

## Committee of Adjustment AGENDA

CofA 05/2021

May 4, 2021

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Committee of Adjustment will convene meetings in compliance with Provincial directives. Attendance by all participants will be electronic. Public access to meetings will be provided via Livestream [www.youtube.com/townofpelham/live](http://www.youtube.com/townofpelham/live) and subsequent publication to the Town's website at [www.pelham.ca](http://www.pelham.ca).

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**
6. **Applications for Consent**

**6.1. B11/2021P - 1419 Station Street**

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

**6.2. B16/2021P - 3 Hurricane Road (Part 1)** 13

1. Planning Department
2. Public Works Department
3. Building Department
4. Hydro One

Pre-Registered Members of the Public

1. Laurie Kukulewich

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3. Building Department
4. Hydro One

Pre-Registered Members of the Public

1. Laurie Kukulewich

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1. Planning Department
2. Public Works Department
3. Building Department
4. Hydro One

Pre-Registered Members of the Public

1. Laurie Kukulewich

**7. Appointment of Assistant Secretary-Treasurer**

Pursuant to the *Planning Act, R.S.O. 1990, c.P.13, s 44(8)*, the Committee shall appoint a Secretary-Treasurer.

**8. Minutes for Approval** 55

September 29, 2020

October 6, 2020



May 4, 2021

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

**Re: Consent Application B11-2021P**  
**1419 Station Street, Pelham**  
Part of Lots 5, 6, 7 & 8, Plan 717  
**Roll No. 2732 030 004 02400**

The subject parcel, shown as Parts 2 – 3 on the attached sketch, is an interior parcel of land situated 61 m east of Station Street, lying north of Summersides Boulevard, legally described above, in the Town of Pelham.

Application is made for partial mortgage discharge and consent to convey 11,322.4 m<sup>2</sup> of land (Parts 2 – 3) to merge with the abutting property to the east (Part 4) for future development. Part 1 (1,250.34 m<sup>2</sup> of land) is to be retained for continued residential use of the single detached dwelling known as 1419 Station Street.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

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

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

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

The proposed boundary adjustment seeks to help facilitate and streamline an active and future draft plan of subdivision development by consolidating the large, underutilized rear yard open space into a more productive urban development on lands designated for urban growth.

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

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

#### Growth Plan for the Greater Golden Horseshoe (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.

The proposed boundary adjustment will help consolidate large sections of underutilized urban land and simplify future development within a *settlement area* where existing services are available and allow the opportunity for a mix of compact, new housing options to be built that contribute to a more *complete community*.

#### Regional Official Plan (Consolidated August 2014)

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

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

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

The proposed boundary adjustment conforms to the Regional Official Plan because the lands will be more appropriately suited to accommodate an active & future draft plan of subdivision under one land holding.

#### 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 both 'Downtown Transitional Area' (to the west) and 'East Fonthill Secondary Plan Area' (to the east) and also inside the Built Boundary in the Official Plan. According to Schedule A4 (Urban Structure Plan) of the East Fonthill Secondary Plan, the subject land is located within 'Neighbourhood 1' and within the 'Built Boundary'. According to 'Appendix A' (Demonstration Plan) & Schedule A5 (Land Use Plan), the subject land is designated 'EF – Low Density Residential' (to the east).

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

- a) Fronts on and will be directly accessed by a public road;
  - ✓ Unchanged, as street frontage will become off Summersides Boulevard.
- b) Will not cause a traffic hazard;
  - ✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Part 4 is currently subject to an active Zoning By-law Amendment application to implement residential development in conformity with the East Fonthill Secondary Plan policies. Parts 2 – 3 are not subject to a rezoning application but will continue to comply with their existing zoning regulations.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Unchanged.
- e) Will not have a negative impact on the drainage patterns in the area;
  - ✓ No concern.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
  - ✓ Conforms because the large rear yards will be maintained for an active and future draft plan of subdivision development application while the existing dwelling maintains a smaller lot area, more appropriate for itself and with direct frontage on Station Street.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
  - ✓ No issue.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
  - ✓ No issue from Region in accordance with Memorandum of Understanding.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
  - ✓ Not applicable.

It is noted that the application is for consent to convey Parts 2 – 3 to be added to the abutting lot to the east (Part 4) for future development purposes. A new lot will not be created as a result of this consent. Part 1 will be retained for continued single detached residential use.

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

Part 1 is currently zoned 'Residential 2' (R2) to the west and 'Agricultural' (A) to the east, while Parts 2 – 3 are wholly zoned 'Agricultural' (A), according to Schedule 'A5' of the Zoning By-law. The permitted uses (among others) include:

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

The Consent Sketch does not illustrate the existing accessory building on Part 3 which was illustrated on a previous Consent application (file B5-2018). The proposed parcel reconfiguration will result in this structure contravening Section 5.2 of the Zoning By-law because it would not be exclusively devoted to a main use or building located on the same lot, because Part 4 is vacant. Therefore, a condition of approval is required to ensure zoning compliance will be achieved.

There is currently an active Zoning By-law Amendment application on the Part 4 lands, which seek to rezone from 'Agricultural' to various site-specific residential uses.

**Agency & Public Comments**

On March 3, 2021 and April 8, 2021, 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 (March 26 & 31, 2021)
  - There are existing overhead aerial telecommunications infrastructure on Part 1.
- Niagara Region Planning & Development Services (March 4, 2021)
  - No Provincial or Regional interests.
- Niagara Peninsula Conservation Authority (March 25, 2021)
  - No regulated features impact the subject lands.
- Building Department (March 29, 2021)
  - See conditions.
- Public Works Department (March 30, 2021)
  - See conditions.



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

### Planning Staff Comments

The subject application deals with the severance of a rear yard to consolidate with a neighbouring lot for the purposes of a future draft plan of subdivision application. The application for partial mortgage discharge and consent to convey 11,322.4 m<sup>2</sup> of land (Pats 2 – 3) will help facilitate the orderly development of future urban growth within the East Fonthill Secondary Plan area.

A pre-consult meeting was held with the owners and applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on January 21, 2021 to discuss the subject application. A *Planning Justification Brief* (January 28, 2021) prepared by Upper Canada Consultants accompanied the consent application.

The subject lands are located on the east side of Station Street, lying north of Summersides Boulevard and are surrounded by:

- North – Single detached residential
- East – Vacant land
- South – Vacant residential land
- West – Institutional (church & elementary school)

Planning staff are familiar with the subject lands and the local context. Summersides Boulevard to the south, has been constructed which now connects Station Street to Rice Road. This area of Station Street is characterized by many large lot single detached residences flanking the east side.

It is noted that the proposed development of Part 4 is currently the subject of *Planning Act* applications. Specifically, applications for Zoning By-law Amendment (file AM-08-2020) and draft plan of subdivision approval (file 26T19-02-2020). This severance (boundary adjustment) approval simplifies the aforementioned development applications and future subsequent applications by the same landowner.

To date, no applications for Zoning By-law Amendment or Draft Plan of Subdivision approval have been made on the severed lands (Parts 2 – 3). These lands will be subject to future *Planning Act* development applications for their successional development. The proposed boundary adjustment provides for appropriate land consolidation which is the next incremental step towards facilitating future development approval(s).

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The severance will better position the lands and simplify the active

draft plan of subdivision and rezoning applications. The boundary adjustment will not negatively affect the developability of the balance of the lands. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential use at this time.

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

Consequently, Planning staff recommend that consent file B11-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Remove the existing accessory building on Part 3, if the structures exceeds 10 m<sup>2</sup> in area, then a Demolition Permit is required to be obtained and completed to the satisfaction of the Chief Building Official.
- Remove or relocate the existing accessory building on Part 1 to achieve zoning compliance, if the structure exceeds 10 m<sup>2</sup> in area, a Demolition Permit shall be obtained and completed to the satisfaction of the Chief Building Official. If the structure is to be relocated, then a Building Permit shall be obtained and completed to the satisfaction of the same.
- Confirm that no existing utilities cross the proposed new lot line. Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.
- Provide a written acknowledgment that the Owner will be responsible for payment of the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing.
- Merge Parts 2 – 3 with Part 4.
- 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

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## **Memorandum**

### **Public Works Department - Engineering**

DATE: March 30<sup>th</sup>, 2021

TO: Curtis Thompson, Planner

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

FROM: Derek Young, Manager of Engineering

RE: File B11/2021P  
1419 Station Street

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We have completed the review of the consent application B11/2021P for consent to convey 11,322 square metres of land (Parts 2 and 3), to be added to the abutting properties to the east (Part 4), for future development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1419 Station Street.

Upon this review, Public Works has the following comments;

1. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
2. That the applicant provides written acknowledgement that the owner will be responsible for payment of the front-ending contribution on all properties involved, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing.

To: Sarah Leach

Cc: Curtis Thompson

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

Date: March 29<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – April 7<sup>th</sup>, 2021 Hearing

Comment for Re: Files #B11-2021-1419 Station St.

The building department offers the following comment,

- Building permit required for relocation of existing shed on Part 1 or demolition permit as it appears greater than 10m2.
- Demolition permit required for the removal of the structure on Part 3 if it has not already, as it appears to be greater than 10m2

Comment for Re: Files #A18-2021P-879 Foss Rd., B12-2021P-87 Port Robinson, B13-2021P-Port Robinson & B14-2021P 91 Port Robinson

The building department offers the following comment,

- Building permits are required for the proposed future building construction.

Kind Regards,

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

Bell Canada  
FI-2, 140 Bayfield St.  
Barrie, Ontario  
L4M 3B1

Fax: 705-722-2263  
Tel: 705-722-2244  
E-mail: carrie.gordon@bell.ca



March 26, 2021

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

Attention: Sarah Leach  
Email only: SLeach@pelham.ca

Dear Ms Leach:

**Subject: Application for Consent – Severance**  
**1419 Station Street, Fonthill**  
**Part of Lots 5, 6 and 7 and all of Lot 8, Plan 717**  
**CofA File: B11/2021P Bell File: 905-21-109**

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We acknowledge receipt and thank you for your correspondence March 3, 2021.

Subsequent to review of the above noted Consent Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing aerial facilities, supply service to the properties and to maintain service in the area.

Bell Canada would like to confirm that a blanket easement over Part 1 or a 3.0m wide corridor to be measured 1.5m on either side of the aerial facilities found along the east of Part 1 boundary, to extend from any pole within the lands to a minimum of 1.0m past any anchor installation and to be measured 0.5m on either side of the guy wire installation, as can be accommodated, would satisfy our needs (please see attached sketch).

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction are the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.

Yours very truly,

A handwritten signature in blue ink that reads "Carrie Gordon".

Carrie Gordon  
Right of Way Associate  
(encl.)



Bell Canada  
FI-2, 140 Bayfield St.  
Barrie, Ontario  
L4M 3B1

Fax: 705-722-2263  
Tel: 705-722-2244  
E-mail: carrie.gordon@bell.ca



March 31, 2021

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

Attention: Sarah Leach  
Email only: SLeach@pelham.ca

Dear Ms Leach:

**Subject: Application for Consent – Severance**  
**1419 Station Street, Fonthill**  
**Part of Lots 5, 6 and 7 and all of Lot 8, Plan 717**  
**CofA File: B11/2021P Bell File: 905-21-109**

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We acknowledge receipt and thank you for your correspondence March 3, 2021.

Further to our correspondence dated March 26, 2021, our Engineering Department has again reviewed any Bell Canada easement requirements for this area. It has been determined that Bell Canada will not require easement protection over these lands.

We respectfully withdraw our easement request for the lands noted above. We apologize for any inconvenience this may have caused.

If there are any questions or concerns, please do not hesitate to call.

Yours truly,

A handwritten signature in blue ink that reads "Carrie Gordon".

Carrie Gordon  
Right of Way Associate  
Encl.

May 4, 2021

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

**Re: Consent Application B16-2021P**  
**3 Hurricane Road, Pelham**  
Part of former Thorold Township Lot 163, now Pelham  
**Roll No. 2732 020 021 01400**

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 17.02 m on the north side of Hurricane Road, opposite Chestnut Street, legally described above, and known locally as 3 Hurricane Road in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey (sever) 623 m<sup>2</sup> of land (Part 1) for a single detached residential lot. Parts 4 – 5 (4,035 m<sup>2</sup> of land) is proposed to be retained for continued residential use of the dwelling known locally as 3 Hurricane Road.

Note: This application is being heard concurrent with Consent files B17-2021P & B18-2021P.

### **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;
  - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
  - The neighbourhood block's parcel fabric is highly fragmented with a traditional lotting geometry. Although the retained lands creates a normally undesirable 'flag-ship' style lot, it will help preserve the existing single detached dwelling. The lot geometry is also a product of the existing topography and challenges posed on the ability to adequately convey stormwater runoff if more intense development were alternatively proposed.
  - The Town of Pelham Official Plan is an expression of the local public interest at the time of its adoption. There are no local policy concerns with this proposal. Refer to Official Plan overview below.
  - Planning staff are of the opinion this consent is not premature and upholds the public interest.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
  - See Official Plan analysis below. The proposed lot does not compromise the adjacent



subdivision parcel fabric as it does not hinder further surrounding redevelopment opportunities discussed above and the existing development has been established for many decades with minimal prospect for drastic change.

- d) The suitability of the land for such purposes;
  - The lands (and neighbourhood) are predominantly one of lower to medium density residential with mostly ground-oriented development. The proposed consent would facilitate the construction of one additional single detached residential dwelling under the current zoning regulations.
- f) The dimensions and shapes of the proposed lots;
  - The proposed lot dimensions and shape are consistent with traditional neighbourhood development patterns and can comfortably site a new dwelling.
  - Although an L-shaped (or *flag-ship*) style lot is normally considered undesirable from a land use planning perspective, the retained lot geometry helps to preserve the existing single detached dwelling and supports more intense redevelopment of underutilized land while still being able to support adequate drainage without negative impacts upon neighbours, subject to conditions.
- h) Conservation of natural resources and flood control;
  - No natural resources are impacted because of this redevelopment. An overall Lot Grading & Drainage Plan is required as a condition of this severance approval to avoid future localized drainage concerns under typical storm events.
- i) The adequacy of utilities and municipal services;
  - Available.
- j) The adequacy of school sites
  - Available nearby.
- 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 mains, hydro services, and municipal water and sanitary services available for domestic 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 relatively consistent with traditional neighbourhood development practice considering the site-specific constraints 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 March 1<sup>st</sup> 2021 which rezoned the subject lands from R1 to a site-specific R1-302 zone. The new zoning 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. As a result, a Stage 1 – 2 Archaeological Assessment and Ministry Clearance was conducted and forwarded by the applicant, respectively.

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. The subject lands are also within walking distance to local shopping, parkland, *public service facilities* and institutional uses in Downtown Fonthill.

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

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

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

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

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

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

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 an urban lot. Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood, with single detached dwellings and townhouses making up the majority of that mix. Single detached dwellings are also the only (principle) permitted use under the site-specific R1-302 zoning.

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 application or the rezoning application as the development aligns with Provincial and Regional policies and the potential concern for deeply buried archaeological resources was addressed.

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 and townhouse residential) on large lots with a mixture of 1 & 2-storey built form. 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 was provided at the time of Zoning By-law Amendment, (dated Aug 12, 2020).

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 front Hurricane Road, which is a designated collector road according to Schedule ‘C’.
- 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 and the property fronts a Collector road.
- 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 and other ground oriented residential development.
  - ✓ The site-specific R1-302 zone does not stipulate a maximum density but does establish minimum lot frontage and minimum lot area requirements which are proposed to comply.
- 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 R1-302 zoning does not permit accessory apartments, however, the retained lands (Parts 4 – 5) were rezoned concurrently to permit 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 in proximity to the all-way STOP controlled intersection at Pelham Street and existing sight lines.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Complies.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Yes. Individual water services and sanitary laterals were installed at the owner's expense as part of the Pelham Street / Hurricane Road reconstruction in 2020.
- 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 neighbouring lands all support established development which has existed for several decades with little prospect for significant change in the future. Although the subject lands are large, there are stormwater management concerns which restrict more intense redevelopment possibilities that would increase the amount of impervious land surface.
- 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 a minimum of 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 1) for the purposes of constructing one single detached dwelling fronting Hurricane Road. According to the application and *Planning Justification Report*, the retained lands (Parts 4 – 5) is proposed to support the 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 1 – 302' (R1-302) according to the Zoning By-law. The permitted uses include:

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

The site-specific zoning (By-law No. 4320 (2021),) was recently adopted by Town Council through Zoning By-law Amendment file AM-09-2020. The minimum lot frontage and minimum lot area were reduced in order to allow the proposed lot geometry as shown before the Committee of Adjustment. The proposed lot and retained lot comply with their site-specific zoning regulations.

**Agency & Public Comments**

On March 31, 2021, 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:

- Hydro One (April 12, 2021)
  - No concerns.
- Building Department (April 20, 2021)
  - No comments.
- Public Works Department (April 21, 2021)
  - 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) 623 m<sup>2</sup> of land (Part 1) for a single detached residential lot. 4,035 m<sup>2</sup> of land (Parts 4 – 5) 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 April 2, 2020 to discuss the subject applications. In addition to the Consent Sketch, a Stage 1 – 2 Archaeological Assessment was completed and a *Planning Justification Brief* was also provided in support of the proposed development.

Town staff visited the site and reviewed aerial photography to better understand the local context. The subject lands are located on the north side of Hurricane Road, opposite Chestnut Street and are surrounded by the following:

- North – Single detached residential
- East – Single detached residential
- South – Single detached residential
- West – Townhouse residential

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. Council recently approved a Zoning By-law Amendment to facilitate the proposed lots and no appeals were filed respecting that amendment.

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 proposed lot creation complies with the Zoning By-law regulations and 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 B16-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.



- Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.
- Submit a comprehensive overall 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.
- Receive *Final Certification* of consent files B16-2021P, B17-2021P & B18-2021P, from the Secretary – Treasurer, concurrently.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$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

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## **Memorandum**

### **Public Works Department - Engineering**

DATE: April 21, 2021

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 B16/2021P  
3 Hurricane Road

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We have completed the review of the consent application B16/2021P for consent to convey 623 square meters of land (Part 1), for future construction of a single detached dwelling. 4,035 square meters of land (Part 4) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road. This application is being considered concurrently with Consent Files B17/2021P and B18/2021P.

Public Works has the following conditions;

1. That the applicant confirm that no existing utilities cross the proposed new property lines. Should any services cross this new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.
2. 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.
3. That the applicant obtains a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

To: Sarah Leach

Cc: Holly Willford, Curtis Thompson

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

Date: April 20<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – May 4<sup>th</sup>, 2021 Hearing

Comment for Re: Files B11-1419 Station St., B16-3 Hurricane Rd. (Pt 1), B17-3 Hurricane Rd. (Pt 2) & B18-3 Hurricane Rd. (Pt 3)

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:** [Dolly Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com) on behalf of [LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)  
**To:** [Sarah Leach](mailto:Sarah.Leach@pelham.ca)  
**Subject:** Pelham - 3 Hurricane Road - B16/2021P, B17/2021P, B18/2021P  
**Date:** Monday, April 12, 2021 11:10:40 AM  
**Attachments:** [image003.png](#)

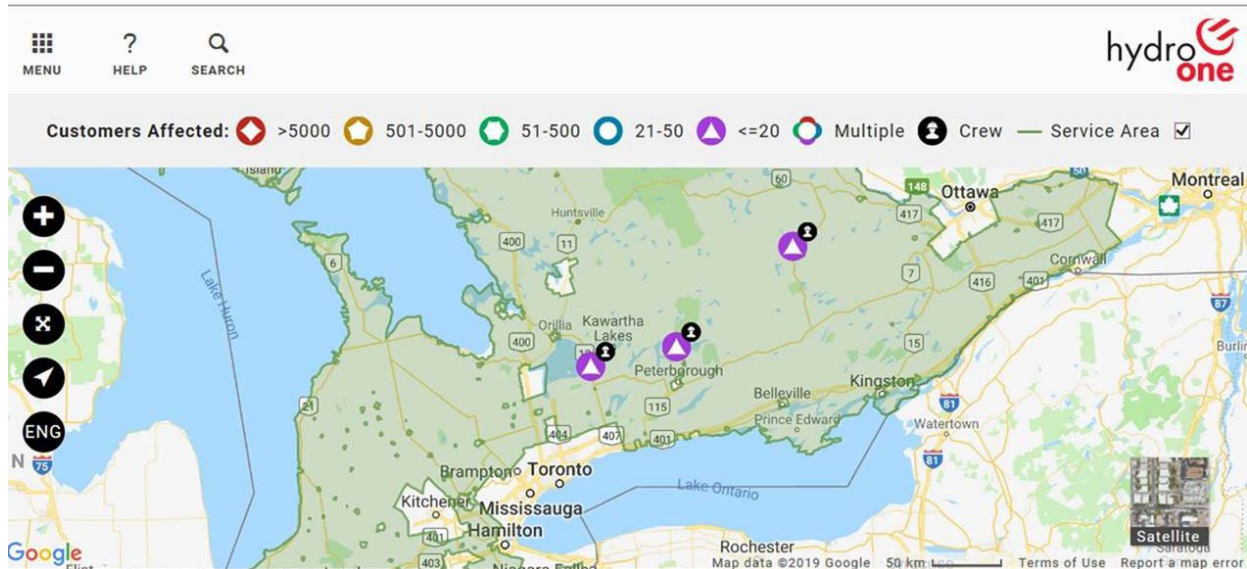
Hello,

We are in receipt of Application B16/2021P, B17/2021P, B18/2021P dated March 31, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:  
<http://www.hydroone.com/StormCenter3/>

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Thank you,

Best Wishes,

**Dolly Shetty**  
Real Estate Assistant | Land Use Planning

**Hydro One Networks Inc.**  
185 Clegg Road (R32)  
Markham, ON | L6G 1B7  
Email: [Dolly.Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com)



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**From:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Sent:** Wednesday, March 31, 2021 8:38 AM  
**To:** LANDUSEPLANNING <[LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)>; Enbridge- Municipal Planning - Enbridge ([MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)) <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; [jim.sorley@npei.ca](mailto:jim.sorley@npei.ca)  
**Subject:** Committee of Adjustment Notice of Hearing - May 4, 2021

**\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\***

Good morning,

Attached, please find the notice of Hearing for Committee of Adjustment file(s):

- B16/2021P – 3 Hurricane Road, Part 1
- B17/2021P – 3 Hurricane Road, Part 2
- B18/2021P – 3 Hurricane Road, Part 3

Also included, please find the planning justification report relevant to all.

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

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**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

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May 4, 2021

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

**Re: Consent Application B17-2021P**  
**3 Hurricane Road, Pelham**  
Part of former Thorold Township Lot 163, now Pelham  
**Roll No. 2732 020 021 01400**

The subject parcel, shown as Part 2 on the attached sketch, has a frontage of 18.25 m on the north side of Hurricane Road, opposite Chestnut Street, legally described above, and known locally as 3 Hurricane Road in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey (sever) 666 m<sup>2</sup> of land (Part 2) for a single detached residential lot. Parts 4 – 5 (4,035 m<sup>2</sup> of land) is proposed to be retained for continued residential use of the dwelling known locally as 3 Hurricane Road.

Note: This application is being heard concurrent with Consent files B16-2021P & B18-2021P.

### **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;
  - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
  - The neighbourhood block's parcel fabric is highly fragmented with a traditional lotting geometry. Although the retained lands creates a normally undesirable 'flag-ship' style lot, it will help preserve the existing single detached dwelling. The lot geometry is also a product of the existing topography and challenges posed on the ability to adequately convey stormwater runoff if more intense development were alternatively proposed.
  - The Town of Pelham Official Plan is an expression of the local public interest at the time of its adoption. There are no local policy concerns with this proposal. Refer to Official Plan overview below.
  - Planning staff are of the opinion this consent is not premature and upholds the public interest.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
  - See Official Plan analysis below. The proposed lot does not compromise the adjacent

subdivision parcel fabric as it does not hinder further surrounding redevelopment opportunities discussed above and the existing development has been established for many decades with minimal prospect for drastic change.

- d) The suitability of the land for such purposes;
  - The lands (and neighbourhood) are predominantly one of lower to medium density residential with mostly ground-oriented development. The proposed consent would facilitate the construction of one additional single detached residential dwelling under the current zoning regulations.
- f) The dimensions and shapes of the proposed lots;
  - The proposed lot dimensions and shape are consistent with traditional neighbourhood development patterns and can comfortably site a new dwelling.
  - Although an L-shaped (or *flag-ship*) style lot is normally considered undesirable from a land use planning perspective, the retained lot geometry helps to preserve the existing single detached dwelling and supports more intense redevelopment of underutilized land while still being able to support adequate drainage without negative impacts upon neighbours, subject to conditions.
- h) Conservation of natural resources and flood control;
  - No natural resources are impacted because of this redevelopment. An overall Lot Grading & Drainage Plan is required as a condition of this severance approval to avoid future localized drainage concerns under typical storm events.
- i) The adequacy of utilities and municipal services;
  - Available.
- j) The adequacy of school sites
  - Available nearby.
- 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 mains, hydro services, and municipal water and sanitary services available for domestic 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 relatively consistent with traditional neighbourhood development practice considering the site-specific constraints 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 March 1<sup>st</sup> 2021 which rezoned the subject lands from R1 to a site-specific R1-302 zone. The new zoning 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. As a result, a Stage 1 – 2 Archaeological Assessment and Ministry Clearance was conducted and forwarded by the applicant, respectively.

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. The subject lands are also within walking distance to local shopping, parkland, *public service facilities* and institutional uses in Downtown Fonthill.

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

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

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

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

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

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

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 an urban lot. Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood, with single detached dwellings and townhouses making up the majority of that mix. Single detached dwellings are also the only (principle) permitted use under the site-specific R1-302 zoning.

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 application or the rezoning application as the development aligns with Provincial and Regional policies and the potential concern for deeply buried archaeological resources was addressed.

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 and townhouse residential) on large lots with a mixture of 1 & 2-storey built form. 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 was provided at the time of Zoning By-law Amendment, (dated Aug 12, 2020).

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 front Hurricane Road, which is a designated collector road according to Schedule ‘C’.
- 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 and the property fronts a Collector road.
- 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 and other ground oriented residential development.
  - ✓ The site-specific R1-302 zone does not stipulate a maximum density but does establish minimum lot frontage and minimum lot area requirements which are proposed to comply.
- 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 R1-302 zoning does not permit accessory apartments, however, the retained lands (Parts 4 – 5) were rezoned concurrently to permit 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 in proximity to the all-way STOP controlled intersection at Pelham Street and existing sight lines.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Complies.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Yes. Individual water services and sanitary laterals were installed at the owner's expense as part of the Pelham Street / Hurricane Road reconstruction in 2020.
- 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 neighbouring lands all support established development which has existed for several decades with little prospect for significant change in the future. Although the subject lands are large, there are stormwater management concerns which restrict more intense redevelopment possibilities that would increase the amount of impervious land surface.
- 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 a minimum of 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 1) for the purposes of constructing one single detached dwelling fronting Hurricane Road. According to the application and *Planning Justification Report*, the retained lands (Parts 4 – 5) is proposed to support the 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 1 – 302' (R1-302) according to the Zoning By-law. The permitted uses include:

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

The site-specific zoning (By-law No. 4320 (2021),) was recently adopted by Town Council through Zoning By-law Amendment file AM-09-2020. The minimum lot frontage and minimum lot area were reduced in order to allow the proposed lot geometry as shown before the Committee of Adjustment. The proposed lot and retained lot comply with their site-specific zoning regulations.

**Agency & Public Comments**

On March 31, 2021, 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:

- Hydro One (April 12, 2021)
  - No concerns.
- Building Department (April 20, 2021)
  - No comments.
- Public Works Department (April 21, 2021)
  - 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) 666 m<sup>2</sup> of land (Part 2) for a single detached residential lot. 4,035 m<sup>2</sup> of land (Parts 4 – 5) 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 April 2, 2020 to discuss the subject applications. In addition to the Consent Sketch, a Stage 1 – 2 Archaeological Assessment was completed and a *Planning Justification Brief* was also provided in support of the proposed development.

Town staff visited the site and reviewed aerial photography to better understand the local context. The subject lands are located on the north side of Hurricane Road, opposite Chestnut Street and are surrounded by the following:

- North – Single detached residential
- East – Single detached residential
- South – Single detached residential
- West – Townhouse residential

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. Council recently approved a Zoning By-law Amendment to facilitate the proposed lots and no appeals were filed respecting that amendment.

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 proposed lot creation complies with the Zoning By-law regulations and 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 B17-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.

- Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.
- Submit a comprehensive overall 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.
- Receive *Final Certification* of consent files B16-2021P, B17-2021P & B18-2021P, from the Secretary – Treasurer, concurrently.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$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



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## **Memorandum**

### **Public Works Department - Engineering**

DATE: April 21, 2021

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 B17/2021P  
3 Hurricane Road

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We have completed the review of the consent application B17/2021P for consent to convey 666 square meters of land (Part 2), for future construction of a single detached dwelling. 4,035 square meters of land (Part 4) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road. This application is being considered concurrently with Consent Files B16/2021P and B18/2021P.

Public Works has the following conditions;

1. That the applicant confirm that no existing utilities cross the proposed new property lines. Should any services cross this new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.
2. 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.
3. That the applicant obtains a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.



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To: Sarah Leach

Cc: Holly Willford, Curtis Thompson

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

Date: April 20<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – May 4<sup>th</sup>, 2021 Hearing

Comment for Re: Files B11-1419 Station St., B16-3 Hurricane Rd. (Pt 1), B17-3 Hurricane Rd. (Pt 2) & B18-3 Hurricane Rd. (Pt 3)

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:** [Dolly Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com) on behalf of [LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)  
**To:** [Sarah Leach](mailto:Sarah.Leach@pelham.ca)  
**Subject:** Pelham - 3 Hurricane Road - B16/2021P, B17/2021P, B18/2021P  
**Date:** Monday, April 12, 2021 11:10:40 AM  
**Attachments:** [image003.png](#)

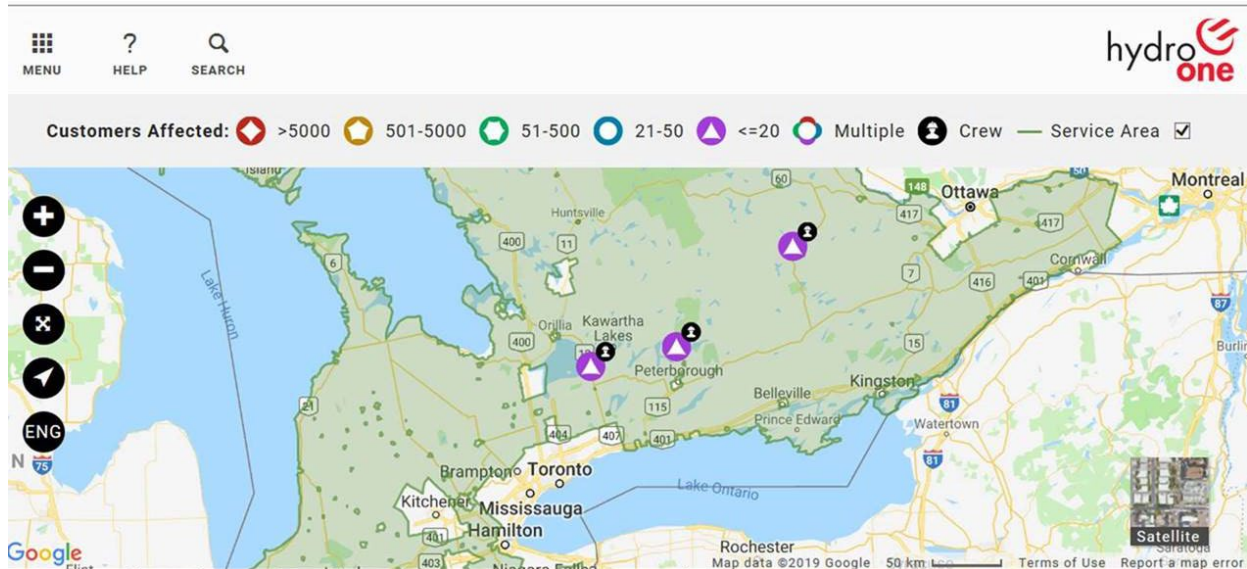
Hello,

We are in receipt of Application B16/2021P, B17/2021P, B18/2021P dated March 31, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:  
<http://www.hydroone.com/StormCenter3/>

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Thank you,

Best Wishes,

**Dolly Shetty**  
Real Estate Assistant | Land Use Planning

**Hydro One Networks Inc.**  
185 Clegg Road (R32)  
Markham, ON | L6G 1B7  
Email: [Dolly.Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com)



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**From:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Sent:** Wednesday, March 31, 2021 8:38 AM  
**To:** LANDUSEPLANNING <[LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)>; Enbridge- Municipal Planning - Enbridge ([MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)) <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; [jim.sorley@npei.ca](mailto:jim.sorley@npei.ca)  
**Subject:** Committee of Adjustment Notice of Hearing - May 4, 2021

**\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\***

Good morning,

Attached, please find the notice of Hearing for Committee of Adjustment file(s):

- B16/2021P – 3 Hurricane Road, Part 1
- B17/2021P – 3 Hurricane Road, Part 2
- B18/2021P – 3 Hurricane Road, Part 3

Also included, please find the planning justification report relevant to all.

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

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**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

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May 4, 2021

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

**Re: Consent Application B18-2021P**  
**3 Hurricane Road, Pelham**  
Part of former Thorold Township Lot 163, now Pelham  
**Roll No. 2732 020 021 01400**

The subject parcel, shown as Part 3 on the attached sketch, has a frontage of 18.25 m on the north side of Hurricane Road, opposite Chestnut Street, legally described above, and known locally as 3 Hurricane Road in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey (sever) 730 m<sup>2</sup> of land (Part 3) for a single detached residential lot. Parts 4 – 5 (4,035 m<sup>2</sup> of land) is proposed to be retained for continued residential use of the dwelling known locally as 3 Hurricane Road.

Note: This application is being heard concurrent with Consent files B16-2021P & B17-2021P.

### **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;
  - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
  - The neighbourhood block's parcel fabric is highly fragmented with a traditional lotting geometry. Although the retained lands creates a normally undesirable 'flag-ship' style lot, it will help preserve the existing single detached dwelling. The lot geometry is also a product of the existing topography and challenges posed on the ability to adequately convey stormwater runoff if more intense development were alternatively proposed.
  - The Town of Pelham Official Plan is an expression of the local public interest at the time of its adoption. There are no local policy concerns with this proposal. Refer to Official Plan overview below.
  - Planning staff are of the opinion this consent is not premature and upholds the public interest.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
  - See Official Plan analysis below. The proposed lot does not compromise the adjacent

subdivision parcel fabric as it does not hinder further surrounding redevelopment opportunities discussed above and the existing development has been established for many decades with minimal prospect for drastic change.

- d) The suitability of the land for such purposes;
  - The lands (and neighbourhood) are predominantly one of lower to medium density residential with mostly ground-oriented development. The proposed consent would facilitate the construction of one additional single detached residential dwelling under the current zoning regulations.
- f) The dimensions and shapes of the proposed lots;
  - The proposed lot dimensions and shape are consistent with traditional neighbourhood development patterns and can comfortably site a new dwelling.
  - Although an L-shaped (or *flag-ship*) style lot is normally considered undesirable from a land use planning perspective, the retained lot geometry helps to preserve the existing single detached dwelling and supports more intense redevelopment of underutilized land while still being able to support adequate drainage without negative impacts upon neighbours, subject to conditions.
- h) Conservation of natural resources and flood control;
  - No natural resources are impacted because of this redevelopment. An overall Lot Grading & Drainage Plan is required as a condition of this severance approval to avoid future localized drainage concerns under typical storm events.
- i) The adequacy of utilities and municipal services;
  - Available.
- j) The adequacy of school sites
  - Available nearby.
- 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 mains, hydro services, and municipal water and sanitary services available for domestic 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 relatively consistent with traditional neighbourhood development practice considering the site-specific constraints 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 March 1<sup>st</sup> 2021 which rezoned the subject lands from R1 to a site-specific R1-302 zone. The new zoning 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. As a result, a Stage 1 – 2 Archaeological Assessment and Ministry Clearance was conducted and forwarded by the applicant, respectively.

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. The subject lands are also within walking distance to local shopping, parkland, *public service facilities* and institutional uses in Downtown Fonthill.

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

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

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

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

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

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

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 an urban lot. Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood, with single detached dwellings and townhouses making up the majority of that mix. Single detached dwellings are also the only (principle) permitted use under the site-specific R1-302 zoning.

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 application or the rezoning application as the development aligns with Provincial and Regional policies and the potential concern for deeply buried archaeological resources was addressed.

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 and townhouse residential) on large lots with a mixture of 1 & 2-storey built form. 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 was provided at the time of Zoning By-law Amendment, (dated Aug 12, 2020).

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 front Hurricane Road, which is a designated collector road according to Schedule ‘C’.
- 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 and the property fronts a Collector road.
- 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 and other ground oriented residential development.
  - ✓ The site-specific R1-302 zone does not stipulate a maximum density but does establish minimum lot frontage and minimum lot area requirements which are proposed to comply.
- 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 R1-302 zoning does not permit accessory apartments, however, the retained lands (Parts 4 – 5) were rezoned concurrently to permit 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 in proximity to the all-way STOP controlled intersection at Pelham Street and existing sight lines.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Complies.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Yes. Individual water services and sanitary laterals were installed at the owner's expense as part of the Pelham Street / Hurricane Road reconstruction in 2020.
- 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 neighbouring lands all support established development which has existed for several decades with little prospect for significant change in the future. Although the subject lands are large, there are stormwater management concerns which restrict more intense redevelopment possibilities that would increase the amount of impervious land surface.
- 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 a minimum of 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 1) for the purposes of constructing one single detached dwelling fronting Hurricane Road. According to the application and *Planning Justification Report*, the retained lands (Parts 4 – 5) is proposed to support the 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 1 – 302' (R1-302) according to the Zoning By-law. The permitted uses include:

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

The site-specific zoning (By-law No. 4320 (2021),) was recently adopted by Town Council through Zoning By-law Amendment file AM-09-2020. The minimum lot frontage and minimum lot area were reduced in order to allow the proposed lot geometry as shown before the Committee of Adjustment. The proposed lot and retained lot comply with their site-specific zoning regulations.

**Agency & Public Comments**

On March 31, 2021, 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:

- Hydro One (April 12, 2021)
  - No concerns.
- Building Department (April 20, 2021)
  - No comments.
- Public Works Department (April 21, 2021)
  - 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) 730 m<sup>2</sup> of land (Part 3) for a single detached residential lot. 4,035 m<sup>2</sup> of land (Parts 4 – 5) 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 April 2, 2020 to discuss the subject applications. In addition to the Consent Sketch, a Stage 1 – 2 Archaeological Assessment was completed and a *Planning Justification Brief* was also provided in support of the proposed development.

Town staff visited the site and reviewed aerial photography to better understand the local context. The subject lands are located on the north side of Hurricane Road, opposite Chestnut Street and are surrounded by the following:

- North – Single detached residential
- East – Single detached residential
- South – Single detached residential
- West – Townhouse residential

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. Council recently approved a Zoning By-law Amendment to facilitate the proposed lots and no appeals were filed respecting that amendment.

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 proposed lot creation complies with the Zoning By-law regulations and 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 B18-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.

- Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.
- Submit a comprehensive overall 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.
- Receive *Final Certification* of consent files B16-2021P, B17-2021P & B18-2021P, from the Secretary – Treasurer, concurrently.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$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

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## **Memorandum**

### **Public Works Department - Engineering**

DATE: April 21, 2021

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 B18/2021P  
3 Hurricane Road

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We have completed the review of the consent application B18/2021P for consent to convey 730 square meters of land (Part 3), for future construction of a single detached dwelling. 4,035 square meters of land (Part 4) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road. This application is being considered concurrently with Consent Files B16/2021P and B17/2021P.

Public Works has the following conditions;

1. That the applicant confirm that no existing utilities cross the proposed new property lines. Should any services cross this new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.
2. 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.
3. That the applicant obtains a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

To: Sarah Leach

Cc: Holly Willford, Curtis Thompson

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

Date: April 20<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – May 4<sup>th</sup>, 2021 Hearing

Comment for Re: Files B11-1419 Station St., B16-3 Hurricane Rd. (Pt 1), B17-3 Hurricane Rd. (Pt 2) & B18-3 Hurricane Rd. (Pt 3)

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:** [Dolly Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com) on behalf of [LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)  
**To:** [Sarah Leach](mailto:Sarah.Leach@pelham.ca)  
**Subject:** Pelham - 3 Hurricane Road - B16/2021P, B17/2021P, B18/2021P  
**Date:** Monday, April 12, 2021 11:10:40 AM  
**Attachments:** [image003.png](#)

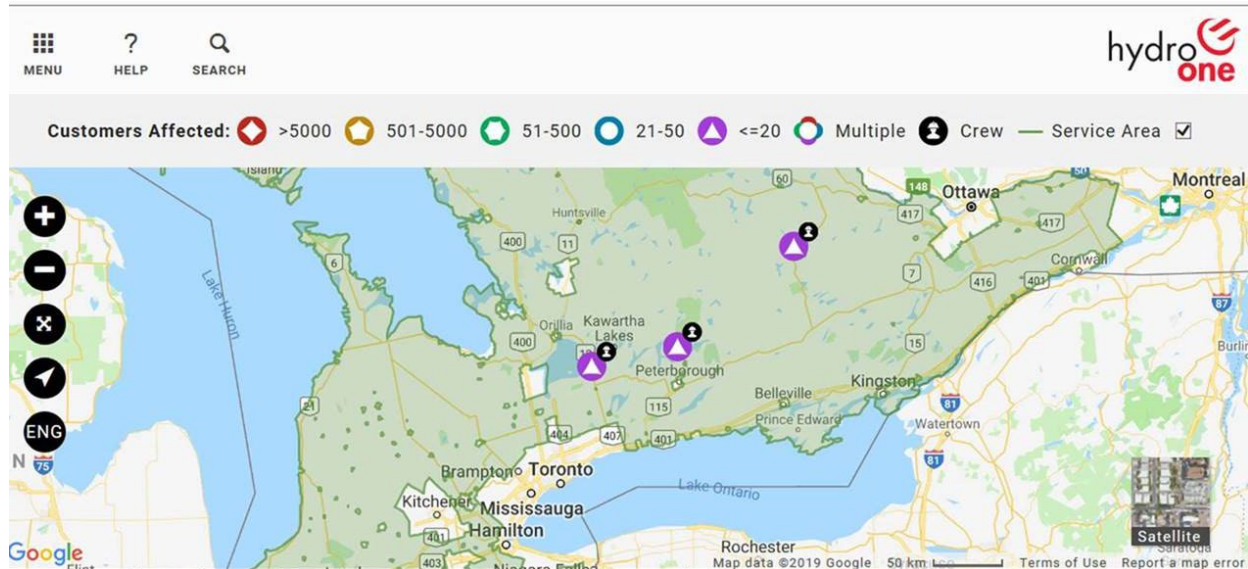
Hello,

We are in receipt of Application B16/2021P, B17/2021P, B18/2021P dated March 31, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:  
<http://www.hydroone.com/StormCenter3/>

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Thank you,

Best Wishes,

**Dolly Shetty**  
Real Estate Assistant | Land Use Planning

**Hydro One Networks Inc.**  
185 Clegg Road (R32)  
Markham, ON | L6G 1B7  
Email: [Dolly.Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com)



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**From:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Sent:** Wednesday, March 31, 2021 8:38 AM  
**To:** LANDUSEPLANNING <[LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)>; Enbridge- Municipal Planning - Enbridge ([MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)) <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; [jim.sorley@npei.ca](mailto:jim.sorley@npei.ca)  
**Subject:** Committee of Adjustment Notice of Hearing - May 4, 2021

**\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\***

Good morning,

Attached, please find the notice of Hearing for Committee of Adjustment file(s):

- B16/2021P – 3 Hurricane Road, Part 1
- B17/2021P – 3 Hurricane Road, Part 2
- B18/2021P – 3 Hurricane Road, Part 3

Also included, please find the planning justification report relevant to all.

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

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**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

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**Committee of Adjustment****Minutes**

**Meeting #:** CofA 9b/2020  
**Date:** Tuesday, September 29, 2020  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** John Klassen  
Sandra Marsh  
Bernie Law

**Members Absent** Donald Cook

**Staff Present** Nancy Bozzato  
Holly Willford  
Sarah Leach  
Barb Wiens  
Jason Marr  
Curtis Thompson

**1. Attendance**

Applicant, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Klassen called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

There were no pecuniary interests disclosed by any of the members present.

#### **4. Requests for Withdrawal or Adjournment**

Ms. Holly Willford, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

#### **5. Applications for Minor Variance**

##### **5.1 A20/2020P - 1010 Canboro Road**

##### **Purpose of Application**

Application for relief of Section 7.3 (e) “Minimum Side Yard” to permit a minimum side yard of 7.3m whereas the by-law requires 15m.

##### **Representation**

The Owner was electronically present.

##### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services

##### **Applicant's Comments**

The Owner indicated he had no comments.

##### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated no members of the public had pre-register to speak. Ms. Willford indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:15 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

##### **Members Comments**

A Member stated he agreed with the application.

A Member asked if the unopened road allowance is owned by the Town and asked if the Owner considered purchasing the lands. In response, the Owner indicated his deed states unopened road allowance.

**Moved By** Sandra Marsh  
**Seconded By** Bernie Law

**Application for relief of Section 7.3 (e) “Minimum Side Yard” to permit a minimum side yard of 7.3m whereas the by-law requires 15m, is hereby: GRANTED**

**The above decisions are based on the following reasons:**

- 1. The variance is minor in nature as no sensitive land uses are proximate and what appears to be an unopened road allowance continues to provide an additional 20 m of separation between the adjacent property to the east.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for improved usage of the existing and recently approved greenhouse expansion.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. That the applicant is aware a new septic system permit is required.**
- 8. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

- 1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.**

**Prior to the issuance of the Building Permit:**

- 2. To the satisfaction of the Director of Community Development and Planning that:**

1. **Obtain building permit approval ensuring that a floating slab and anchor post layout foundation are used similar to that approved on the existing Site Plan Agreement.**

**Carried**

## **5.2 A21/2020P - 590 Canboro Road**

### **Purpose of Application**

Application for relief of Section 7.4 (e) “Minimum Exterior Side Yard” seeking 2.43 m, whereas 8 m is required, to recognize the existing legal non-complying dwelling and Section 7.4 (e) “Minimum Exterior Side Yard” seeking 3.85 m, whereas 8 m is required, to construct a  $\pm 56.4 \text{ m}^2$ , 2-storey residential addition to the north.

### **Representation**

The Owner and Agent, Mr. Ian Whitehall was electronically present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. NPCA

### **Applicant's Comments**

The Agent stated the owner is requesting the minor variance to facilitate an addition.

### **Public Comments**

No members of the public had pre-register to speak.

### **Members Comments**

A Member asked how large the subject lands are. In response, the Owner stated the lands are approximately 1.3 acres. The Member stated he is unsure why it is said the land is undersized.

**Moved By Sandra Marsh**

**Seconded By Bernie Law**

**Application for relief of Section 7.4 (e) “Minimum Exterior Side Yard” seeking 2.43 m, whereas 8 m is required, to recognize the existing legal non-complying dwelling and Section 7.4 (e) “Minimum Exterior Side Yard” seeking 3.85 m, whereas 8 m is required, to construct a ± 56.4 m<sup>2</sup>, 2-storey residential addition to the north, is hereby:  
GRANTED**

**The above decisions are based on the following reasons:**

- 1. The variance is minor in nature overall because it will help to improve the historic streetscape and the existing legal non-complying front yard setback has not posed any adverse impacts to date.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for improved living arrangements and usage of the existing legal non-complying dwelling.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. That the applicant is aware a new septic system permit is required.**
- 8. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.

**Prior to the issuance of the Building Permit:**

2. To the satisfaction of the Director of Public Works that:
  1. Should a new driveway be needed, or the existing driveway widened, then a Driveway Entrance & Culvert Permit will be required, at the owner's expense.
3. To the satisfaction of the Director of Community Development and Planning that:
  1. Provide a west (Cream Street) Elevation Plan that positively contributes to the public street through the use of a more practical front porch, and ground floor windows symmetrically proportionate to the building's mass;
  2. Cease excavation activities immediately upon discovery of deeply buried archaeological resources. The Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) shall be notified and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. In the event that human remains are encountered during construction, all activities must cease immediately and the local Police as well as the Cemeteries Regulation Unit of the Ministry of Government & 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.

## **6. Applications for Consent**

### **6.1 B2/2019P - 204 Canboro Road**

#### **Purpose of Application**

Application for consent to convey an easement in perpetuity over Part 2, to the benefit of Part 3 for the use of discharging storm water. Parts 1 and

2 are to be retained for continued use of residential property known municipally as 204 Canboro Road.

### **Representation**

The Agents, Mr. Craig Rohe from Upper Canada Consultants and Mr. Tom Richardson, lawyer for the applicant were both electronically present.

### **Correspondence Received**

1. Town of Pelham Planning Department (March 12, 2019 and August 11, 2020)
2. Town of Pelham Public Works (February 21, 2019)
3. Niagara Region Planning & Development Services (February 27, 2019)
4. Niagara Peninsula Conservation Authority (2019 Comments and Updated 2020 Comments)
5. Bell Canada
6. Hydro One
7. Ben Obdeyn, et al.
8. Ben Obdeyn (July 29, 2020 Comments)
9. Angela and Brian Young (August 5, 2020)

### **Applicant's Comments**

Mr. Rohe stated the development of this property has been ongoing on for a long time and that this is the last step in required development approvals. He stated there has been a draft plan of condominium and zoning by-law amendment approved. Mr. Rohe indicated the site plan agreement is ready to be executed and the applicant has an NPCA permit for the proposed storm water outlet. Mr. Rohe briefly described location and purpose of the requested easement and provided a brief history of this application.

A Member stated professional engineers did the design work for the proposal and that ultimately, those professional engineers will be responsible for the design and should issues arise, the engineers will be required to rectify any issues. In response, Mr. Rohe stated that is correct and that many professionals have reviewed the proposal and provided



their stamps of approvals. He stated should issues arise the applicant and his team will resolve the issues to the satisfaction to the Town.

A Member asked if there are issues and the neighbours are concerned who should they call. In response, Mr. Rohe stated the NPCA is the regulatory authority and any neighbours could call the NPCA or the Town to request a site inspection. Mr. Rohe stated he and his applicant are confident in their design.

Mr. Richardson, the applicant's lawyer stated the easement at the bottom of the slope already exists and is the Town of Pelham's easement. He stated, therefore if issues arose the Town of Pelham would become aware of any complaint. Mr. Richardson stated the easement which is being requested tonight would be the responsibility of the condominium corporation.

A Member asked if there is an issue or maintenance need identified with the easement how long would it typically take the condominium corporation to make the repair. In response, Mr. Richardson stated they should be able to respond in good time. Furthermore, he stated typically a condominium corporation has a property management company and that company would deal with the complaint.

A Member stated it is important the neighbours can be assured there will not be any issues and if there are issues, there will be speedy resolution. The Agents made assurances there are engineering controls to ensure there will be no negative impacts. Mr. Jason Schooley, the applicants engineer discussed controls in place to ensure the engineering systems will work and stated they are designed for significant storm events.

### **Public Comments**

Angela and Brian Young stated they live west of the proposed development. The Young's stated their concern is water and they do not want to have any additional water or silts coming onto their property.

Mr. Young stated he believes there are misunderstandings with respect to this development and stated there is currently no creek, rather he stated it is a dry valley. Mr. Young stated he is concerned about the existing easement and stated the easement ends at his property line. He indicated the easement was not designed to have additional water.

Mr. Young raised concerns with regards to the water flow rate numbers stated within Upper Canada Consultants in their report and the models

they used to create the flows. The Young's stated they believe the pre-flow rate is incorrect.

The Chair asked Mr. Jason Marr, Director of Public Works if he is in support of this application. In response, Mr. Marr, firstly stated the Town does have the responsibility of the existing easement. He stated he is not aware of any deficiencies with the easement and stated this would be the Town's responsibility. Mr. Marr stated with respect to the applicants design, he stated he has reviewed the documents and studies and stated he believes good engineering principles were used in the design. Mr. Marr stated he has read the comments received from the NPCA and the Niagara Region and he stated both are in favour of this application and the design. Mr. Marr stated he is in support of the engineering work which was submitted for this development.

Ben Obdeyn stated he is concerned with respect to excessive water and stated he would suggest the engineers consider using of french drains. Mr. Obdeyn asked if the storage tank will have a solid bottom or if it will be perforated. Mr. Obdeyn also asked if small equipment rather than big equipment can be used to minimize tree destruction. In response, Mr. Schooley stated the design was created to minimize ground water for slope stability. He stated all water is projected to landscaped areas. He stated he did not use a perforated pipe system for a variety of reasons.

Norah Peat stated her concerns are similar to the Young's. Ms. Peat stated she is concerned the UCC report states there is a tributary coil creek along the existing easement to the Town of Pelham. She stated that was never a tributary coil creek. She stated she believes this is significant as it is not a running waterway. In response, Mr. Rohe stated this term was provided by the applicant's ecologist.

Ms. Peat stated she understands the water flow rates, which the design is based, is derived from rainfall and stormwater figures from years that are no longer relevant and that the data is outdated. Ms. Peat referenced changing weather / climate patterns and therefore is concerned with the flow rates presented within the report.

In addition, Ms. Peat stated she is concerned with the amount of water that would go into the Town's easement. She stated she believes the Town may have some financial liability if property damage arises from excess water. She stated she believes the committee should commission their own reports to review the proposal.

In response to Ms. Peats concerns, Mr. Schooley stated he has used the St. Catharines rainfall data and further explained how the data was used for his modeling systems. He stated he is confident with the rainfall data used. Mr. Schooley stated the rainfall data is always up-dated.

Ms. Willford indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:06 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

The Committee Members made no further comments.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application is made for consent to convey an easement in perpetuity over Part 2, to the benefit of Part 3 for the use of discharging storm water. Parts 1 and 2 are to be retained for continued use of residential property known municipally as 204 Canboro Road, is hereby GRANTED.**

**The above decision is subject to the following conditions:**

- 1. That the Secretary-Treasurer be provided with a registrable 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.**
- 2. That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**This decision is based on the following reasons:**

- 3. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 4. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**

5. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

**7. Minutes for Approval**

None.

**8. Adjournment**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**THAT the Committee of Adjustment hearing be adjourned.**

**Carried**

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John Klassen, Chair

---

Secretary-Treasurer, Nancy J. Bozzato

**Committee of Adjustment****Minutes**

**Meeting #:** CofA 10/2020  
**Date:** Tuesday, October 6, 2020  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** John Klassen  
Sandra Marsh  
Bernie Law

**Staff Present** Nancy Bozzato  
Holly Willford  
Sarah Leach  
Curtis Thomspon  
Tolga Aydin  
Jason Marr (part-time)

**1. Attendance**

Applicant, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Klassen called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

There were no pecuniary interests disclosed by any of the members present.

#### **4. Requests for Withdrawal or Adjournment**

Ms. Holly Willford, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

#### **5. Applications for Consent**

##### **5.1 B7/2020P - 1150 Line Avenue (Part 1)**

##### **Purpose of Application**

Applications B7/2020P and B8/2020P were heard concurrently.

Application B7/2020P for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling.

Application B8/2020P for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling.

##### **Representation**

The applicants Agents, Mr. Matt Kernahan from Upper Canada Consultants and Mr. Patrick Maloney from Sullivan Mahoney LLP were electronically present.

##### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Hydro One
5. Bell Canada

##### **Public Comments:**

1. Jason Lovejoy
2. Ann Harrison & Michael Hrycusko
3. William McRae
4. Petition
5. Allan and Edward Steers
6. Gordon Hetherington
7. Steve Talosi

8. Susan Smyth
9. Beverly Lovejoy & William King
10. Peter Scott & Nicola Jones
11. Alice & Ron Hrcak
12. Andrea and Francois Lacasse
13. Teresa Boucher
14. Keith Robins

### **Applicant's Comments**

Mr. Maloney stated he would speak to both the consent and minor variance applications. Mr. Maloney provided the Committee with an overview of the applications before the Committee for consideration, being the creation of two lots on Parts 1 and 2 and associated minor variances. Mr. Maloney stressed there are no applications before the Committee with respect to Part 3 on the sketch, being the remnant lands. He stated those lands are for future development and there presently are no applications before the Committee with respect to Part 3 on the sketch. Mr. Maloney stated the majority of public comments received are primarily in opposition of the development of Part 3.

Mr. Kernahan provided the Committee with a presentation providing an overview of the application. A copy of said presentation is available through the Clerk.

Mr. Maloney stated expert evidence presented by the Town's Planning Department and Mr. Kernahan support the consent applications. Mr. Maloney stated the suggested conditions from the Town's Planning Department are intended to address any potential impact upon the properties abutting Part 1 on the sketch. Mr. Maloney reviewed the suggested conditions and stated how the conditions would address the public's concerns. Mr. Maloney respectfully requested the Committee grant the applications, subject to conditions, as presented.

A Member asked the Agents if they have considered flooding as a potential consequence to the development of the lots. Mr. Maloney stated a proposed condition to the consent applications is the requirement for an overall lot grading and drainage plan. He further stated the future development on Part 3 will require a lot grading and drainage plan. Mr. Maloney stated this would address any drainage issues.

A Member asked if the condition relating to the 6 foot fence would be constructed prior to or after construction. The Member also asked if the three large trees to be planted would all be planted on Part 1 or will there be a tree planted on each Part of the sketch. In response, Mr. Maloney stated the fence would be installed before the lot is created. He stated the trees are to be planted on the Towns boulevard between Parts 1, 2 and 3.

A Member asked if the trees along Steflar Street will be removed and what type of fence will be installed. In response, Mr. Maloney stated the fence would be a solid wood board fence. He further stated there is a condition for a tree savings plan and therefore, there will be an effort to preserve as many trees as possible. Mr. Maloney stated it is his clients intention to preserve as many trees as possible.

A Member stated he is concerned with drainage. In response, Mr. Maloney stated a lot grading and drainage plan will be required as a condition of the consent, and therefore water will flow to the street. The Member stated this street does not have storm water sewers and stated he is concerned with flooding on the streets. In response, Mr. Jason Marr, Director of Public Works stated engineering staff will be reviewing a lot grading and drainage plan to ensure the drainage from this property will not negatively affect other properties.

A Member asked Mr. Curtis Thompson for the definition of 'land locked'. In response, Mr. Thompson, Town Planner, stated a parcel is land locked when it does not have frontage onto a public street. He stated any amount of frontage means the lands are not land locked.

A Member asked if the two consent applications are granted will the Committee be creating a third parcel (Part 3) with zoning deficiencies with respect to frontage. In response, Mr. Thompson stated the Committee would be conditionally approving three parcels, however he stated one of the proposed conditions is that the frontage of Part 3 is rectified.

The Member asked Mr. Thompson to explain how future development would be dealt with in the future with respect to Part 3. In response, Mr. Thompson explained the public process for a zoning by-law amendment if the applicant should submit such application. In addition, Mr. Thompson discussed when a subdivision plan is required in comparison to consent applications.



## **Public Comments**

Mr. Peter Scott thanked staff for the detailed report and for keeping lines of communication opened. He further thanked the Committee for asking detailed questions of the applicant. Mr. Scott stated his house will likely be most impacted by this proposed development and thanked the neighbours for their support.

Mr. Scott stated he is in opposition of the four applications before the Committee as he believes they are not minor, does not fit in with the character of the neighbourhood and are incomplete. Mr. Scott stated he is concerned with privacy and is worried the applicant may build a two-story home which would look into his yard. He requested a condition be placed on the application to ensure only a one-story home could be built. In response, Mr. Maloney stated it is the applicant's intention to build an attractive bungalow. In addition, Mr. Maloney stated there are conditions uploaded with the applications with respect to windows being installed to ensure privacy.

Mr. Scott stated he would like to ensure all conditions are in writing. Chair Klassen confirmed all conditions upon the application would be in writing.

Ms. Ann Harrison and Mr. Michael Hrycusko stated they own a property west of the subject lands. Ms. Harrison stated she and Mr. Hrycusko respectfully disagree with planning staff and stated she does not believe the application aligns with the Town's Official Plan. Ms. Harrison stated she would specifically speak to the special policy, which speaks to Lot 177 in Fonthill. She stated she understands change is inevitable and have seen thoughtful and intentional development throughout Niagara, which adheres to the character of the community and is compatible with the existing neighbourhood. Ms. Harrison stated she is concerned that within Fonthill there have been several instances in which large properties are being severed in established neighborhoods into small lots, which are incompatible and inconsistent with the area. Chair Klassen advised Ms. Harrison this type of development is common as there are provincial requirements for infill development.

Ms. Harrison agreed this type of application is being seen more frequently, however stated the Committee of Adjustment has denied some of these requests. She stated she is concerned this application is an attempt to 'shoe horn' in some homes in a piecemeal fashion. Ms. Harrison stated this area is not an area identified for intensification. She further stated she believes a plan of subdivision should be required and should go before

Council. Ms. Harrison referenced the language within the Town's Official Plan and indicated she believes if the consents are approved, there will be awkward shaped lots and there would be a property with deficient lot frontages. Ms. Harrison stated it is her opinion the proposed lots are not coherent, compatible, orderly or complimentary and therefore do not align with the Town's Official Plan or Special Policy 177.

The Chair asked Mr. Thompson to confirm a minor variance would be required to rectify the deficient lot frontage for Part 3. In response, Mr. Thompson indicated there is a condition associated with the applications to receive zoning relief with respect to the frontage on Part 3.

Mr. Steve Talosi thanked the Committee Members for having previously summarized the concerns of the residence. He stated the proposed lots are smaller than other lots within the area and stated he did not think they are similar to other lots within the area. Mr. Talosi indicated he did not think the applications would support a positive streetscape.

Mr. Talosi stated his biggest concern is that Part 3 of the submitted sketch is not to be discussed. He stated he would like to see the full plans and started it would provide for smarter planning.

Mr. Talosi stated he did not think the established subdivision should have multi-family dwelling stuck in the middle of it. He further stated the subject area has not been identified as an area for high intensification. In addition, he stated he was concerned about drainage.

Ms. Susan Smyth stated she lives around the corner from the subject lands. Ms. Smyth requested information with respect to the technical analysis that was completed to demonstrate the proposed lots meet the intent of the Official Plan particularly with respect to the character of the existing development, and the compatibility of the proposed development in terms of scale and density. In response, Mr. Thompson referenced his Planning Recommendation Report, which outlined his analysis with respect to the application. Further discussion ensued with respect to current planning policies and standards as compared to when the existing development was created. Ms. Smyth requested a complete plan for the entire development, including Part 3 of the sketch.

The Chair asked Mr. Maloney why the applicant has not come forth with an entire plan for the development, which includes Part 3. In response, Mr. Maloney stated there are different options to bring forth development. He stated the consent process is normally a quicker

process to allow for development of a site. Mr. Maloney stated it is within his clients rights to bring the consent applications forward and deal with the retained lands at a later date. Ms. Nancy Bozzato, Secretary Treasurer, provided an overview of some development application processes available to a developer.

Ms. Willford advised the Committee Mr. Gordon Hetherington had pre-registered to speak to the Committee, however has since indicated he no longer wished to do so. Ms. Willford further advised Mr. and Mrs. McRae who pre-registered to speak have left the meeting.

Ms. Melodee Foster stated she lives on the south side of the subject lands. Ms. Foster stated she would like to address issues pertaining to Part 3, rather than Part 1 and 2. In response, the Chair advised the Committee cannot discuss Part 3 on the sketch.

Ms. Foster indicated she is concerned with respect to the location of her home and driveway to any new development, particularly with respect to lighting, how lighting may affect her backyard, increased traffic, and stated there are a variety of unknowns, which concerns her. She stated she would feel better if the plans were placed delayed or placed on hold.

The Chair asked Mr. Thompson if he could address the residents' concerns. In response, Mr. Thompson stated from the perspective of the municipality we are unable to address concerns with respect to Part 3. He started an application for Part 3 is not before the Committee. Mr. Thompson stated if there is an application for Part 3 in future, there would be standards and conditions placed on the application, which could speak to lighting or traffic. He further stated there can only be one house on Part 3 until such time as the applicant receives zoning approvals at a future date. Mr. Kernahan further stated the reason why the applicant hasn't provided details with respect to lighting and design because development plans for this property have not been finalized. He stated once the plans have been finalized they will be submitted to the Planning Department along with appropriate planning applications. Mr. Kernahan stated there would be another public meeting process in front of Council.

Ms. Foster suggested the applications for Part 1 and Part 2 be placed on hold. She stated she is very concerned about the potential development and how it will affect her home and her privacy.

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:24 pm and confirmed no e-mails

has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member thanked the town staff and the agents for the applicant for all of their comments and detailed reports. The Member stated she is prepared to make a motion for both B7/200P and B8/2020P to grant the consents. The Member stated her reasons and the proposed conditions.

A Member asked for clarification with respect to the vote regarding the consent applications and the minor variance applications. Ms. Bozzato advised the motion currently on the floor is with respect to the consent applications and that minor variance applications will be heard following the decision on the consent applications.

A Member stated he is not in favour of the consent applications.

A Member stated he believes the consent applications are premature. He stated the surrounding neighbourhood have a good argument. The Member stated it is not that he is against the consent, and would like to place the applications on hold. The Member stated he is not against the consent but is against voting for it now.

Ms. Bozzato stated there is a motion on the floor to approve the applications. Ms. Bozzato stated if the motion fails the Committee must provide reasons for refusal. She stated the only way to not vote on the matter is if the application requests an adjournment.

The Chair called the vote and all members voted to carry the motion for approval.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application for B7/2020P is made for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling. 4,067 square metres of land; is hereby GRANTED**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

- 1. Ensure all lots are 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. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine their condition is satisfactory prior to connection. The applicant shall bear all costs associated with these works.**
- 2. 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.**
- 3. 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 north side of the proposed lot. The applicant shall bear all costs associated with these works.**
- 4. 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.**

**To the Satisfaction of the Director of Community Planning and Development**

- 1. That final approval of all necessary zoning approvals be obtained for Part 1 (Minimum Lot Frontage and Minimum Lot Area)**
- 2. 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.

3. **Provide front 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.**
4. **In consultation with the Town's By-law Officer, install a 1.8 m (6') tall solid wood board fence along the north side lot line, but not extending into the front yard of Part 1, in compliance with the Town's current Fence By-law, to the satisfaction of the Director of Community Planning & Development.**
5. **In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, to the satisfaction of the Director of Community Planning & Development.**
6. **Submit a Tree Savings Plan for Part 1, illustrating the anticipated building envelope(s) with a concerted effort to preserve as many trees as practical along the north lot line, to the satisfaction of the Director of Community Planning & Development. Existing trees that would be situated in the front and rear yards of the future dwelling are expected to be preserved in a healthy state. This Plan may be integrated with the Lot Grading Plan.**
7. **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.**

**To the Satisfaction of the Secretary-Treasurer**

1. **That the Secretary-Treasurer be provided with a registrable 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.**

2. That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

**This decision is based on the following reasons:**

1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.
2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.
3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

**Carried**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application for B8/2020P is made for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling; is hereby GRANTED**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

1. Ensure all lots are 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. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine their condition is

satisfactory prior to connection. The applicant shall bear all costs associated with these works.

2. **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.**
3. **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 north side of the proposed lot. The applicant shall bear all costs associated with these works.**
4. **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.**

**To the Satisfaction of the Director of Community Planning and Development**

1. **That final approval of all necessary zoning approvals be obtained for Part 2 (Minimum Lot Frontage and Minimum Lot Area)**
2. **That final approval of all necessary zoning approvals be obtained for Part 3 (Minimum Lot Frontage)**
3. **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.**



4. **Provide front 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.**
5. **In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, to the satisfaction of the Director of Community Planning & Development.**
6. **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.**

**To the Satisfaction of the Secretary-Treasurer**

1. **That the Secretary-Treasurer be provided with a registrable 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.**
2. **That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**This decision is based on the following reasons:**

1. **The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
2. **This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
3. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies**

**with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

**5.2 B8/2020P - 1150 Line Avenue (Part 2)**

Applications B7/2020P and B8/2020P were heard concurrently.

**6. Applications for Minor Variance**

**6.1 A25/2020P - 1150 Line Avenue (Part 1)**

**Purpose of Application**

Applications A25/2020P and A26/2020P were heard concurrently.

Application A25/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters.

Application A26/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, relief of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters.

**Representation**

The applicants Agents, Mr. Matt Kernahan from Upper Canada Consultants and Mr. Patrick Maloney from Sullivan Mahoney LLP were electronically present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Hydro One
5. Bell Canada

### **Public Comments:**

1. Jason Lovejoy
2. Ann Harrison & Michael Hrycusko
3. William McRae
4. Petition
5. Allan and Edward Steers
6. Gordon Hetherington
7. Steve Talosi
8. Susan Smyth
9. Beverly Lovejoy & William King
10. Peter Scott & Nicola Jones
11. Alice & Ron Hrcak
12. Andrea and Francois Lacasse
13. Teresa Boucher
14. Keith Robins

### **Applicant's Comments**

Mr. Matt Kernaham stated he appreciated the detailed report from Planning Staff. Mr. Kernaham stated the proposal balances the old zoning with current development standards. Mr. Kernaham stated all requested minor variances meet the four tests under the Planning Act.

Mr. Maloney stated this Committee has authority to make a decision pursuant to Section 45 of the Planning Act and that the focus is on those minor variances being requested. He stated the Committee has heard

evidence from both Mr. Kernahan and Mr. Thompson in support of the minor variances.

Mr. Maloney stated a concern raised by neighbours is questioning if the lot is too small for the area. He stated the lot size and frontage requested is a rather large lot. Mr. Maloney stated the lots are compatible and indicated that does not mean they have to be the same as, rather they are capable of living in harmony. He stressed these are large lots. Mr. Maloney stated the rest of the variances requested are being request for design preference. He stated the applicant's intention is to build a bungalow. Mr. Maloney stated the variances requested are to facilitate a bungalow style house.

Mr. Maloney provided an overview of the conditions which will be attached to the applications, should they be approved. He stated elevation drawings in particular are required and that this will contribute to satisfying the concern regarding the streetscape. He stated there is also a condition with respect to the windows to be installed to ensure privacy.

Mr. Maloney respectfully requested the applications be approved as presented.

The Chair requested clarification from staff as to how the Committee can proceed. In response, Ms. Willford indicated the applicant requested a 7m setback and a 55% lot coverage, whereas Planning staff recommend 50% lot coverage. She indicated it is to the Committee's discretion what to grant. The Chair indicated it is his preference to follow Planning staff's recommendation.

Ms. Bozzato further advised the Committee has the authority to approve a minor variance, which is closer to the Zoning By-Law than what was requested. Further discussion ensued regarding the requested minor variance and the recommendations from Planning staff.

A Member asked if the application would accept a reduced lot area of 50%. In response, Mr. Maloney stated the optimal design would be as applied for. He stated with respect to the lot coverage would be more easily to accommodate than the reduction of the garage setback. He stated it is the Committee's decision.

### **Public Comments**

Ms. Ann Harrison stated she is concerned the Town's Zoning By-laws have been referred to as antiquated and that other properties around

Ontario are smaller. She stated these are the by-laws and requested they be upheld. She indicated she did not think the requests are minor. Ms. Harrison asked if a condition can be added to ensure more space will be made between the houses.

Mr. Steve Talosi requested the definition for a major variance in planning terms. In response, Mr. Thompson stated there is not a definition for minor variance. He stated Committee of Adjustments have to make these tough decisions all the time. Further discussion ensued with respect to the need of a minor variance.

Mr. Talosi stated minor is a misnomer and that this is difficult for the public to understand. He stated he does not believe the requests are minor. Mr. Talosi stated he thinks the request is disrespectful of the current property owners. He stated he is frustrated by the process.

Mr. Peter Scott stated he was concerned that two members of the Committee stated they did not support the consents, however voted for them. In response, the Chair stated he said he believed the consents were slightly premature however he wants to respect the rules and regulations. The Chair indicated he understood he voted for the consents.

Mr. Scott requested confirmation a bungalow will be built and that the conditions attached to the applications will be fulfilled. Mr. Scott stated his preference for trees to be planted and their location, the type and timing of the fence to be installed and the windows to be used on the proposed home. He furthermore requested all conditions are written. The Chair indicated the conditions for the consents are written and are required to be fulfilled. Mr. Maloney stated confirmed the required conditions will be fulfilled and would have to be fulfilled prior to the lot being created.

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 7:40 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member stated he was concerned with the proposed minor variances.

Mr. Thompson stated for clarification each minor variance being requested. Mr. Thompson stated the lot frontage and lot area are required

to rectify the zoning deficiencies of the consents. He stated the other requested variances are for design preferences.

The Members voted on each minor variance requested individually and all members voted to carry the motions for approval.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application A25/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters, is hereby: GRANTED**

The above decision is based on the following reasons:

1. The variance is minor in nature given the surrounding area and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, smaller lot sizes are increasingly becoming common, given modern civil design and infrastructure standards, as it will provide an opportunity to enhance the public realm and streetscape and the reduced parcel size can still comfortably accommodate a new dwelling.
2. The general purpose and intent of the Zoning By-Law is maintained.
  1. The intent of the Official Plan is maintained.
  4. The proposal is desirable for the appropriate development and/or use of the land because it will allow for the creation of an additional residential building lot on a large, underutilized open space within the delineated built boundary of the Fonthill urban settlement area and land as it will help facilitate a wider range of 1-storey (bungalow) house designs and help facilitate a more comparable building alignment along Line Avenue .

1. This application is granted without prejudice to any other application in the Town of Pelham.
2. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.
2. That the approval of the minor variance is subject to Consent Files B7/2020P and B8/2020P obtaining final approval.

Prior to the issuance of the Building Permit:

1. To the satisfaction of the Director of Community Development and Planning that:
  1. Provide dwelling Elevation Plans 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., and if windows are proposed on the north façade, they shall be of clerestory style or similar, as applicable, to the satisfaction of the Director of Community Planning & Development

Carried

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application for relief of Section 13.2 (a) "Minimum Lot Area" – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, relief of Section 13.2 (c) "Maximum Lot Coverage" – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) "Minimum Front Yard" – to permit a minimum front yard of 6 meters whereas**

**the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the surrounding area and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, smaller lot sizes are increasingly becoming common, given modern civil design and infrastructure standards, as it will provide an opportunity to enhance the public realm and streetscape and the reduced parcel size can still comfortably accommodate a new dwelling.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
  - 1. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will allow for the creation of an additional residential building lot on a large, underutilized open space within the delineated built boundary of the Fonthill urban settlement area and land as it will help facilitate a wider range of 1-storey (bungalow) house designs and help facilitate a more comparable building alignment along Line Avenue .**
  - 1. This application is granted without prejudice to any other application in the Town of Pelham.**
  - 2. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

- 1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.**
- 2. That the approval of the minor variance is subject to Consent Files B7/2020P and B8/2020P obtaining final approval.**



**Prior to the issuance of the Building Permit:**

**1. To the satisfaction of the Director of Community Development and Planning that:**

- 1. Provide dwelling Elevation Plans 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., and if windows are proposed on the north façade, they shall be of clerestory style or similar, as applicable, to the satisfaction of the Director of Community Planning & Development**

**Carried**

**6.2 A26/2020P - 1150 Line Avenue (Part 2)**

Applications A25/2020P and A26/2020P were heard concurrently.

**7. Minutes for Approval**

**8. Adjournment**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting.**

**Carried**

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John Klassen, Chair

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Secretary-Treasurer, Nancy J. Bozzato

**Committee of Adjustment****Minutes**

**Meeting #:** CofA 10/2020  
**Date:** Tuesday, October 6, 2020  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** John Klassen  
Sandra Marsh  
Bernie Law

**Staff Present** Nancy Bozzato  
Holly Willford  
Sarah Leach  
Curtis Thomspon  
Tolga Aydin  
Jason Marr (part-time)

**1. Attendance**

Applicant, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Klassen called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

There were no pecuniary interests disclosed by any of the members present.

#### **4. Requests for Withdrawal or Adjournment**

Ms. Holly Willford, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

#### **5. Applications for Consent**

##### **5.1 B7/2020P - 1150 Line Avenue (Part 1)**

##### **Purpose of Application**

Applications B7/2020P and B8/2020P were heard concurrently.

Application B7/2020P for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling.

Application B8/2020P for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling.

##### **Representation**

The applicants Agents, Mr. Matt Kernahan from Upper Canada Consultants and Mr. Patrick Maloney from Sullivan Mahoney LLP were electronically present.

##### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Hydro One
5. Bell Canada

##### **Public Comments:**

1. Jason Lovejoy
2. Ann Harrison & Michael Hrycusko
3. William McRae
4. Petition
5. Allan and Edward Steers
6. Gordon Hetherington
7. Steve Talosi

8. Susan Smyth
9. Beverly Lovejoy & William King
10. Peter Scott & Nicola Jones
11. Alice & Ron Hrcak
12. Andrea and Francois Lacasse
13. Teresa Boucher
14. Keith Robins

### **Applicant's Comments**

Mr. Maloney stated he would speak to both the consent and minor variance applications. Mr. Maloney provided the Committee with an overview of the applications before the Committee for consideration, being the creation of two lots on Parts 1 and 2 and associated minor variances. Mr. Maloney stressed there are no applications before the Committee with respect to Part 3 on the sketch, being the remnant lands. He stated those lands are for future development and there presently are no applications before the Committee with respect to Part 3 on the sketch. Mr. Maloney stated the majority of public comments received are primarily in opposition of the development of Part 3.

Mr. Kernahan provided the Committee with a presentation providing an overview of the application. A copy of said presentation is available through the Clerk.

Mr. Maloney stated expert evidence presented by the Town's Planning Department and Mr. Kernahan support the consent applications. Mr. Maloney stated the suggested conditions from the Town's Planning Department are intended to address any potential impact upon the properties abutting Part 1 on the sketch. Mr. Maloney reviewed the suggested conditions and stated how the conditions would address the public's concerns. Mr. Maloney respectfully requested the Committee grant the applications, subject to conditions, as presented.

A Member asked the Agents if they have considered flooding as a potential consequence to the development of the lots. Mr. Maloney stated a proposed condition to the consent applications is the requirement for an overall lot grading and drainage plan. He further stated the future development on Part 3 will require a lot grading and drainage plan. Mr. Maloney stated this would address any drainage issues.

A Member asked if the condition relating to the 6 foot fence would be constructed prior to or after construction. The Member also asked if the three large trees to be planted would all be planted on Part 1 or will there be a tree planted on each Part of the sketch. In response, Mr. Maloney stated the fence would be installed before the lot is created. He stated the trees are to be planted on the Towns boulevard between Parts 1, 2 and 3.

A Member asked if the trees along Steflar Street will be removed and what type of fence will be installed. In response, Mr. Maloney stated the fence would be a solid wood board fence. He further stated there is a condition for a tree savings plan and therefore, there will be an effort to preserve as many trees as possible. Mr. Maloney stated it is his clients intention to preserve as many trees as possible.

A Member stated he is concerned with drainage. In response, Mr. Maloney stated a lot grading and drainage plan will be required as a condition of the consent, and therefore water will flow to the street. The Member stated this street does not have storm water sewers and stated he is concerned with flooding on the streets. In response, Mr. Jason Marr, Director of Public Works stated engineering staff will be reviewing a lot grading and drainage plan to ensure the drainage from this property will not negatively affect other properties.

A Member asked Mr. Curtis Thompson for the definition of 'land locked'. In response, Mr. Thompson, Town Planner, stated a parcel is land locked when it does not have frontage onto a public street. He stated any amount of frontage means the lands are not land locked.

A Member asked if the two consent applications are granted will the Committee be creating a third parcel (Part 3) with zoning deficiencies with respect to frontage. In response, Mr. Thompson stated the Committee would be conditionally approving three parcels, however he stated one of the proposed conditions is that the frontage of Part 3 is rectified.

The Member asked Mr. Thompson to explain how future development would be dealt with in the future with respect to Part 3. In response, Mr. Thompson explained the public process for a zoning by-law amendment if the applicant should submit such application. In addition, Mr. Thompson discussed when a subdivision plan is required in comparison to consent applications.

## **Public Comments**

Mr. Peter Scott thanked staff for the detailed report and for keeping lines of communication opened. He further thanked the Committee for asking detailed questions of the applicant. Mr. Scott stated his house will likely be most impacted by this proposed development and thanked the neighbours for their support.

Mr. Scott stated he is in opposition of the four applications before the Committee as he believes they are not minor, does not fit in with the character of the neighbourhood and are incomplete. Mr. Scott stated he is concerned with privacy and is worried the applicant may build a two-story home which would look into his yard. He requested a condition be placed on the application to ensure only a one-story home could be built. In response, Mr. Maloney stated it is the applicant's intention to build an attractive bungalow. In addition, Mr. Maloney stated there are conditions upload the applications with respect to windows being installed to ensure privacy.

Mr. Scott stated he would like to ensure all conditions are in writing. Chair Klassen confirmed all conditions upon the application would be in writing.

Ms. Ann Harrison and Mr. Michael Hrycusko stated they own a property west of the subject lands. Ms. Harrison stated she and Mr. Hrycusko respectfully disagree with planning staff and stated she does not believe the application aligns with the Town's Official Plan. Ms. Harrison stated she would specifically speak to the special policy, which speaks to Lot 177 in Fonthill. She stated she understands change is inevitable and have seen thoughtful and intentional development throughout Niagara, which adheres to the character of the community and is compatible with the existing neighbourhood. Ms. Harrison stated she is concerned that within Fonthill there have been several instances in which large properties are being severed in established neighborhoods into small lots, which are incompatible and inconsistent with the area. Chair Klassen advised Ms. Harrison this type of development is common as there are provincial requirements for infill development.

Ms. Harrison agreed this type of application is being seen more frequently, however stated the Committee of Adjustment has denied some of these requests. She stated she is concerned this application is an attempt to 'shoe horn' in some homes in a piecemeal fashion. Ms. Harrison stated this area is not an area identified for intensification. She further stated she believes a plan of subdivision should be required and should go before

Council. Ms. Harrison referenced the language within the Town's Official Plan and indicated she believes if the consents are approved, there will be awkward shaped lots and there would be a property with deficient lot frontages. Ms. Harrison stated it is her opinion the proposed lots are not coherent, compatible, orderly or complimentary and therefore do not align with the Town's Official Plan or Special Policy 177.

The Chair asked Mr. Thompson to confirm a minor variance would be required to rectify the deficient lot frontage for Part 3. In response, Mr. Thompson indicated there is a condition associated with the applications to receive zoning relief with respect to the frontage on Part 3.

Mr. Steve Talosi thanked the Committee Members for having previously summarized the concerns of the residence. He stated the proposed lots are smaller than other lots within the area and stated he did not think they are similar to other lots within the area. Mr. Talosi indicated he did not think the applications would support a positive streetscape.

Mr. Talosi stated his biggest concern is that Part 3 of the submitted sketch is not to be discussed. He stated he would like to see the full plans and started it would provide for smarter planning.

Mr. Talosi stated he did not think the established subdivision should have multi-family dwelling stuck in the middle of it. He further stated the subject area has not been identified as an area for high intensification. In addition, he stated he was concerned about drainage.

Ms. Susan Smyth stated she lives around the corner from the subject lands. Ms. Smyth requested information with respect to the technical analysis that was completed to demonstrate the proposed lots meet the intent of the Official Plan particularly with respect to the character of the existing development, and the compatibility of the proposed development in terms of scale and density. In response, Mr. Thompson referenced his Planning Recommendation Report, which outlined his analysis with respect to the application. Further discussion ensued with respect to current planning policies and standards as compared to when the existing development was created. Ms. Smyth requested a complete plan for the entire development, including Part 3 of the sketch.

The Chair asked Mr. Maloney why the applicant has not come forth with an entire plan for the development, which includes Part 3. In response, Mr. Maloney stated there are different options to bring forth development. He stated the consent process is normally a quicker

process to allow for development of a site. Mr. Maloney stated it is within his clients rights to bring the consent applications forward and deal with the retained lands at a later date. Ms. Nancy Bozzato, Secretary Treasurer, provided an overview of some development application processes available to a developer.

Ms. Willford advised the Committee Mr. Gordon Hetherington had pre-registered to speak to the Committee, however has since indicated he no longer wished to do so. Ms. Willford further advised Mr. and Mrs. McRae who pre-registered to speak have left the meeting.

Ms. Melodee Foster stated she lives on the south side of the subject lands. Ms. Foster stated she would like to address issues pertaining to Part 3, rather than Part 1 and 2. In response, the Chair advised the Committee cannot discuss Part 3 on the sketch.

Ms. Foster indicated she is concerned with respect to the location of her home and driveway to any new development, particularly with respect to lighting, how lighting may affect her backyard, increased traffic, and stated there are a variety of unknowns, which concerns her. She stated she would feel better if the plans were placed delayed or placed on hold.

The Chair asked Mr. Thompson if he could address the residents' concerns. In response, Mr. Thompson stated from the perspective of the municipality we are unable to address concerns with respect to Part 3. He started an application for Part 3 is not before the Committee. Mr. Thompson stated if there is an application for Part 3 in future, there would be standards and conditions placed on the application, which could speak to lighting or traffic. He further stated there can only be one house on Part 3 until such time as the applicant receives zoning approvals at a future date. Mr. Kernahan further stated the reason why the applicant hasn't provided details with respect to lighting and design because development plans for this property have not been finalized. He stated once the plans have been finalized they will be submitted to the Planning Department along with appropriate planning applications. Mr. Kernahan stated there would be another public meeting process in front of Council.

Ms. Foster suggested the applications for Part 1 and Part 2 be placed on hold. She stated she is very concerned about the potential development and how it will affect her home and her privacy.

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:24 pm and confirmed no e-mails



has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member thanked the town staff and the agents for the applicant for all of their comments and detailed reports. The Member stated she is prepared to make a motion for both B7/200P and B8/2020P to grant the consents. The Member stated her reasons and the proposed conditions.

A Member asked for clarification with respect to the vote regarding the consent applications and the minor variance applications. Ms. Bozzato advised the motion currently on the floor is with respect to the consent applications and that minor variance applications will be heard following the decision on the consent applications.

A Member stated he is not in favour of the consent applications.

A Member stated he believes the consent applications are premature. He stated the surrounding neighbourhood have a good argument. The Member stated it is not that he is against the consent, and would like to place the applications on hold. The Member stated he is not against the consent but is against voting for it now.

Ms. Bozzato stated there is a motion on the floor to approve the applications. Ms. Bozzato stated if the motion fails the Committee must provide reasons for refusal. She stated the only way to not vote on the matter is if the application requests an adjournment.

The Chair called the vote and all members voted to carry the motion for approval.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application for B7/2020P is made for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling. 4,067 square metres of land; is hereby GRANTED**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

- 1. Ensure all lots are 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. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine their condition is satisfactory prior to connection. The applicant shall bear all costs associated with these works.**
- 2. 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.**
- 3. 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 north side of the proposed lot. The applicant shall bear all costs associated with these works.**
- 4. 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.**

**To the Satisfaction of the Director of Community Planning and Development**

- 1. That final approval of all necessary zoning approvals be obtained for Part 1 (Minimum Lot Frontage and Minimum Lot Area)**
- 2. 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.

3. **Provide front 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.**
4. **In consultation with the Town's By-law Officer, install a 1.8 m (6') tall solid wood board fence along the north side lot line, but not extending into the front yard of Part 1, in compliance with the Town's current Fence By-law, to the satisfaction of the Director of Community Planning & Development.**
5. **In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, to the satisfaction of the Director of Community Planning & Development.**
6. **Submit a Tree Savings Plan for Part 1, illustrating the anticipated building envelope(s) with a concerted effort to preserve as many trees as practical along the north lot line, to the satisfaction of the Director of Community Planning & Development. Existing trees that would be situated in the front and rear yards of the future dwelling are expected to be preserved in a healthy state. This Plan may be integrated with the Lot Grading Plan.**
7. **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.**

**To the Satisfaction of the Secretary-Treasurer**

1. **That the Secretary-Treasurer be provided with a registrable 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.**

2. That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

**This decision is based on the following reasons:**

1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.
2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.
3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

**Carried**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application for B8/2020P is made for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling; is hereby GRANTED**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

1. Ensure all lots are 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. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine their condition is

satisfactory prior to connection. The applicant shall bear all costs associated with these works.

2. **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.**
3. **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 north side of the proposed lot. The applicant shall bear all costs associated with these works.**
4. **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.**

**To the Satisfaction of the Director of Community Planning and Development**

1. **That final approval of all necessary zoning approvals be obtained for Part 2 (Minimum Lot Frontage and Minimum Lot Area)**
2. **That final approval of all necessary zoning approvals be obtained for Part 3 (Minimum Lot Frontage)**
3. **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.**

4. **Provide front 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.**
5. **In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, to the satisfaction of the Director of Community Planning & Development.**
6. **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.**

**To the Satisfaction of the Secretary-Treasurer**

1. **That the Secretary-Treasurer be provided with a registrable 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.**
2. **That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**This decision is based on the following reasons:**

1. **The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
2. **This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
3. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies**

**with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

**5.2 B8/2020P - 1150 Line Avenue (Part 2)**

Applications B7/2020P and B8/2020P were heard concurrently.

**6. Applications for Minor Variance**

**6.1 A25/2020P - 1150 Line Avenue (Part 1)**

**Purpose of Application**

Applications A25/2020P and A26/2020P were heard concurrently.

Application A25/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters.

Application A26/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, relief of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters.

**Representation**

The applicants Agents, Mr. Matt Kernahan from Upper Canada Consultants and Mr. Patrick Maloney from Sullivan Mahoney LLP were electronically present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Hydro One
5. Bell Canada

### **Public Comments:**

1. Jason Lovejoy
2. Ann Harrison & Michael Hrycusko
3. William McRae
4. Petition
5. Allan and Edward Steers
6. Gordon Hetherington
7. Steve Talosi
8. Susan Smyth
9. Beverly Lovejoy & William King
10. Peter Scott & Nicola Jones
11. Alice & Ron Hrcak
12. Andrea and Francois Lacasse
13. Teresa Boucher
14. Keith Robins

### **Applicant's Comments**

Mr. Matt Kernaham stated he appreciated the detailed report from Planning Staff. Mr. Kernaham stated the proposal balances the old zoning with current development standards. Mr. Kernaham stated all requested minor variances meet the four tests under the Planning Act.

Mr. Maloney stated this Committee has authority to make a decision pursuant to Section 45 of the Planning Act and that the focus is on those minor variances being requested. He stated the Committee has heard



evidence from both Mr. Kernahan and Mr. Thompson in support of the minor variances.

Mr. Maloney stated a concern raised by neighbours is questioning if the lot is too small for the area. He stated the lot size and frontage requested is a rather large lot. Mr. Maloney stated the lots are compatible and indicated that does not mean they have to be the same as, rather they are capable of living in harmony. He stressed these are large lots. Mr. Maloney stated the rest of the variances requested are being request for design preference. He stated the applicant's intention is to build a bungalow. Mr. Maloney stated the variances requested are to facilitate a bungalow style house.

Mr. Maloney provided an overview of the conditions which will be attached to the applications, should they be approved. He stated elevation drawings in particular are required and that this will contribute to satisfying the concern regarding the streetscape. He stated there is also a condition with respect to the windows to be installed to ensure privacy.

Mr. Maloney respectfully requested the applications be approved as presented.

The Chair requested clarification from staff as to how the Committee can proceed. In response, Ms. Willford indicated the applicant requested a 7m setback and a 55% lot coverage, whereas Planning staff recommend 50% lot coverage. She indicated it is to the Committee's discretion what to grant. The Chair indicated it is his preference to follow Planning staff's recommendation.

Ms. Bozzato further advised the Committee has the authority to approve a minor variance, which is closer to the Zoning By-Law than what was requested. Further discussion ensued regarding the requested minor variance and the recommendations from Planning staff.

A Member asked if the application would accept a reduced lot area of 50%. In response, Mr. Maloney stated the optimal design would be as applied for. He stated with respect to the lot coverage would be more easily to accommodate than the reduction of the garage setback. He stated it is the Committee's decision.

### **Public Comments**

Ms. Ann Harrison stated she is concerned the Town's Zoning By-laws have been referred to as antiquated and that other properties around

Ontario are smaller. She stated these are the by-laws and requested they be upheld. She indicated she did not think the requests are minor. Ms. Harrison asked if a condition can be added to ensure more space will be made between the houses.

Mr. Steve Talosi requested the definition for a major variance in planning terms. In response, Mr. Thompson stated there is not a definition for minor variance. He stated Committee of Adjustments have to make these tough decisions all the time. Further discussion ensued with respect to the need of a minor variance.

Mr. Talosi stated minor is a misnomer and that this is difficult for the public to understand. He stated he does not believe the requests are minor. Mr. Talosi stated he thinks the request is disrespectful of the current property owners. He stated he is frustrated by the process.

Mr. Peter Scott stated he was concerned that two members of the Committee stated they did not support the consents, however voted for them. In response, the Chair stated he said he believed the consents were slightly premature however he wants to respect the rules and regulations. The Chair indicated he understood he voted for the consents.

Mr. Scott requested confirmation a bungalow will be built and that the conditions attached to the applications will be fulfilled. Mr. Scott stated his preference for trees to be planted and their location, the type and timing of the fence to be installed and the windows to be used on the proposed home. He furthermore requested all conditions are written. The Chair indicated the conditions for the consents are written and are required to be fulfilled. Mr. Maloney stated confirmed the required conditions will be fulfilled and would have to be fulfilled prior to the lot being created.

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 7:40 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member stated he was concerned with the proposed minor variances.

Mr. Thompson stated for clarification each minor variance being requested. Mr. Thompson stated the lot frontage and lot area are required

to rectify the zoning deficiencies of the consents. He stated the other requested variances are for design preferences.

The Members voted on each minor variance requested individually and all members voted to carry the motions for approval.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application A25/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters, is hereby: GRANTED**

The above decision is based on the following reasons:

1. The variance is minor in nature given the surrounding area and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, smaller lot sizes are increasingly becoming common, given modern civil design and infrastructure standards, as it will provide an opportunity to enhance the public realm and streetscape and the reduced parcel size can still comfortably accommodate a new dwelling.
2. The general purpose and intent of the Zoning By-Law is maintained.
  1. The intent of the Official Plan is maintained.
  4. The proposal is desirable for the appropriate development and/or use of the land because it will allow for the creation of an additional residential building lot on a large, underutilized open space within the delineated built boundary of the Fonthill urban settlement area and land as it will help facilitate a wider range of 1-storey (bungalow) house designs and help facilitate a more comparable building alignment along Line Avenue .

1. This application is granted without prejudice to any other application in the Town of Pelham.
2. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.
2. That the approval of the minor variance is subject to Consent Files B7/2020P and B8/2020P obtaining final approval.

Prior to the issuance of the Building Permit:

1. To the satisfaction of the Director of Community Development and Planning that:
  1. Provide dwelling Elevation Plans 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., and if windows are proposed on the north façade, they shall be of clerestory style or similar, as applicable, to the satisfaction of the Director of Community Planning & Development

Carried

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application for relief of Section 13.2 (a) "Minimum Lot Area" – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, relief of Section 13.2 (c) "Maximum Lot Coverage" – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) "Minimum Front Yard" – to permit a minimum front yard of 6 meters whereas**

**the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the surrounding area and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, smaller lot sizes are increasingly becoming common, given modern civil design and infrastructure standards, as it will provide an opportunity to enhance the public realm and streetscape and the reduced parcel size can still comfortably accommodate a new dwelling.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
  - 1. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will allow for the creation of an additional residential building lot on a large, underutilized open space within the delineated built boundary of the Fonthill urban settlement area and land as it will help facilitate a wider range of 1-storey (bungalow) house designs and help facilitate a more comparable building alignment along Line Avenue .**
  - 1. This application is granted without prejudice to any other application in the Town of Pelham.**
  - 2. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

- 1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.**
- 2. That the approval of the minor variance is subject to Consent Files B7/2020P and B8/2020P obtaining final approval.**

**Prior to the issuance of the Building Permit:**

**1. To the satisfaction of the Director of Community Development and Planning that:**

- 1. Provide dwelling Elevation Plans 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., and if windows are proposed on the north façade, they shall be of clerestory style or similar, as applicable, to the satisfaction of the Director of Community Planning & Development**

**Carried**

**6.2 A26/2020P - 1150 Line Avenue (Part 2)**

Applications A25/2020P and A26/2020P were heard concurrently.

**7. Minutes for Approval**

**8. Adjournment**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting.**

**Carried**

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John Klassen, Chair

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Secretary-Treasurer, Nancy J. Bozzato