

From: [REDACTED]
To: [Tara Lynn O'Toole](#)
Subject: [REDACTED]
Date: May 26, 2021 9:11:56 PM

Hi Tara

I submitted 3 questions for the February 08, 2021 Public Meeting on Secondary Dwelling Units. One question concerned parking which seems to have been addressed in the current version of the draft Bylaw. The other 2 questions don't appear to have been addressed and dealt with the Provincial Legislation allowing municipalities to register and license Secondary Dwelling Units.

1. Is the Town planning to register Secondary Dwelling Units (SDU's)? Registering the SDU's would allow staff to monitor the proliferation of SDU's and identify streets/areas that might be at capacity.
2. Is the Town planning an annual licence fee for SDU's? I would think that the licensing fee could simply be another line item on the property tax bill. An annual licensing fee would provide income to the Town to help cover the costs of dealing with parking and noise complaints, etc.

Your, truly

[REDACTED]
[REDACTED]

From: [John Wink](#)
To: [Tara Lynn O'Toole](#)
Cc: [Barbara Wiens](#); [Ron Kore](#)
Subject: Fwd: Second Building Unit, Bill 108/Reg 299
Date: June 17, 2021 9:21:03 AM

Hi Tara,
Here is comments I received from are resident in Fenwick for your consideration.
John Wink

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: June 16, 2021 at 3:40:08 PM EDT
To: Ron Kore <RKore@pelham.ca>, John Wink <JWink@pelham.ca>
Cc: marvin.junkin@niagararegion.ca
Subject: Second Building Unit, Bill 108/Reg 299

Good afternoon Ron and John (Ward 2),
Could I please take a few moments of your time to express my concerns surrounding this by-law amendment?
My family has been living in Pelham for 5 years; we enjoy the community, it's services and local events. We have no desire to live anywhere else. It has been a very positive experience for us. Living rural has been life changing and I feel that the approval of a bill like this can lead to the beginning of a loosening of allowances and being taken advantage of. We do not want to see growth and expansion in areas where anyone living rural would not want to see either. We chose rural living and we want to keep living rural; we do not want to end up moving years down the road if the rural we have chosen is diminished.
What prompted our awareness and concern of this "soon to be approved," bill in Pelham, was our neighbour approached us yesterday regarding his desire to build a second dwelling unit on his property for his parents, as soon as the bill is passed. He had already spray painted his lawn marking the proposed area, expressing how fast he wants to embrace this bylaw. How many others are there like him? How many others are out there just as anxious and wanting to exploit it?
I realize a situation like this is why Ontario is encouraging municipalities to make this move and amend the current by-laws: to provide affordable housing. I realize I cannot control my neighbours choices when they act in accordance with the by-laws and municipal allowances. If the bill is passed and he builds with or without my consent, I have to live with it. The problem is the potential "pushing of the envelope;" taking what is allowed and pushing it further, which is my neighbours intent.
The maximum dwelling size is 1000 sq ft, but of course this is not big enough for my neighbour; he wants to push for 1250 to 1400 sq ft. In spite of by-laws and regulations people always find loopholes, adjustments are made, laws

compromised and whether we like it or not, it always ends up bigger and grander than what is permitted.

I really believe that this will open up a can of worms, it's already evident and it will open the door to the municipality to allow land severing where it was not allowed before.

My request to the municipal council is that they be uncompromising and unwavering in allowing builds to be more than what they should be according to the by-law.

Please take this into consideration. Your time is appreciated.

Thank you,



J. PATRICK MALONEY
905-688-5403 – Direct Line
pmaloney@sullivanmahoney.com
Please reply to St. Catharines Office

June 10, 2021

Mayor Junkin and Members of Council
20 Pelham Town Sq., P.O. Box 400
Fonthill, ON L0S 1E0

Dear Sir/Madames:

**Re: Second Public Meeting-Proposed OPA and ZBLA re: Second Dwelling Units
Our File No. 128477**

We are the solicitors for Homes By Antonio Inc. and Tony Mancini, who have several development interests in the Town of Pelham. We have asked to be registered as a delegation during the public meeting scheduled for June 14, 2021 related to proposed amendments to the Town's Official Plan ("OPA") and Zoning By-law ("ZBLA") related to secondary dwelling units ("SDU"). However, we wish to provide our brief comments in writing.

You may recall that we previously made a submission that sought the inclusion of semi-detached dwellings and townhouse dwellings as those types of units that should permit SDUs. We are pleased with Town planning staff's willingness to support that inclusion in the revised draft OPA and ZBLA. Our client's fully support that change and ask Town Council to approve such inclusion.

We did wish to make a further submission as it related to the limitation on the floor area of a SDU in the draft ZBLA. Presently, the draft OPA states that the floor area of an SDU must be less than the gross floor area of the principle residential unit. We understand that the purpose of this is to be sure that a SDU is actually secondary to the primary residential use. This makes sense. However, the draft ZBLA then restricts the maximum floor area of a SDU to not exceed 65 m² (700sq.ft).

In our client's view, there should not be a maximum floor area specifically stated in the Town's ZBLA. Instead, we would suggest that the ZBLA include the same general language as stated in the OPA to restrict an SDU to be less than the gross floor area of the principle residential unit.

To support our client's position, we offer the following. In many cases, a larger home may practically provide a larger and appropriate area for a SDU, while still meeting the general intent and purpose stated in the draft OPA and of SDUs in general. By way of example, if a property owner has a 2800sq.ft home, and wished to have a second dwelling unit with an area of 1000sq.ft

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for an aging family member, then such SDU would conform to the Official Plan, but would not be permitted under the zoning by-law. This would mean that a property owner would have to bring an unnecessary and costly minor variance application to increase the maximum floor area of the SDU, that could be opposed by anyone.

Moreover, in some cases, limiting the floor area of a SDU may represent practical and structural issues within an existing dwelling. As an example, if the entire second floor of an existing dwelling was properly available for an SDU, but is greater than 700sq.ft., it may result in redundant or unusable areas within that dwelling. It would similarly necessitate a minor variance application. It may also mean that a property owner will simply use the entire area for a SDU in contravention of the zoning by-law.

Finally, limiting the size of the SDU to only 700 square feet reduces the type of user that could make use of the SDU. Even a small young family would be cramped into such a unit.

To summarize our client's position, we would ask that the proposed zoning amendment for a SDU be modified by removing any specific maximum floor area for a SDU and revising the language to simply limit the floor area of a SDU to something less than half of the gross floor area as stated in the OPA.

We thank you for allowing this submission and respectfully ask that Council approve the OPA and ZBLA proposed, subject to this minor modification.

Yours very truly,

Sullivan Mahoney LLP

Per:

A handwritten signature in black ink, appearing to be 'J. Patrick Maloney', written over a light blue horizontal line.

J. Patrick Maloney

JPM/ke

Cc: Clients
Barb Wiens
Tara Lynn O'Toole

From: [REDACTED]
To: [Tara Lynn O'Toole](#)
Subject: NeSubdivision Planning and SDU's
Date: April 22, 2021 9:46:43 AM

Hi Tara,

I have been following the developments of our Town for the 22 years that I lived here now. I believe I understand the difficult position the Town staff and Council are in when it comes to the Provincial Laws and developer rights.

As somebody who's seen development all around me, and in discussing concerns with friends and neighbors, the most apparent concern I've gleaned is the worry about appearance and property values. The major source for this concern is parking.

In my opinion, residents are less concerned about the density of the developments, aesthetics, or demographics, but more so the clogging of ALL the streets around town, not just the roads upon which the residents are living. This problem has been created by developers who are building units with barely enough space for a single car.

For example, in the development adjacent to my residence, at [REDACTED] [REDACTED] SDU's are being built on lots that can barely fit one car. If these residences are occupied by more than one "family", as permitted, where is the other family going to park? If both have two cars, that's four cars with one spot. The answer is simple, they will park on my street.

This situation is already happening. Residents on Hunter's Court do not have adequate parking in their driveways, nor do many have houses with frontage to park extra vehicles, so they drive across Welland Rd. and park here.

My proposal to force developers to re-think their designs (very optimistically looking), and address the parking problems not only on my street but on many existing roads on or adjacent to these new developments, is to institute a new by-law for the whole Town.

The Town of Pelham should develop a new Parking By-Law which makes it illegal to park on Town streets overnight.

For existing residences and citizens, like those on Hunter's Court, this may be impossible, so the Town can sell Parking permits to individual addresses allowing parking in front of their residence, or on their street only.

The By-Law would serve many functions:

1. Keep the expansion problems of new Pelham developments off the streets and properties of existing residents.
2. Perhaps, force developers to increase driveway size for 2 cars
3. Generate revenue for Town

This program exists in several communities that I am aware of including Kitchener-Waterloo. There, you can buy an overnight pass if you have guests from out of town. I and members of my family have been ticketed every-time we've parked on the street overnight without a pass!

Establishing a more strict By-Law that eliminates overnight parking without a "special permit" will help to alleviate many of the problems many Pelham residents are having with the impact of the density and types of developments our Town has little choice but to endure.

Thank you for listening,

[REDACTED]

Fonthill

From: [Patrick Maloney](#)
To: [Tara Lynn O'Toole](#); [Barbara Wiens](#)
Cc: [Tony Nuziato](#); [tony mancini](#); [Kayla Elvin](#)
Subject: Pelham- Second Dwelling Units- Max Floor Area
Date: June 22, 2021 2:58:48 PM
Attachments: [image003.png](#)

Good afternoon Tara and Barb,

On the issue of second dwelling units, our clients request that the maximum floor area be set at 1000 sq.ft in the residential zone and 1200 sq.ft. in the rural zones. Moreover, practically, you may also have to set a percentage limit in the zoning by-law (as opposed to relying exclusively on the OP). The reason for this is that someone who has to apply for a building permit doesn't technically have to comply with the OP as it is not applicable law.

We heard the concerns of Council and staff and wish to provide our thoughts.

In relation to parking, the Town can only mandate one spot per secondary dwelling unit. However, if there is a situation that allows a 1000sq.ft. SDU, such SDU would likely be within a dwelling that is bigger, and on a larger lot, and that which has more driveway area for parking. In such case, the concerns for parking are minimized.

In relation to possible nuisance impacts, I would submit that keeping SDUs smaller to 700 sq.ft. (or even 800 sqft.), that would actually promote someone with a larger home to construct two SDU's for a total floor area of 1400 sq.ft., instead of one at 1000 sq.ft. The SDUs would require 2 parking spaces, with even more people living in the same building and a greater opportunity for incompatibility. Limiting the floor area for a SDU as proposed could actually make a situation worse.

We also heard the concerns of Barb related to affordability. We feel that a 1000 sqft SDU (ie a 1 or 2 bedroom rental unit) would still fit within the affordability definition in the PPS, and therefore such units would still be considered affordable. Under the PPS, **Affordable:** means

b) in the case of rental housing, the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

I don't have all of the info for the first measure of affordability (ie related to gross annual household income). However, we can establish that the units would be affordable for the second measure (ie average market rent). In such case, even it was not the "least expensive" option then the units would have to be considered affordable (since it can only be less).

According to the [2020 CMHC Rental Market Report](#) (link attached), in the "regional market area" that is the St. Catharines-Niagara CMA, the average rent is \$958 for a one bedroom unit and \$1137 for a two bedroom. So according to the definition of "affordable" any rent below those two rental threshold would be considered affordable according to the PPS. The specific area of the CMA that includes Pelham has an average rent of \$831 for a one bedroom and \$998 for a two bedroom rental unit. Consequently, if the rents for a 1000 sqft

SDU (ie 1 or 2 bedroom) fall within the average, it would be considered affordable. Either way, I don't think it can be concluded that these larger units would not be considered affordable pursuant to the PPS.

Finally, if there is the creation of affordable rental units at only 700-800 sqft, a one bedroom is likely the only option. In such case, it really limits the market as to who can take advantage of an affordable unit and is somewhat discriminatory. A single person or even a couple can live within that close confine. However a young family could not and would be forced to look elsewhere for more expensive living accommodations.

Overall, it is our clients position that the proposed zoning amendments for SDU's should allow for a maximum floor area of 1000 sqft in the residential zones and 1200 sq.ft. in the rural zones. We would be happy to discuss this further if you wish.

Please advise as to when Council will be considering your recommendation report. We also wish to be notified as to Council's decision.

Patrick Maloney

Partner

SULLIVAN MAHONEY LLP
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From: [REDACTED]
To: [Tara Lynn O'Toole](#)
Subject: SDU in Pelham - I Support
[REDACTED]

Good Morning Tara Lynn,

I registered to the site and witnessed the presentation for SDU's. I am in support of the SDU's. I believe it makes it an affordable option to have your aging parents be able to move into a comfortable environment and support them through their next chapter of their lives. The SDU's helps support this idea.

The purchase price of a home is not coming down anytime soon. With these new costs it makes it very difficult for families to be able to afford homes especially young adults and new home owners. The SDU's helps support families and young adults have a place to themselves.

Lastly, Pelham now becomes a more attractive place to want to move to. It allows families this SDU option knowing that if times get tough this is an option to make up some additional income and/or save on costs.

Thanks,
[REDACTED]