for the use of the land in this particular neighbourhood as that places leaves no room for a covered porch feature on the new public street, should it be desired. Planning staff support a reduction to some degree, which is outlined in the conclusion of this Report.</p> <p>Adequate open space amenity area remains for resident recreation and for stormwater drainage purposes. The proposed spatial separation between property lines is 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>delineated built boundary</i>, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The minor reduction in lot area and lot frontage will not negatively impact the character of the neighbourhood.</p> <p>In Planning staff's opinion, the proposed increased lot coverage does not conflict with the purpose and intent of the Official Plan as it will help reinforce sensitive infill development and neighbourhood character by echoing similar built form and massing.</p> <p>The proposed reduction in yard setbacks and porch encroachments maintain the general intent of the Official Plan because it will help facilitate compatible residential development through the use of large(r) building footprints / gross floor areas given the reduced lot size, and compact urban development. The reduce yard setbacks will also help ensure the pedestrian-friendly policies of the Official Plan are upheld, particularly with respect to good urban design principles (i.e. visible front porches with less emphasis on the garage), and positive streetscape interfaces throughout the public realm. However, if the exterior side yard setback is reduced to the distance requested, that may conflict with Official Plan policies concerned with neighbourhood compatibility, public realm and pedestrian experience.</p> <p>Planning staff are otherwise of the opinion that the amended zoning provisions, subject to conditions, 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</p>

	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.
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. In Planning staff's opinion, adverse impacts associated with the proposed minor reductions in lot area and lot frontage appear to be very remote prospects.</p> <p>Planning staff are of the opinion that the 45% lot coverage increase will not conflict with the general intent of the Zoning By-law because it will continue to allow for adequate landscaped amenity area, stormwater management, and relatively compatible building scales. The increased lot coverage appears to offer more opportunity for the builder to explore 1-storey, bungalow style housing forms.</p> <p>The proposed reduction in yard and porch setbacks is less than what is required by By-law but still includes ample space for building maintenance purposes, spatial separations between uses and adequate open space amenity areas as the Zoning By-law was intended. The proposed encroachment of the front yard porch actually better complements the public realm and Haist Street streetscape. However, the requested exterior side yard setback of 1.2 m is excessive and does not meet the intent of the By-law in this case which would face a public street, leaving no room for potential covered porch features. Planning staff are supportive of a reduction from the default 5 m setback but to a smaller degree.</p> <p>Together, the proposed variances maintain the intent of the Zoning By-law because adequate room is still available for open space / amenity area intentions, privacy buffers and storm water drainage without unduly affecting any neighbours.</p>

Agency & Public Comments

On November 25, 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 (December 8, 2020)
 - Building permit(s) will be required.
- Public Works Department (December 21, 2020)
 - No comments.

Public comments were received from a neighbouring resident which is attached and summarized below.

- Does not support amended zoning to add three (3) houses.

Planning Staff Comments

Planning staff have reviewed the *Planning Justification Brief* submitted by Urban & Environmental Management Inc. dated November 17, 2020, as well as reviewed all agency and public correspondence submitted to date.

A pre-consult was held with the applicant(s) of the property and staff from the Town, NPCA and Niagara Region Planning & Development Services on November 5, 2020 to discuss the subject application.

The subject lands are located on the west side of Haist Street, lying north of Welland Road and are surrounded by single detached residences to the north and east. A public park and future residential development are situated to the south and southwest.

The Official Plan recognizes that additional housing growth via residential intensification, especially in walkable neighbourhoods is an opportunity, and a way to achieve other important goals such as helping support the local business community, providing a diverse housing / demographic mix and maintaining existing infrastructure and neighbourhood vitality. The Official Plan is also vocal about ensuring neighbourhood character is appropriately considered within the decision making process and in keeping with the intent of the Zoning By-law.

It is noted that the subject lands were part of a larger public consultation and design process with regards the redevelopment of the former arena lands and at that time the development of three (3) lots fronting on Haist Street for single detached residential lots was supported by the community and Council. The proposed variances will implement that vision for the three (3) lots on Haist Street.

The landowner has not submitted any formal *Planning Act* development applications to permit redevelopment to the rear at this time. Development of these internal lands will be subject to further *Planning Act* development approvals, namely a draft plan of subdivision.

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

Given this analysis, Planning staff recommend that minor variance file A6-2021P **be granted** as follows, and subject to the conditions below:

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

- | | | | |
|---------------------------------------|--------|---|---------|
| b) Minimum Corner Lot Frontage | 19.5 m | → | Approve |
| c) Maximum Lot Coverage | 45 % | → | Approve |
| e) Minimum Interior Side Yard (north) | 1.2 m | → | Approve |
| f) Minimum Exterior Side Yard | 3 m | → | Approve |

Section 6.35 – Regulations for yard encroachments of unenclosed porches:

- | | | | |
|------------------------------------|-------|---|---------|
| c) Maximum front yard encroachment | 2.2 m | → | Approve |
|------------------------------------|-------|---|---------|

THAT the applicant

- At the time of building permit, provide front and exterior side dwelling *Elevation Plans* that positively contribute to the public street through the use of a covered front / exterior side porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., to the satisfaction of the Director of Community Planning & Development; and
- Ensure that a licensed archaeologist be present on the site during the time of excavation to supervise this process and ensuring that:
 - Should deeply buried archaeological remains / resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism & Culture Industries (416-212-8886) 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 & Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be in contravention of the *Ontario Heritage Act*.

Prepared by,

Curtis Thompson, B.URPI
Planner

Approved by,

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

Memorandum

Public Works Department - Engineering

DATE: December 21, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A6/2021P
1120 Haist Street

Public Works has completed a review of the minor variance application A6/2021P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (b) to permit a minimum corner lot frontage of 19.5 meters whereas the by-law requires 20 meters;
- Section 13.2 (c) to permit a maximum lot coverage of 45% whereas the by-law allows 30%;
- Section 13.2 (e) to permit a minimum interior yard setback of 1.2 meters whereas the by-law requires 1.8 meters;
- Section 13.2 (f) to permit a minimum exterior yard setback of 1.2 meters whereas the by-law requires 5 meters;
- Section 6.35 (c) to permit an unenclosed porch and steps to project into a required front yard to a maximum distance of 2.2 meters whereas the by-law allows a maximum distance of 1.5 meters.

Public Works has no comments.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: December 8th, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 12th, 2021 Hearing

Comment for Re: Files #A1/2021P #A2/2021P #A3/2021P

The building department offers the following comment,

- No comment

Comment for Re: Files #A4/2021P #A5/2021P #A6/2021P

The building department offers the following comment,

- A building permit is required for the proposed dwelling(s)

Comment for Re: Files #B1/2021P

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

January 12, 2020

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

Re: Consent Application B1-2021P
695 Quaker Road, Pelham
Part of Township Lot 237, and Parts 2 – 3 on RP 59R-16726
Roll No. 2732 030 019 10000

The subject parcel, shown as Part 2 on the attached sketch, has a frontage of 14.19 m on the south side of Quaker Road, lying west of Clare Avenue, legally described above, and known locally as 695 Quaker Road in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey (sever) 540.4 m² of land (Part 2) for a single detached residential lot. Part 1 (715.7 m² of land) is proposed to be retained for continued residential use.

Note: This application is being heard concurrent with minor variance file A2-2021P.

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;
 - a. See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - a. The neighbourhood block's parcel fabric is highly fragmented however, there has been considerable land consolidation surrounding the subject lands in pursue of future redevelopment opportunities. As such, adequate land was set aside on adjacent lands to ensure perpetual access can be maintained for surrounding development opportunities. Therefore, this consent is not premature and maintains the public interest.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - a. See Official Plan analysis below. The proposed lot does not compromise the adjacent subdivision parcel fabric as it does not hinder further surrounding redevelopment opportunities discussed above.
- d) The suitability of the land for such purposes;
 - The lands (and neighbourhood) are predominantly one of lower density with mostly ground-oriented residential dwellings and some neighbourhood commercial uses. 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;
 - a. The proposed lot dimensions and shape are consistent with traditional neighbourhood development patterns and can comfortably site a new dwelling.
- h) Conservation of natural resources and flood control;
 - a. 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;
 - a. Available.
- j) The adequacy of school sites
 - a. Available nearby.
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
 - No additional lands are proposed to be dedicated for public use.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
 - The proposed lot will be able to take advantage of the existing natural gas lines available for private energy use providing for improved efficiencies of the existing means of supply. The proposed new dwelling must also be constructed to meet current energy efficient requirements under the Ontario Building Code.
- m) The interrelationship between the design of the plan of subdivision and site plan control matters relating to any development on the land, if the land is also located in within a site plan control area.
 - While the proposed lot is in an area designated for site plan control, the Town Site Plan Control By-law No. 1118 (1987) exempts single detached dwellings from site plan control.

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 or the remnant parcel. The proposed lot geometry is consistent with traditional neighbourhood development practice and the community at large. Neighbourhood commercial uses and public schools are also nearby.

Provincial Policy Statement (PPS) (2020)

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 development.

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 at least 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.

A Zoning By-law Amendment was approved by Town Council on July 27th 2020 which rezoned the subject lands from R1 to a site-specific R2 zone and also included permissions for one second dwelling unit per lot. The R2 zone provides for more efficient and compact lotting and built form redevelopment opportunities.

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

The proposal will facilitate the construction of one new single detached dwelling in a more compact form that helps reduce the amount of under-utilized *urban land* within the Village of Fonthill, making more efficient use of existing infrastructure and helping to protect the agricultural and ecological resources of the Province.

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*.

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 on a large urban lot. 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 (principle) permitted use under the default R2 zone of the current Zoning By-law (1987).

The extra residential lot will facilitate a more compact built form helping to reduce the amount of under-utilized *urban land* within the Fonthill Village. It will also help the Town to meet or exceed its *delineated built boundary* intensification targets. The proposed dwelling will also help contribute towards the municipal property tax base which helps financially support the maintenance of linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

Regional Official Plan (Consolidated August 2014)

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

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

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

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

The proposed severance conforms to the Regional Official Plan because the lands are located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term.

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 A2.2.2 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.

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 fronting onto a designated Collector road. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses and limited neighbourhood commercial uses. The proposed lot is comparable in geometry, land use and orientation with the neighbourhood.

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

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

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

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

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

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

- a) Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with a collector or arterial road;
 - ✓ The subject lands are not identified symbolically as a 'Potential Intensification Area' according to Schedule 'A1'. However, they front Quaker Road which is a designed 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;

✓ Not applicable according to subsection d) below.

- 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;
 - ✓ Not applicable according to subsection d) below.
- 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 similar to much of the immediate neighbourhood, that being single detached dwelling.
 - ✓ The R2 zone does not stipulate a maximum density but does have default minimum lot frontage and minimum lot area requirements which are proposed to comply.
 - ✓ 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 site-specific R2 zoning permits one second dwelling unit per lot, if accessory to a permitted single detached dwelling.

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;
 - ✓ The addition of one new driveway apron serving a single dwelling unit will not cause a traffic hazard considering the speed of traffic near the All-way STOP controlled intersection at Clare Avenue and existing sight lines.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Zoning relief (or a building permit) is required as a condition of approval and has been applied for under concurrent minor variance application (file A2-2021P).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes and required as a condition of approval.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration 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;
 - ✓ The severance will not impede the ability for the vacant neighbouring lands to the south to be redeveloped.
- 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.

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 mortgage discharge and to convey underutilized land (Part 2) for the purposes of constructing one single detached dwelling fronting Quaker Road. According to the application and *Planning Justification Report*, the remnant land (Part 1) is proposed to be retained for continued use of the existing singled detached house.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan as it helps enable *intensification* within an existing neighbourhood and does not conflict with any policies subject to demonstration of appropriate design and fulfillment of the proposed conditions of approval.

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

The subject land is currently zoned 'Residential 2 – 297' (R2-297) according to the Zoning By-law. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) One second dwelling unit accessory to a principle dwelling; and
- d) Home occupations.

A concurrent minor variance application has been submitted to address the following zoning deficiencies:

- Part 1 (retained) {File A2/2021P}
 - Required → One (1) parking stall located in a private garage or carport

With the proposed removal of the existing attached garage to facilitate this severance, the retained Part 1 lot would not comply with section 6.16 (a). Although the applicant has the option to reconstruct a new garage or carport, they have opted to apply for concurrent zoning relief to withdraw the need for a garage or carport to shelter the required parking stall. As a result, the parking of vehicles may take part in the driveway as opposed to a garage or carport shelter.

Agency & Public Comments

On November 12, 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:

- Bell Canada (November 18, 2020)
 - No concerns.
- Building Department (December 8, 2020)
 - No comments.
- Public Works Department (December 21, 2020)
 - See conditions.

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

Planning Staff Comments

The subject application is for consent to partial mortgage discharge and to convey (sever) 540.4 m² of land (Part 2) for a single detached residential lot. 715.7 m² of land (Part 1) is proposed to be retained for continued use of the existing 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 October 15, 2020 to discuss the subject application. In addition to the Consent Sketch, a *Planning Justification Brief* prepared by Upper Canada Consultants was also provided in support of the proposed development.

The subject lands are located on the south side of Quaker Road, lying west of Clare Avenue and are surrounded by large lot single detached residences, vacant multi-unit residential lands and neighbourhood commercial uses. Town staff visited the site and reviewed aerial photography to better understand the local context.

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 Official Plan is also vocal about ensuring neighbourhood character is appropriately considered within the decision making process and in keeping with the intent of the Zoning By-law.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development. Specifically, making more efficient use of the Town's finite urban land supply and municipal infrastructure, where suitable to do so. The severance will not compromise the remnant lands ability to accommodate a future garage or carport, should that be proposed, because it is of a sufficient size with adequate rear yard access via the easterly side yard. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff.

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

Given this analysis, Planning staff recommend that consent file B1-2021P **be approved** subject to the following conditions:

THAT the applicant

- Provide one (1) required parking stall in accordance with Section 6.16 (a) of the Zoning By-law by obtaining and completing a building permit for the construction of a carport or garage on Part 1. Alternatively, the applicant shall obtain zoning relief to amend this parking provision.
- Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
- Provide north & west dwelling *Elevation Plan(s)* that positively contribute to the public street through the use of a front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., to the satisfaction of the Director of Community Planning & Development. Said *Elevation Plans* shall be substantially unaltered from those at the time of building permit.
- Ensure Part 2 is serviced with, at a minimum, an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. The applicant shall bear all costs associated with these works.
- Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots confirming no existing or proposed 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.
- Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The driveway entrance shall be located on the east side of Part 2. The applicant shall bear all costs associated with these works.
- Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.
- 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 \$399, 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: December 21, 2020

TO: Curtis Thompson, Planner

CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works

FROM: Xenia Pasiecznik, Engineering Technologist

RE: File B1/2021P
695 Quaker Road

We have completed the review of the consent application B1/2021P for consent to partial discharge mortgage and to convey 540.4 square meters of land (Part 2) for residential use. 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 the following comments;

1. That the new lot is to be individually serviced with a 20mm diameter water service and 125mm diameter sanitary sewer lateral in accordance with Town of Pelham Engineering Standards. Installation of all services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
2. That the applicant submits a drawing that indicates the location of the existing individual water service and sanitary lateral for the existing lot to confirm no existing services branch from or through the proposed lots to other lands.
3. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the 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 obtains a Driveway Entrance and Culvert Permit for the construction of all new or modification of existing driveways or entrances.

Installation of entrances shall be in accordance with Town standards prior to consent and the applicant shall bear all costs associated with these works.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: December 8th, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 12th, 2021 Hearing

Comment for Re: Files #A1/2021P #A2/2021P #A3/2021P

The building department offers the following comment,

- No comment

Comment for Re: Files #A4/2021P #A5/2021P #A6/2021P

The building department offers the following comment,

- A building permit is required for the proposed dwelling(s)

Comment for Re: Files #B1/2021P

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

Sarah Leach

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Wednesday, November 18, 2020 11:02 AM
To: Sarah Leach
Subject: RE: Committee of Adjustment Notice of Hearing - January 12, 2021 - 905-20-032

Hi Sarah,

Re: Severance applications B1-2021P NOH

Subsequent to review of the conveyance at 695 Quaker Rd. Bell Canada's engineering department have determined that there are no concerns or issues with the proposed applications.

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

Best regards,

Carrie Gordon



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

From: Sarah Leach <SLeach@pelham.ca>
Sent: Thursday, November 12, 2020 9:25 AM
To: landuseplanning@hydroone.com; Enbridge- Municipal Planning - Enbridge (MunicipalPlanning@enbridge.com) <MunicipalPlanning@enbridge.com>; jim.sorley@npei.ca; ROWCC <rowcentre@bell.ca>
Subject: [EXT]Committee of Adjustment Notice of Hearing - January 12, 2021

Good afternoon,

Attached, please find the notice of hearing for file(s)

- A1/2021P
- A2/2021P
- B1/2021P

Thank you,
Sarah



Sarah Leach, BA.

Administrative Assistant to the Clerk

Town of Pelham

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

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

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