

## Committee of Adjustment AGENDA

CofA 07/2021

July 6, 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**

5.1. **A19/2021P - 1000 Effingham Street**

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1. Town of Pelham Planning
2. Town of Pelham Building
3. Town of Pelham Public Works
4. Niagara Region
5. Randy Beres

**6. Applications for Consent**

**6.1. B20/2021P - 3 Hurricane Road (Part 1)**

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1. Town of Pelham Planning
2. Town of Pelham Building
3. Town of Planning Public Works
4. Hydro One
5. Nancy Bellantino and Peter Moffat

Pre-Registered Members of the Public

1. Nancy Bellantino

**7. Minutes for Approval**

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April 7, 2021

May 4, 2021

**8. Adjournment**

June 30, 2021

Mrs. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON LOS 1E0

**Re: Minor Variance Application A19/2021P**  
**1000 Effingham Street, Pelham**  
Part of Lot 6, Concession 10 a  
**Roll No. 2732 020 013 15300**

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The subject land is located on the west side of Effingham Street, lying south of Welland Road, legally described above, and known locally as 1000 Effingham Street in the Town of Pelham.

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

- i. **Section 7.7 (a) "Maximum (Accessory) Lot Coverage"** seeking 1.5%, whereas 1% is required.
- ii. **Section 7.7 (d) "Maximum Building Height"** seeking 5 m, whereas 3.7 m is required.

The application is made for relief from the required lot coverage and building height, to rectify zoning deficiencies as a result of a constructed one-storey accessory building.

Note: The building permit file for the property's existing single detached dwelling is "open", the applicant is advised to schedule an inspection with Town Building staff to close the file.

### **Applicable Planning Policies**

#### Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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

provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

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

Policy 1.1.4.1 (Rural Areas) – states that healthy, integrated and viable *rural areas* should be supported by (among other things):

- a) Building upon rural character;
- b) Promoting regeneration; and
- h) Conserving biodiversity and considering the ecological benefits provided by nature.

Policy 2.1.8 states development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

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.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject property exhibits high potential for the discovery of archaeological resources due to its proximity (within 300 metres) to several past and present watercourses, as well as its location along a historic transportation route (Effingham Street). The Town's Heritage Master Plan also identifies this area as having composite archaeological resource potential. However, in considering that the accessory building was constructed on an existing foundation from a previous building (verified through past aerial images), and that no further site alteration was proposed as part of this development. An archeological assessment is therefore not required.

Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards without causing adverse impacts on the use of the lands or neighbourhood.

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.

Like the PPS, the Growth Plan designates the subject land as being within a 'Prime Agricultural Area' due to the Ministry of Agriculture, Food and Rural Affairs' use of Canada Land Inventory soil classifications. Policy 4.2.6 states that prime agricultural areas will be protected for long-term use agricultural use.

Policy 4.2.6.3 states that where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an agricultural impact assessment.

The accessory building is relatively small in scale and is located in-line with adjacent rural residential dwellings. Planning staff are of the opinion that the requested variances conform to the Growth Plan policies and will not adversely impact the rural neighbourhood character or the agricultural use of the surrounding lands.

#### Greenbelt Plan (2017)

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

Policy 4.5 states that all existing uses and single dwellings on existing lots of record are permitted, provided they were zoned for such prior to the Greenbelt Plan coming into force. Expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with this Plan are permitted as long as new municipal services are not required, and that the use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

The proposed variance is intended to legalize an accessory building constructed on the subject property, which is accessory to an existing single-detached dwelling. The subject property is privately serviced, and therefore new municipal services will not be required. The accessory

building is located within a vegetation protection zones; however, most of the subject property is identified as having key natural heritage features, key hydrologic features, or within a vegetation protection zones, and therefore there are very few alternative locations for the accessory building on the lot. Additionally, the accessory building was constructed on an existing foundation from a previous building, and is therefore located within the existing development footprint on the subject property.

Planning staff are of the opinion that the constructed accessory does not conflict with Greenbelt Plan policy.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as ‘Unique Agricultural Area’.

The subject land is impacted by the Region’s Core Natural Heritage System (CNHS), consisting of the Fonthill Kame Provincially Significant Wetland Complex (PSW), Significant Woodland, and Type 2 (Important) Fish Habitat.

Regional policies require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 metres of PSW, 50 metres of a Significant Woodland or 15 metres of a Type 2 Fish Habitat.

Regional Environmental Planning Staff note that most of the subject property is identified as KNHF, KHF, or within a VPZ, and therefore there are very few alternative locations for the accessory building on the lot. Additionally, the accessory building was constructed on an existing foundation from a previous building, and is therefore located within the existing development footprint.

Given the scope, nature and location of the proposed development, Regional staff are supportive of waiving the requirement for a NHE/EIS, and conclude that the proposed development fulfills the requirements under the Greenbelt Plan for the construction of an accessory structure within a VPZ.

In conclusion, Regional staff are satisfied that the proposed development is consistent with Regional environmental policies, and offer no objections.

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 Town local Official Plan designates the subject land as 'Specialty Agricultural', with a 'Greenbelt Natural Heritage Overlay' as per Schedule 'A'.

Policy B2.2.1 states the purpose of the purpose of the *Specialty Agricultural* designation is to implement the Province of Ontario's Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies.

Policy B2.2.2 states that among other uses, one single detached dwelling is permitted on existing lots of record. Accessory buildings that serve legal residential dwellings are permitted uses, *as-of-right* in the Official Plan and Zoning By-law, subject to any applicable zoning regulations and applicable policy.

Policy B.2.2.4 states that new buildings for livestock shall comply with the Minimum Distance Separation formulae.

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

Based on the Town's Heritage Master Plan, the subject lands are identified as having high potential for deeply buried archaeological material. However, as noted in notes above, Town and Regional Planning staff are of the opinion that an archeological assessment is not required in considering that the accessory building was constructed on an existing foundation from a previous building, and that no further site alteration was proposed as part of this development.

The proposed minor variance to seek relief from lot coverage and height requirement should not compromise drainage, privacy or sensitive natural heritage features and is in keeping with the residential character of the neighbourhood.

Town Planning staff are of the opinion the proposed zoning relief conforms to the Official Plan.

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

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987),

as amended. Under the default regulations of the Zoning By-law, the minor variance application requests relief from:

- i. **Section 7.7 (a) “Maximum (Accessory) Lot Coverage”** seeking 1.5%, whereas 1% is required.
- ii. **Section 7.7 (d) “Maximum Building Height”** seeking 5 m, whereas 3.7 m is required

The Committee of Adjustment, in Section 45 (1) of the Planning Act, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

Minor Variance Test	Explanation
1. The variance is minor in nature.	<p>In considering the increase to the accessory building lot coverage to 1.5 %, staff is of the opinion that although the lot coverage allowed will be exceeded, the impact on the subject property and adjacent properties is minimal. The variance is minor overall as the building has an overall footprint of 96.62m<sup>2</sup>, which equates to an overall lot coverage of 0.25%. Adequate land area will remain available to handle stormwater runoff, maintain privacy, the existing septic system and preserve a rear yard amenity area.</p> <p>In considering the increase to the accessory building height to 5 m, staff is of the opinion that although the building height allowed will be exceeded, the impact on the subject property and adjacent properties is minimal given the rural context. The variance is minor overall as no negative impacts are anticipated by the adjacent neighbors as adequate distance separates the nearest residential neighbour from the accessory building. The accessory building is also surrounded by existing mature trees, which can help minimize the visual impacts caused by the additional height.</p>
2. The variance is desirable for the development or use of the land.	<p>The increase of the accessory building lot coverage is desirable as the accessory building reuses a former building footprint on the property and the building design employs a typical rural built form which demonstrates and maintains the rural character of the property. The variance is therefore considered to be appropriate and desirable for the development of the lands.</p>

	<p>The increase of the accessory building height is desirable as it allows for enhanced storage and use of the facility. No adverse impacts are anticipated on the surrounding lands.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The proposed use of a building accessory to a single detached house is permitted in the ‘Specialty Agricultural’ designation of the Official Plan and the uses which are compatible with agriculture are permitted. Given the location and the dimensions of the accessory building, the requested increase in building height and lot coverage will not compromise the objectives of the Official Plan, particularly with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities.</p> <p>The subject application should have no impact on the agricultural viability of the subject lands or the agricultural use of the surrounding area, and is therefore, able to maintain the intent and purpose of the Official Plan. It is noted that if the building is proposed to house livestock then it must also comply with the Minimum Distance Separation formulae.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The requested variance of the accessory building’s height to 5 m, and increased lot coverage to 1.5 % is appropriate given the rural context. Reasonable amounts of open space remain available on the site for amenity area, stormwater runoff and sewage system purposes, thus the increased height and lot coverage will not adversely impact the rural character of the area or the surrounding countryside. The variance maintains the intent of the Zoning By-law with respect to accessory building height, massing, siting and locational scale.</p>

**Agency & Public Comments**

On May 26, 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:

- Niagara Region Planning & Development Services (June 21, 2021)
  - No objections, provided no plumbing or living space is included within the proposed accessory building.
- Building Department (June 17, 2021)
  - A building permit will be required.
- Public Works Department (June 23, 2021)
  - No comments or conditions.

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

- Randy Beres (June 21, 2021)
  - No objection to the accessory building unless the purpose of the accessory building is to be used for a large scale commercial dog breeding facility.

### Planning Staff Comments

The subject lands are located below the southwest corner of Effingham Street and Welland Road. The property is surrounded by Provincially Significant Wetlands, significant woodlands, and rural residential dwellings.

The proposed minor variance application seeks zoning relief to increase the maximum (accessory) building height from 3.7 m to 5 m and to increase the maximum (accessory) lot coverage from 1 % to 1.5 %, in order to accommodate the constructed 96.62 m<sup>2</sup> (1,040 ft<sup>2</sup>) accessory building.

Planning staff are of the opinion that, subject to conditions, the constructed accessory building should not negatively impact the adjacent key natural heritage features, surrounding neighbourhood with regards to land use incompatibility, 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. The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Given this analysis, Planning staff recommend that minor variance file A19/2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Apply for and receive Building Permit for the constructed accessory building.

- Ensure no plumbing or living spaces be provided within the accessory building at the time of building permit.
- Ensure that the accessory building must meet the minimum setback distance derived from the Minimum Distance Separation (MDS) Formula if the building is to be used for housing livestock.

Prepared by,



Kenny Ng  
Planner, B.ES

Approved by,



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

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To: Sarah Leach  
Cc: Kenny Ng  
From: Dave Christensen, Building Intake/Zoning Technician  
Community Planning & Development  
Date: June 17<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for Consents/Minor Variances – July 6<sup>th</sup>, 2021 Hearing

Comment for Re: Files #A19-2021P 1000 Effingham

The building department offers the following comment,

- A building permit is required

Comment for Re: Files #B20/2021P 3 Hurricane Rd.

The building department offers the following comment,

- Building permits will be required for the proposed dwelling & lean to structure

Kind Regards,

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

## **Memorandum**

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

DATE: June 22, 2021  
TO: Shannon Larocque, Senior Planner  
CC: Holly Willford, Clerk; Sarah Leach, Deputy Clerk; Jason Marr, Director of Public Works  
FROM: Tolga Aydin, Engineering Technologist  
RE: File A19/2021P  
1000 Effingham Street

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We have completed the review of the minor variance application A19/2021P to seek relief and to rectify zoning deficiencies as per the following;

1. Section 7.7 (a) 'Maximum (Accessory) Lot Coverage' – to permit a maximum (accessory) lot coverage of 1.5% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%; and
2. Section 7.7 (d) 'Maximum Building Height' – to permit a maximum building height of 5 meters whereas the by-law allows for 3.7 meters.

Public Works has no comments or conditions.

**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

June 21, 2021

File No.: D.17.06.MV-21-0042

Holly Willford  
Town Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, PO Box 400  
Fonthill, ON L0S 1E0

Dear Ms. Willford:

**Re: Regional and Provincial Comments  
Minor Variance  
Town File No.: A19/2021P  
Applicant: [REDACTED]  
Agent: Upper Canada Consultants (Matt Kernahan)  
Address: 1000 Effingham Street  
Town of Pelham**

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Regional Planning and Development Services staff have reviewed the information circulated for the above-noted minor variance application, which has been proposed to legalize the construction of an accessory building. The applicant is seeking a variance to permit an increase in maximum lot coverage and height for the existing structure.

The following Provincial and Regional comments are provided to assist the Committee in their consideration of the application.

**Provincial and Regional Policies**

The subject lands are designated as being within a Prime Agricultural Area, and more specifically within a Specialty Crop Area, in the Provincial Policy Statement (PPS); within the Protected Countryside, and designated Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area in the Greenbelt Plan, and designated Unique Agricultural Area in the Regional Official Plan (ROP).

In addition to agricultural, agriculturally-related, and on-farm diversified uses, within the Unique Agricultural Area designation, both the Greenbelt Plan and ROP permit single

dwelling on existing lots of record, provided they were zoned for this use prior to the effective date of the Greenbelt Plan (December 16, 2004). Accessory structures and uses are also permitted within these areas, provided that new municipal services are not required, and the use does not expand into a Key Natural Heritage Feature (KNHF), Key Hydrologic Feature (KHF), or, as required under the Greenbelt Plan, their associated Vegetated Protection Zone (VPZ), unless there is no other alternative, in which case any expansion must be limited in scope, and kept within close geographical proximity to the existing structure.

The proposed variance is intended to legalize an accessory building constructed on the subject property, which is accessory to an existing single-detached dwelling. The subject property is privately serviced, and therefore new municipal services will not be required. As detailed further below, the accessory building is located within a VPZ; however, most of the subject property is identified as KNHF, KHF, or within a VPZ, and therefore there are very few alternative locations for the accessory building on the lot. Additionally, the accessory building was constructed on an existing foundation from a previous building, and is therefore located within the existing development footprint on the subject property. Accordingly, Regional staff are of the opinion that the legalizing the existing structure is consistent with the PPS, and conforms to Provincial and Regional policies, subject to the comments below.

## **Core Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Fonthill Kame Provincially Significant Wetland Complex (PSW), Significant Woodland, and Type 2 (Important) Fish Habitat (see attached map). The property is within the Provincial Natural Heritage System (PNHS) of the Greenbelt Plan, which elevates Significant Woodland and Fish Habitat to Environmental Protection Areas, and identifies these features as KNHF and KHF. These features are subject to the natural heritage policies of the Greenbelt Plan.

Greenbelt Plan policies require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres of a KNHF/KHF in the PNHS. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 metres of PSW, 50 metres of a Significant Woodland or 15 metres of a Type 2 Fish Habitat. Further, Greenbelt policies also require that a minimum 30 metre VPZ adjacent to KNHF/KHF, be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF/KHF, or its VPZ.

The accessory building is located within the VPZ of the Significant Woodland. As noted previously, Greenbelt Plan policies do not permit accessory structures and uses to expand into KNHF/KHF, or their VPZ, unless there is no other alternative, in which case any expansion must be limited in scope and kept within close geographical proximity to the existing structure. Regional Environmental Planning Staff note that most of the subject property is identified as KNHF, KHF, or within a VPZ, and therefore there are

very few alternative locations for the accessory building on the lot. Additionally, the accessory building was constructed on an existing foundation from a previous building, and is therefore located within the existing development footprint. Given the scope, nature and location of the proposed development, staff are supportive of waiving the requirement for a NHE/EIS, and conclude that the proposed development fulfills the requirements under the Greenbelt Plan for the construction of an accessory structure within a VPZ.

The VPZ lands adjacent to the accessory building are used as horse pasture, which is considered to be an agricultural use under the Greenbelt Plan. As stated previously, the Greenbelt Plan typically requires VPZ lands to be established as natural self-sustaining vegetation; however, agricultural uses are exempt from this requirement. Therefore, Regional environmental planning staff will not require the VPZ lands to be established as natural self-sustaining vegetation as a condition of this application.

In conclusion, Regional Environmental Planning staff are satisfied that the proposed development is consistent with Provincial and Regional environmental policies, and offer no objections.

## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject property exhibits high potential for the discovery of archaeological resources due to its proximity (within 300 metres) to several past and present watercourses, as well as its location along a historic transportation route (Effingham Street). The accessory building has been constructed on an existing foundation, and there is no further site alteration proposed as part of this development. Therefore, an archeological assessment is not required.

## **Private Servicing**

Regional records indicate that a sewage system, consisting of a filter bed (Class 4 system), was installed on the subject property in 2006 with approval from the Niagara Region Public Health Department. This existing septic system is located east of the dwelling on the subject property, and had no visible defects at the time of Regional Private Sewage System (PSS) staff's inspection. The constructed detached accessory building meets the required setbacks to the existing septic system, as per Ontario Building Code (OBC) requirements. No living space, plumbing fixtures or bedrooms are permitted in the constructed detached accessory building. The subject property also has usable area for a replacement system in the future if one is required.

Therefore, based the information submitted with the minor variance application, PSS staff have no objections to the constructed detached accessory building, provided no plumbing or living space is included within it.

## Conclusion

In conclusion, Regional staff have no objection to the minor variance application from a Provincial or Regional perspective, provided the accessory building will not contain any plumbing or living spaces, and subject to any local concerns.

Provided these conditions are addressed, the variance is consistent with the Provincial Policy Statement (PPS), and conforms to Provincial Plans and the Regional Official Plan (ROP) from a Provincial and Regional perspective.

Please send a copy of the staff report and notice of the Committee's decision on this application.

If you have any questions related to the above comments, please contact me at [Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca), or Britney Fricke, MCIP, RPP, Senior Development Planner at [Britney.Fricke@niagararegion.ca](mailto:Britney.Fricke@niagararegion.ca).

Kind regards,

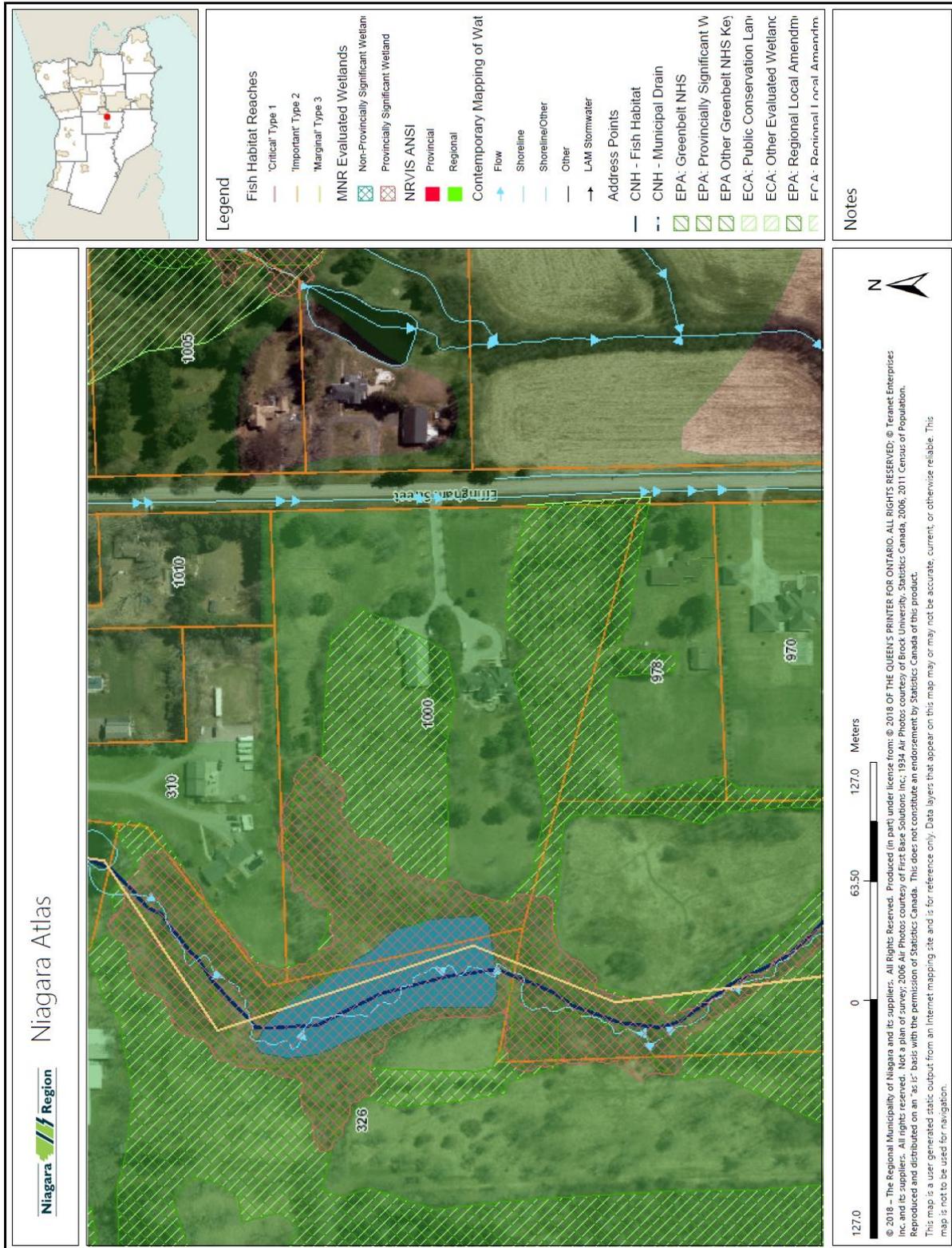


Amy Shanks  
Development Planner

cc: Britney Fricke, MCIP, RPP, Senior Development Planner, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region  
Justin Noort, C.E.T., Private Sewage System Inspector, Niagara Region  
Kenny Ng, Planner, Town of Pelham

Appendix: Core Natural Heritage System Mapping

### Appendix: Core Natural Heritage System Mapping



**From:** randy beres [REDACTED]  
**Sent:** Monday, June 21, 2021 12:54 PM  
**To:** Holly Willford <[HWillford@pelham.ca](mailto:HWillford@pelham.ca)>  
**Subject:** Re file number A19/2021P

Since this letter from the town arrived the Beagle Puppy Mill has got very quiet. So this shows me after all these years there is a way to quiet them at night. It's very hard to sleep through the night with this constant barking.

I don't have a problem with the barn unless it is to be used to expand the Puppy Mill.

Randy Beres  
[REDACTED] Welland Rd  
Fenwick Ont  
[REDACTED]

Sent from my Bell Samsung device over Canada's largest network.

June 30, 2021

Mrs. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON LOS 1E0

**Re: Consent Application B20-2021P**  
**3 Hurricane Road, Pelham**  
Part of former Thorold Township Lot 163, now Pelham  
**Roll No. 2732 020 021 01400**

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The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 4.75m on the north side of Hurricane Road, lying east of Pelham Street being Part of Lot 163 formerly part of Thorold Township in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 1,606 square metres of land (Part 1), for future construction of a single detached dwelling. 2,428 square metres of land (Part 2) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road.

### **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 severance would create normally undesirable 'flag' style lots for both parcels, it will help preserve the existing single detached dwelling and create an additional dwelling unit. 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.

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 1st 2021 which rezoned the subject lands from R1 to a site-specific R1-303 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 R1-303 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 A4.1.1 Urban Living Area Lands designated Urban Living Area are the site of existing and planned residential development and complementary uses on full municipal services, or planned to be connected to full municipal services all within the urban boundaries of the Fonthill and Fenwick Settlement Areas.

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 R1-303 zone does not stipulate a maximum density but does establish minimum lot frontage requirement which is 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 R1-303 zoning permits one second dwelling unit per lot, if accessory to a permitted single detached dwelling.

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

- a) Fronts on and will be directly accessed by a public road;
  - ✓ Complies.
- 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. Both parcels will have direct access to Hurricane Road.
- 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;
  - ✓ Complies. 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.

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 – 303' (R1-303) 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 adopted by Town Council through Zoning By-law Amendment file AM-09-2020. The minimum lot frontage was amended and the permission for one second dwelling unit was granted. The proposed lot and retained lot comply with their site-specific zoning regulations.

### **Agency & Public Comments**

On June 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 (June 18, 2021)
  - No concerns or comments.
- Building Department (June 17, 2021)
  - Building permits will be required for the proposed dwelling & lean to structure
- Public Works Department (June 23, 2021)
  - 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.

One (1) public comment was received from a neighbouring property owner, which is included on the Committee's Agenda and summarized below:

- Nancy Bellantino & Peter Moffatt (June 21, 2021)
  - Concern that the development of 3 Hurricane can result in flooding for adjoining properties.
  - Disputes that reduction in grass coverage and elimination of trees which can reduce water absorption combined with run off from roofs and driveways from the proposed development can exacerbate the existing drainage deficiencies.
  - Suggests that ground/storm water from 3 Hurricane be directed towards Hurricane Road where the installation of upgraded storm sewers can address the flooding issues.

### **Planning Staff Comments**

The subject application is for consent to partial mortgage discharge and to convey (sever) 1,606 m<sup>2</sup> of land (Part 1) for a single detached residential lot. 2,428 m<sup>2</sup> of land (Part 2) is to be retained for continued residential use of the 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.

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

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 approved by Council on March 1, 2021 and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. Given the number of mature trees that are located on the property, staff also recommend that a tree savings plan be prepared.

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 B20-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards.
- 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.
- 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.

- 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.
- That the applicant undertake a Tree Savings Plan identifying trees to be retained to the satisfaction of the Director of Community Planning and Development.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$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.
- That consent files B16/2021P, B17/2021P and B18/2021P receive final certification, from the Secretary-Treasurer, concurrently.

Prepared by,

Kenny Ng, B.ES  
Planner



Approved by,



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

To: Sarah Leach

Cc: Kenny Ng

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

Date: June 17<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – July 6<sup>th</sup>, 2021 Hearing

Comment for Re: Files #A19-2021P 1000 Effingham

The building department offers the following comment,

- A building permit is required

Comment for Re: Files #B20/2021P 3 Hurricane Rd.

The building department offers the following comment,

- Building permits will be required for the proposed dwelling & lean to structure

Kind Regards,

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

---

## Memorandum

### Public Works Department - Engineering

DATE: June 23, 2021

TO: Shannon Larocque, Senior Planner

CC: Holly Willford, Clerk; Sarah Leach, Deputy Clerk; Jason Marr, Director of Public Works

FROM: Tolga Aydin, Engineering Technologist

RE: File B20/2021P  
3 Hurricane Road (Part 1)

---

We have completed the review of the consent application B20/2021P for consent to convey 1,606 square meters of land (Part 1), for future construction of a single detached dwelling. 2,428 square meters of land (Part 2) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road.

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.

**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 - B20/2021P  
**Date:** Friday, June 18, 2021 8:40:23 AM  
**Attachments:** [image003.png](#)

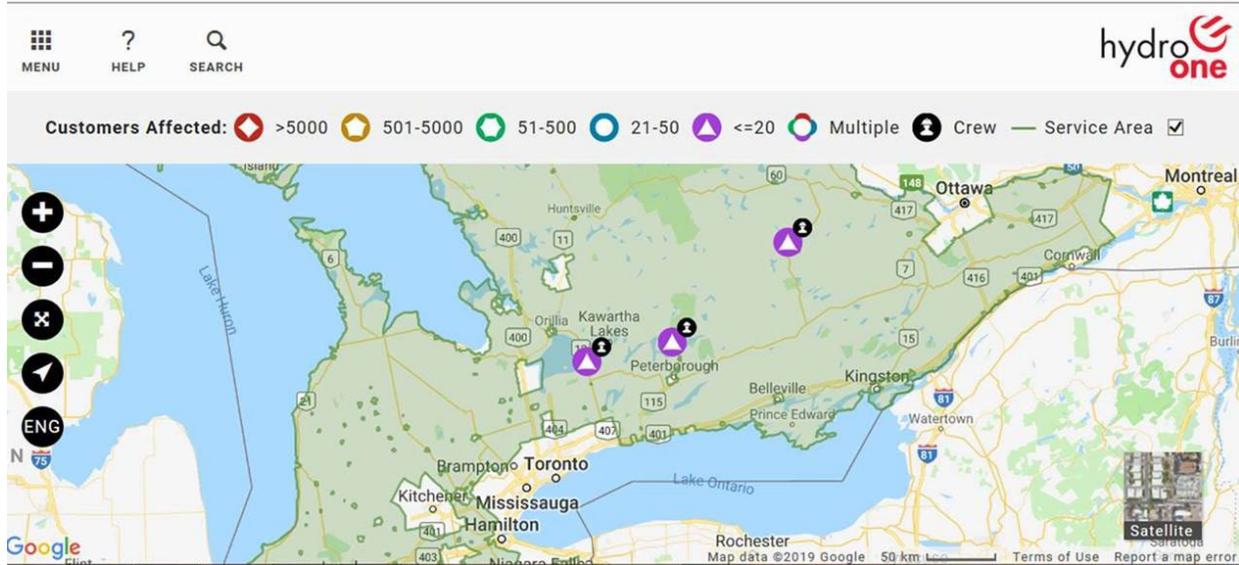
Hello,

We are in receipt of Application B20/2021P dated June 8, 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:** Tuesday, June 8, 2021 8:42 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); [ash.neville@rci.rogers.com](mailto:ash.neville@rci.rogers.com)  
**Subject:** Committee of Adjustment Notice of Hearing - July 6, 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 file(s)  
• B20/2021P

Should you require a copy of an application in full, please email me your request.

Thank you,  
Sarah



**Sarah Leach, BA.**  
Deputy Clerk  
Town of Pelham  
T: 905-892-2607 x320 | E: [sleach@pelham.ca](mailto:sleach@pelham.ca)  
D: 905-980-6662  
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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Public Hearing, Tuesday July 6, 2021

Re: File Number B20/2021P

3 Hurricane Road, Pelham (Part 1)

**Submissions/Comments by Owners of █ Shorthill Place**

Our property abuts 3 Hurricane Road to the North. We have previously submitted detailed concerns to Town Council regarding existing drainage deficiencies which will be exacerbated by the development of 3 Hurricane and in particular Part 1.

In the Development Restrictions entered into with the Town by the Developer of Shorthill registered on title to properties on Shorthill Place as Instrument LT 37504 on January 6, 1986, the Owner and Town agreed to install a storm water management system. Same has proven to be inadequate as flooding is an issue in areas of Shorthill Place and Lorimer Street. The developers plan for 3 Hurricane results in the elimination of significant grassy areas as well as significant removal of trees on the parcel. The combination of reduction in grass coverage and elimination of trees with the attendant reduced water absorption combined with run off from roofs and driveways from the proposed development poses severe flooding consequences for adjoining properties. Regarding our property in particular we note that the elevation readings at the front of 3 Hurricane run from 197.24 to 197.45 falling to 195.89 at the rear (3 Hurricane-Part 1) where the property abuts ours with the elevation then falling further. Our rear yard then slopes down from that reading (195.89). We were not aware of the elevations until we received an undated draft plan of severance document from the owners of 3 Hurricane. Given the foregoing elevations, run off clearly flows from 3 Hurricane onto our property as well as others on Shorthill Place and Lorimer Street. In 2020 we provided Town Council with pictures showing the stream like flow of water from 3 Hurricane into our backyard at certain times of year. In light of the existing flooding it is imperative and appropriate that Council ensure that the developer is subject to a drainage plan that protects adjoining lands from run off. We note that the consultant for the developer expediently proposes that Part 1 should drain to the rear of 3 Hurricane (towards our property). There will be additional run off from the roof and driveway of whatever is constructed on Part 1 thereby increasing drainage issues contrary to the Ontario Building Code provisions wherein the main factor to be considered in the grading of a lot after construction are that no additional surface drainage should be directed onto adjacent properties. The developer's consultant proceeds to state that stormwater will somehow be controlled by the use of soak away pits. A soak away pit on Part 1 which is at the extreme northern boundary of the Parcel would simply promote the infiltration of surface water into the surrounding soil resulting in a considerable effect on the groundwater table. Existing ground water flows down to our property, so in addition to the surface water flooding to which we are subject, we are also negatively impacted by existing ground water flow. Any soak away pit would simply amplify what is an already unacceptable ground water flow northward. As we have previously advised Town Council in 2020 ground water flow has been so intense at our property at certain times that our inground pool suffered a torn pool liner which we had to have replaced at considerable expense. The company hired to deal with it advised that the ground water flow had lifted (floated) the bottom of the liner during the

winter/spring period resulting in pressures and movement of the liner that caused tearing of the liner, which they advised is an extremely unusual event.

In summary, the severance requested and development of 3 Hurricane has the potential to significantly increase the water issues outlined above. Existing issues have already been brought to the attention of Town Council in writing in 2020. The development provides the perfect opportunity for the Town to once and for all properly address a defective drainage plan that permits surface/storm water flow northward from 3 Hurricane to the detriment of properties on Shorthill Place and Lorimer Street. We submit that ground/storm water from 3 Hurricane should, as part of the redevelopment of 3 Hurricane, no longer be permitted to simply flow into the backyards of properties on Shorthill and Lorimer but rather same should properly be directed towards Hurricane Road where fortunately the frontage of 3 Hurricane Road itself has recently had the benefit of the installation of upgraded storm sewers that are specifically intended to address flooding issues. Town Council has both the duty and opportunity to impose appropriate conditions to address the runoff/ discharge issue from 3 Hurricane and we would respectfully request that they do so as part of the adjudication process for the severance request.

Dated: June 21, 2021

Submitted by Nancy Bellantino & Peter Moffatt

■ Shorthill Place, Fonthill

**Meeting #:** CofA 04/2021  
**Date:** Wednesday, April 7, 2021  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present Donald Cook  
Sandra Marsh  
Brenda Stan

Members Absent John Klassen  
Bernie Law

Staff Present Nancy Bozzato  
Holly Willford  
Sarah Leach  
Derek Young  
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 Cook 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 to the Committee of Adjustment advised the Committee that the applicant for file B11/2021P – 1419 Station Street has requested an adjournment in order to make a slight amendment and re-circulate the application.

The Agent, Mr. Stephen Kaiser confirmed the applicant is requesting an adjournment to amend the application and re-circulate. Mr. Kaiser requested the re-circulation fee be waived.

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**THAT application B11/2021P – 1419 Station Street be adjourned, sine die;**

**AND THAT the recirculation fee of \$253.00 be waived**

**Carried**

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

##### **5.1 A18/2021P - 879 Foss Road**

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

Application for relief of Section 7.3 (e) “Minimum Side Yard” – to permit a minimum rear yard of 11.5m whereas the by-law requires 15m; and Section 7.3 (g) (i) “Supplementary Setback Distance” – to permit a supplementary setback distance (to dwelling on adjacent lot) of 36m whereas the by-law requires 45m.

###### **Representation**

The Applicant and Authorized Agents, Rhea Davis and Heather Sewell from NPG Planning Solutions were electronically present. Consultant, High Fraser, was present via telephone.

###### **Correspondence Received**

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

5. NPCA
6. NPG Planning Solutions Presentation

#### Public Comments

1. Flowers Canada Ontario
2. Sunrise Greenhouses
3. Willowbrook Nurseries Inc.
4. United Floral Distributors
5. Jan and Kitty VanZanten
6. Dave Jones
7. The Clark Family
8. Jessica Dreyer
9. The Hultink Family

#### **Applicants Comments**

The Agent, Ms. Rhea Davis, provided a brief presentation to further explain the application. A copy of the presentation is on file with the Clerk.

#### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:22 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.

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**THAT the public portion of the meeting be closed.**

**Carried**

#### **Members Comments**

A Member sought clarification for the proposed condition of a scoped lot grading and drainage plan suggested by the Public Works Department. The Manager of Engineering, Mr. Derek Young, responded that a scoped lot grading and drainage plan is only applicable to the area being disturbed as part of construction, as opposed to the entire lot.

The Member further expressed concern with regard to drainage on the property; suggesting that an overall lot grading and drainage plan be submitted for the entire property. The Member recommended the word

“scoped” be removed from the condition. Mr. Young stated that Town Engineering Staff believe there is currently sufficient drainage on this site.

Mr. Young identified that the driveway at the easterly end of the property was not installed by Town Staff. In response, a Member suggested adding a condition to obtain approval for a Driveway Entrance and Culvert Permit for the easterly existing driveway entrance. The Members discussed the proposed condition and through consensus agreed to add the additional condition regarding the driveway entrance. The Agent requested clarification on the revised proposed conditions. Mr. Young provided further clarification and the Agent indicated she understood the requirement.

A Member sought clarity whether a condition requiring an overall lot grading and drainage plan could be imposed at site plan approval. Assistant Secretary-Treasurer, Ms. Willford indicated that although this may be a condition, the Committee cannot impose a condition of site plan approval.

Mr. Young confirmed that Engineering Staff would be satisfied with the Committee removing the word “scoped” from the condition. He noted that the submission of an existing lot grading and drainage prior to building permit would alleviate the condition.

**Moved By** Sandra Marsh  
**Seconded By** Brenda Stan

**Application for relief of Section 7.3 (e) “Minimum Rear Yard” – to permit a minimum rear yard of 11.5m whereas the by-law requires 15m, is hereby: GRANTED; and**

**Application for relief of Section 7.3 (g) (i) “Supplementary Setback Distance” – to permit a supplementary setback distance (to dwelling on adjacent lot) of 36m whereas the by-law requires 45m, is hereby: GRANTED**

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

- 1. The variance is minor in nature as the greenhouse expansion is relatively benign in nature.**
- 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 because it will allow for improved usage of the existing agricultural parcel.**
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. **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 Building Permit:**

1. **To the Satisfaction of the Director of Public Works**
  1. **Submit for approval, an existing Lot Grading & Drainage Plan demonstrating that storm runoff does not negatively impact, nor rely upon neighbouring properties**
  2. **Obtain approval for a Driveway Entrance and Culvert Permit for the easterly existing driveway entrance. Installation of driveway entrances shall be in accordance with Town standards and the applicant shall bear all costs associated with such.**

**Carried**

## **6. Applications for Consent**

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

Application was adjourned.

## **6.2 B12/2021P - 87 Port Robinson Road**

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**THAT Files B12/2021P, B12/2021P and B14/2021P be heard concurrently.**

**Carried**

### **Purpose of Application**

Applications B12/2021P, B13/2021P and B14/2021P were heard concurrently.

Application B12/2021P is made for consent to partial discharge of mortgage and to convey 432.7 square metres of land (Part 1), for construction of one unit of a three-unit townhouse. Application B13/2021P is made for consent to partial discharge of mortgage and to convey 296.0 square metres of land (Part 2), for construction of one unit of a three-unit townhouse. Application B14/2021P is made for consent to partial discharge of mortgage and to convey 426.3 square metres of land (Part 3), for construction of one unit of a three-unit townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained.

### **Representation**

The Agent, Ms. Jennifer Vida, from Hummel Properties Inc. was electronically present.

### **Correspondence Received**

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

### **Applicants Comments**

The Agent, Ms. Jennifer Vida, provided a brief presentation to further explain the application. A copy of the presentation is on file with the Clerk.

## **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:54 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

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**THAT the public portion of the meeting be closed.**

**Carried**

## **Members Comments**

The Agent, Ms. Vida noted that due to a zoning issue, Phase 2 applications for consent will be brought forth separately.

A Member asked the Manager of Engineering, Mr. Young, to clarify the ownership of the existing culvert running along the north property line. Mr. Young confirmed that the existing drainage ditch it is not a municipal drain and must be maintained by property owners. Mr. Young continued to note that because this tributary is not maintained by the Town, blockage or flooding upstream is a dispute between neighboring properties.

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**THAT Application B12/2021P made for consent to partial discharge of mortgage and to convey 432.7 square metres of land (Part 1), for construction of one unit of a three-unit townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained, is hereby: GRANTED;**

**AND THAT Application B13/2021P made for consent to partial discharge of mortgage and to convey 296.0 square metres of land (Part 2), for construction of one unit of a three-unit**

**townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained, is hereby: GRANTED;**

**AND THAT Application B14/2021P made for consent to partial discharge of mortgage and to convey 426.3 square metres of land (Part 3), for construction of one unit of a three-unit townhouse. 1,285.4 square metres (Part 4) is to be retained, is hereby: GRANTED.**

**The above decisions are subject to the following conditions:**

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

- 1. Submit a drawing confirming that no existing utilities cross the proposed lot line. Should any service(s) cross this lot line, the applicant will be responsible for costs associated with their relocation and/or removal.**

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

- 1. That application for consent, file B12/2021P receive final certification of the Secretary-Treasurer concurrently with applications B13/2021P and B14/2021P.**
- 2. 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.**
- 3. That 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.**

**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. No objections to this proposal were received from commenting agencies or neighbouring property owners.**

4. **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**

**6.3 B13/2021P - 89 Port Robinson Road**

Application B13/2021P was heard concurrently with applications B12/2021P and B14/2021P. See application B12/2021P for minutes and decision.

**6.4 B14/2021P - 91 Port Robinson Road**

Application B14/2021P was heard concurrently with applications B12/2021P and B13/2021P. See application B12/2021P for minutes and decision.

**7. Minutes for Approval**

None.

**8. Appointment of Secretary-Treasurer**

**Moved By** Donald Cook

**Seconded By** Sandra Marsh

**THAT Holly Willford, be and is hereby appointed as Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective April 19th, 2021;**

**AND THAT Nancy Bozzato, be and is hereby appointed as Assistant Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective April 19th, 2021.**

**Carried**

**9. Adjournment**

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for May 4, 2021 at 4:00 pm.**

**Carried**

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Don Cook, Chair

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Secretary-Treasurer, Nancy J. Bozzato

**Meeting #:** CofA 05/2021  
**Date:** Tuesday, May 4, 2021  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present John Klassen  
Sandra Marsh  
Brenda Stan

Members Absent Donald Cook  
Bernie Law

Staff Present Holly Willford  
Sarah Leach  
Shannon Larocque  
Tolga Aydin

**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, Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

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

None.

#### **6. Applications for Consent**

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

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

Application for consent to partial discharge of mortgage and to convey 11,322 square metres of land (Parts 2 and 3 on sketch), to be added to the abutting properties to the east (Part 4 on sketch).

##### **Representation**

The Agent, Stephen Kaiser, was electronically present.

##### **Correspondence Received**

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

##### **Applicants Comments**

The Agent, Mr. Kaiser indicated he had no comments.

A member asked if Mr. Kaiser has determined how the site will handle stormwater. In response, Mr. Kaiser indicated he had and for clarification stated that water on the severed property will flow to the stormwater pond on the corner of Rice Road and Port Robinson Road.

##### **Public Comments**

Ms. Holly Willford, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:17pm 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**

No comments.

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**THAT application B11/2021P for consent to partial discharge of mortgage and to convey 11,322 square metres of land (Parts 2 and 3 on sketch), to be added to the abutting properties to the east (Part 4 on sketch), is hereby: GRANTED;**

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

### **To the Satisfaction of the Chief Building Official**

- 1. Remove the existing accessory building on Part 3, if the structures exceeds 10 m<sup>2</sup> area. If the removal is required then a Demolition Permit is shall be obtained and completed.**
- 2. 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. If the removal is required, a Demolition Permit shall be obtained and completed. If the structure is to be relocated, then a Building Permit shall be obtained and completed.**

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

- 1. 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.**
- 2. 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.**

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

- 1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east (Part 4 on sketch), the subject parcel**

and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel. 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 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.
3. That 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.

The 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. No objections to this proposal were received from commenting agencies or neighbouring property owners.
4. 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

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

### **Purpose of the Application:**

Applications B16/2021P, B17/2021P and B18/2021P were heard concurrently.

Application B16/2021P is made for consent to partial discharge of mortgage and consent to convey 623 square metres of land (Part 1).

Application B17/2021P is made for consent to partial discharge of mortgage and consent to convey 666 square metres of land (Part 2).

Application B18/2021P is made for consent to partial discharge of mortgage and consent to convey 730 square metres of land (Part 3).

### **Representation:**

The Owner, Allan Heywood, was electronically present.

### **Correspondence Received:**

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

### **Pre-Registered Members of the Public**

1. Laurie Kukulewich

### **Applicants Comments:**

The Owner, Mr. Heywood, supported the Planning Staff Report and proposed conditions.

### **Public Comments:**

Ms. Laurie Kukulewich acknowledged that she is on record at the November 9, 2020 Public Meeting Under the Planning Act as being in approval of the proposed severance on the subject property. Ms. Kukulewich indicated that her property borders 3 Hurricane Road on the east. She stated that she would like to present four considerations as provisions to the pending approval. Firstly, she requested that the grading of the land and development of the lots does not exceed current grade height. She indicated that her property and neighboring properties have

experienced severe flooding during heavy rainfall. Ms. Kukulewich raised concern that increased grading would exacerbate the current problematic situation. Ms. Kukulewich further requested that the development of the building lots include a sufficient parking allowance. In addition, she asked that a timeline be established to ensure that building occurs within a reasonable period, being one to two years. Ms. Kukulewich indicated that prolonged construction could lead to stagnant water, attracting pests and bacteria. Lastly, Ms. Kukulewich asked that the perimeter trees be kept and maintained.

Ms. Holly Willford, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:31pm 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.

In response to the public comments, Mr. Heywood indicated that he has hired Upper Canada Consultants to prepare a servicing and grading plan to be approved by the Town Building department. He stated that there is more than adequate parking for the site in the R1 zone. Mr. Heywood identified that once the severed lots are sold, there is no control over building permit issuance or lack of. He further indicated that the Town's property standards complaint process would address a property in disrepair. With regard to old growth trees, Mr. Heywood stated that a tree/landscape review was conducted on the subject property, concluding that the existing plant material is overgrown and ornamental in nature. Mr. Heywood noted that the Town of Pelham does not have a tree by-law in effect. He affirmed that the lots are large to preserve as many trees as possible outside of the building envelope.

### **Members Comments:**

A Member asked if the curbs on the subject property had been cut in anticipation of severance approval. The Member further asked whether the Town or Applicant would be responsible for re-stalling the curbs if the applications were unsuccessful. Mr. Heywood stated that he requested the curbs cut during the reconstruction of Hurricane Road in anticipation of severance approval. All costs associated with curb cutting were borne by the Applicant.

A Member expressed satisfaction that the Applicant addressed all public comments.

**Moved By** Brenda Stan

**Seconded By** Sandra Marsh

**THAT Application B16/2021P for consent to partial discharge of mortgage and consent to convey 623 square metres of land (Part 1), is hereby: GRANTED;**

**THAT Application B17/2021P for consent to partial discharge of mortgage and consent to convey 666 square metres of land (Part 2), is hereby: GRANTED;**

**THAT Application B18/2021P for consent to partial discharge of mortgage and consent to convey 730 square metres of land (Part 3), is hereby: GRANTED;**

**The above decisions are subject to the following conditions:**

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

- 1. 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.**
- 2. 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.**
- 3. 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.**

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

- 1. 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. Receive Final Certification of consent files B16-2021P, B17-2021P & B18-2021P, from the Secretary – Treasurer, concurrently.**
- 2. 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.**
- 3. That 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.**

**The decisions are 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**

**6.3 B17/2021P - 3 Hurricane Road (Part 2)**

Application B17/2021P was heard concurrently with applications B16/2021P and B18/2021P. See application B16/2021P for minutes and decision.

**6.4 B18/2021P - 3 Hurricane Road (Part 3)**

Application B18/2021P was heard concurrently with applications B16/2021P and B17/2021P. See application B16/2021P for minutes and

decision.

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

**Moved By** John Klassen

**Seconded By** Sandra Marsh

**THAT Sarah Leach, be and is hereby appointed as Assistant Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective immediately;**

**AND THAT Nancy Bozzato, be removed as Assistant Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective immediately.**

**Carried**

**8. Minutes for Approval**

**Moved By** Sandra Marsh

**Seconded By** John Klassen

**THAT the Committee of Adjustment Hearing minutes of September 29, 2020 and October 6, 2020, be approved.**

**Carried**

**9. Adjournment**

**Moved By** Brenda Stan

**Seconded By** Sandra Marsh

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for June 1, 2021 at 4:30 pm.**

**Carried**

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John Klassen, Chair

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Secretary-Treasurer, Holly Willford