

Committee of Adjustment AGENDA

CofA 10/2021

October 5, 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 and subsequent publication to the Town's website at www.pelham.ca.

Pages

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

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

3. **Disclosure of Pecuniary Interest and General Nature Thereof**
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	<u>Pre-Registered Members of the Public</u>	
	1. Cindy Pfeffer	

6.2. B30/2021P - 1239 Pelham Street (Part 2)

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1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hyrdo One
5. Bell Canada
6. Adrienne Markarian and David Burke

Pre-Registered Members of the Public

1. Cindy Pfeffer

7. Minutes for Approval

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September 8, 2021

8. Adjournment

September 29, 2021

Ms. Holly Willford, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Minor Variance Application A35/2021P
260 Welland Road, Pelham
Part of Lot 5, Concession 10
Roll No. 2732 030 012 11800

The subject land is located on the south side of Welland Road, situated between Effingham Street and Staines Street, legally described above, and known locally as 260 Welland Road in the Town of Pelham.

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

- i. **Section 7.7 (a) "Maximum (Accessory) Lot Coverage"** seeking 1.4%, whereas 1% is required.
- ii. **Section 7.7 (d) "Maximum Building Height"** seeking 7.3 m, whereas 3.7 m is required.

The application is made for relief to construct an accessory storage building.

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.

As noted from pre-application comments from the Niagara Peninsula Conservation Authority (NPCA), the subject property is impacted by a Provincially Significant Wetland (PSW) known as the Fonhill Kame Wetland Complex. Development within 30 metres radius of a Provincially Significant Wetland requires NPCA review and approval. The NPCA has subsequently requested a work permit from the NPCA be implemented as a condition of approval. The complete work permit application will include an Erosion and Sediment Control Plan, along with the condition that an enhanced naturalized buffer between the proposed works to the edge of the PSW be established.

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.

As noted from comments from the Regional Planning & Development Services, the subject lands exhibit high potential for discovery of archaeological resources given their proximity (within 300m) to several past and present watercourses, as well as its location along a historic transportation route (Welland Road). Based on a review of aerial photography, the existing barn structure appears to have been constructed prior to 1960, and therefore the lands surrounding the proposed structure likely have not been subject to recent (post-1960), intensive (over all or most of the area), and extensive (thorough or complete) disturbance that would void the need for an archaeological assessment, as specified in the provincial screening criteria. The Town's Cultural Heritage Master Plan also identifies the subject lands as having composite potential for deeply buried archaeological resources. Given the anticipated significant ground disturbance

resulting from the proposed building, the applicant must conduct a Stage 1 Archeological Assessment prepared by a licensed archaeologist, and any subsequent assessments at further stages if required, and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture as a condition of approval.

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 subject to the results of the requested conditions.

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 Growth Plan designates the subject land as being within a 'Prime Agricultural Area' and the 'Provincial Natural Heritage System'. Therefore, the natural heritage system policies of the Growth Plan apply (policy 4.2.2).

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

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 proposed accessory building will be reusing the existing accessory building footprint, and expanding away from the existing natural heritage features, 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, the agricultural use of the surrounding lands and the adjacent natural heritage system subject to conditions as requested by the NPCA.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Good General 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) and Significant Woodland.

Regional policies require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 metres of PSW and within 50 metres of Significant Woodland. Further, Growth Plan policies also require that a minimum 30 metre Vegetation Protection Zone (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.

Regional Environmental Planning Staff note that the existing barn is located within the VPZ, while the proposed building expansion will be directed away from the natural heritage features. Given the scope, nature and location of the proposed development, Regional staff are satisfied that the proposed development is consistent with Provincial and Regional environmental policies, and offer no objections. Regional Staff recommended that standard erosion and sediment control fencing be installed prior to construction and maintained for the duration of construction. Staff also recommended planting additional native vegetation between the new accessory building and the adjacent wetland to the west.

Regional Private Septic System staff also reviewed the existing private septic system and offers no objections to the proposed accessory storage building, provided no plumbing or living space is included within it.

In conclusion, Regional staff are satisfied that the proposed development is consistent with Regional environmental policies and private septic system requirements, and offer no objections subject to the requested conditions.

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 'Good General Agricultural' and 'Environmental Protection One' as per Schedule 'A'.

Policy B2.1.1 states the purpose of the Good General Agricultural designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture.

Policy B2.1.2 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.

The proposed minor variance to seek relief from lot coverage and height requirement for the proposed accessory building 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 1.4%, whereas 1% is required.
- ii. **Section 7.7 (d) "Maximum Building Height"** seeking 7.3 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.	In considering the increase to the accessory building lot coverage to 1.4 %, 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 all buildings have an overall footprint of 638.8 m ² , which equates to an overall lot coverage of 3.2%. Adequate land area will remain available to handle stormwater runoff, maintain privacy, the existing septic system and preserve amenity area.

	<p>In considering the increase to the accessory building height to 7.3 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 building from the proposed accessory building. The accessory building is also situated on the rear yard, which can help screen the building from public view and minimize the visual impacts caused by the additional height.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>The increase of the accessory building lot coverage is desirable as the accessory building mainly reuses the existing building footprint on the property and the building design employs a typical rural built form and exterior finishes which help to demonstrate and maintain 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. The proposed accessory building is setback significantly from the roadway and from nearby buildings which also minimizes its impact on the landscape and surrounding area and uses.</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 'Good General Agricultural' designation of the Official Plan and 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>

	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.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The requested variance of the accessory building's height to 7.3 m, and increased lot coverage to 1.4 % 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 natural heritage features, subject to the results from the requested conditions. The variance maintains the intent of the Zoning By-law with respect to accessory building height, massing, siting and locational scale.

Agency & Public Comments

On August 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 (September 21, 2021)
 - Regional staff have no objection, subject to the satisfaction of any local requirements, and requested regional conditions (see attached regional comments, and conditions included below)
 - That the owner submits a Stage 1 Archaeological Assessment, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries, for review and approval with a copy provided to the Niagara Region. The report must be accepted by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. It should be noted that subsequent Stage 2, 3 or 4 study may be recommended to mitigate any adverse impacts to significant archaeological resources found on the site through preservation or resource removal and documentation. If the licensed archaeologist or the Ministry recommends/requires further Stage 2, 3 or 4 Archaeological

Assessments, these report(s) must also be submitted to and accepted by the Ministry, to the satisfaction of Niagara Region.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

- That the accessory building not contain any plumbing or living spaces.
- Building Division (September 21, 2021)
 - Building permit is required for the proposed accessory structure.
- Public Works Department (September 22, 2021)
 - No comments or concerns.
- Niagara Peninsula Conservation Authority (September 22, 2021)
 - The NPCA has no objection to the proposed variance, but will require:
 - A work permit from our office. A complete work permit application will include an Erosion and Sediment Control Plan, as well as an enhanced naturalized buffer between the proposed works to the edge of the PSW. An NPCA Work Permit (New Construction) is \$1405.

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

Planning Staff Comments

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

The proposed minor variance application seeks zoning relief to increase the maximum (accessory) building height from 3.7 m to 7.3 m and to increase the maximum (accessory) lot coverage from 1 % to 1.4 %, in order to accommodate the proposed 278.7 m² (3000 ft²) accessory building.

Planning staff are of the opinion that, subject to conditions, the proposed 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.

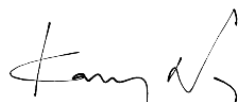
In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans. The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Given this analysis, Planning staff recommend that minor variance file A35/2021P **be approved** subject to the following conditions:

THAT the applicant

- Conduct and submit a Stage 1 Archaeological Assessment, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries, for review and approval with a copy provided to the Niagara Region. The report must be accepted by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. If required, subsequent Stage 2, 3 or 4 Archaeological Assessment must also be submitted to and accepted by the Ministry, to the satisfaction of Niagara Region. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
- Apply for and receive work permit from the NPCA prior to Building Permit. The complete work permit application shall include an Erosion and Sediment Control Plan, along with the establishment of an enhanced naturalized buffer between the proposed works to the edge of the PSW.
- Apply for and receive Building Permit for the proposed accessory building prior to construction.
- Ensure no plumbing or living spaces be provided within the accessory building at the time of building permit.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,



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

Memo

To: Sarah Leach, Deputy Clerk

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Taylor Boyle, Engineering Technologist

Date: 22 September 2021

File No.: A35/2021P

RE: Minor Variance – 260 Welland Road, Pelham

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application seeking relief, to construct an accessory storage building, from:

Section 7.7(a) “Maximum (Accessory) Lot Coverage - to permit a maximum lot coverage of 1.4% whereas the by-law allows 1% provided the maximum lot coverage of all buildings does not exceed 10 percent; and

Section 7.7(d) “Maximum Building Height” – to permit a maximum building height of 7.3m whereas the by-law allows 3.7m.

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Public Works Staff have reviewed the submitted documentation and have no comments or concerns.

To: Sarah Leach

Cc: Kenny Ng

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

Date: September 21st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – October 5th, 2021 Hearing

Comment for Re: Files #A35 – 260 Welland Rd.

The building department offers the following comment,

- Building permit is required for the proposed accessory structure

Comment for Re: Files #A36 - 363 Canboro Rd.

The building department offers the following comment,

- Building permit is required for the proposed 2 storey dwelling, building code compliance will be a requirement.
- Retaining walls greater than 1m require a building permit.

Comment for Re: Files #B29 & B30 – 1239 Pelham St. Parts 2 & 3

The building department offers no comment,

Kind Regards,

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

Planning and Development Services

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

Via Email Only

September 21, 2021

File No.: D.17.06.MV-21-0072

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 Application
Town File No.: A35/2021P
Agent: Joel Rypstra
Address: 260 Welland Road
Town of Pelham**

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

Pre-consultation comments for the proposal were provided via email on May 13, 2021. 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 located within a Prime Agricultural Area under the Provincial Policy Statement (PPS) and are designated as Good General Agricultural Area in the Regional Official Plan (ROP).

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. Permitted uses in these areas include agriculture, agriculture-related, and on-farm diversified uses. Provincial and Regional

policies also permit expansions to legally established existing uses within these designations, provided the expansion will not have a negative impact on environmental features or result in the intrusion of new incompatible uses. The expansion or change in use is also subject to the need and desirability of the operation; regard for environmental, agricultural, and other policies of the ROP; compatibility with existing surrounding uses; access and servicing requirements being met; and no additional municipal services being required.

The proposed building will be accessory to an existing dwelling on the subject property. As outlined further below, the proposed accessory building will not have a negative impact on the environmental features on the property. Further, the property is privately serviced, and therefore new municipal services will not be required, and there are no servicing concerns associated with the proposal. The proposed accessory building will be situated in close proximity to the existing dwelling, and therefore should not hinder future agricultural use of the property. Additionally, the proposed accessory building should not impede agricultural use of the adjacent properties. Accordingly, Regional staff are of the opinion that the proposed use 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 Fonthill Kame Provincially Significant Wetland Complex (PSW) and Significant Woodland (see map attached in Appendix). The property is within the Provincial Natural Heritage System (PNHS) of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), which identifies these features as Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF), and are subject to the natural heritage policies of the Growth Plan.

Growth 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 and within 50 metres of Significant Woodland. Further, Growth Plan policies also require that a minimum 30 metre Vegetation Protection Zone (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.

An existing building on the property is proposed to be replaced by a larger building, both of which are in the VPZ of the PSW. Growth Plan policies allow for expansions to existing accessory structures provided that the use does not expand into KNHF/KHF or their VPZ unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure. Since the existing storage building is already within the VPZ and the new storage building expansion is directed away from the PSW, Regional staff are satisfied that the proposed development conforms to Growth Plan policies.

Regional Environmental Planning staff are satisfied that the proposed development is consistent with Provincial and Regional environmental policies, and offer no objections. Although not required to address Provincial and Regional environmental policies, it is recommended that standard erosion and sediment control fencing be installed prior to construction and maintained for the duration of construction. It is also recommended that consideration be given to planting additional native vegetation between the new storage building and the adjacent wetland.

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 (including the construction of buildings and structures requiring approval under the *Planning Act*) 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 (Welland Road). The foundation plans circulated with the application show that the proposed storage building will be constructed with full foundation walls. This manner of construction will result in significant ground disturbance that has the potential to unearth deeply buried archeological resources.

As identified in the pre-consultation comments provided to Town staff, although the proposed storage building will be partially situated on the footprint of an existing building on the subject property, historical aerial photography appears to show that this existing building may have been constructed prior to 1960. Provincial screening criteria states that the requirement for an archeological assessment can only be waived when there is evidence that the development area has been subject to recent (defined as occurring after 1960), extensive (defined as occurring over all or most of the area) and intensive (defined as resulting in thorough or complete disturbance) ground disturbance. Accordingly, the existing structure cannot be considered recent ground disturbance under Provincial screening criteria, and it is recommended that a Stage 1 Archeological Assessment, and any subsequent required assessments, be required as a condition of approval for the portion of the property that will be disturbed as a result of the proposed development.

Private Servicing

Regional records indicate that a sewage system consisting of a septic tank and filter bed (Class 4 system) was installed on the subject property in 2007, with approval from the Niagara Region Public Health Department. This existing septic system is located north of the existing dwelling. The proposed accessory storage building meets the

required setbacks to this existing septic system as per the Ontario Building Code (OBC). No living space, plumbing fixtures or bedrooms are permitted in the proposed accessory storage building. The subject property also contains sufficient usable area for a replacement system in the future if required.

Therefore, based the information submitted for the minor variance application, Regional Private Septic System staff have no objections to the proposed accessory storage building, provided no plumbing or living space is included within it.

Conclusion

In conclusion, Regional staff have no objection to this minor variance application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements, and provided the following conditions are implemented to ensure the variance maintains the intent and purpose of Regional Official Plan policies pertaining to the conservation of archaeological resources, as well as the provision of adequate private servicing:

1. That the owner submits a Stage 1 Archaeological Assessment, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries, for review and approval with a copy provided to the Niagara Region. The report must be accepted by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. It should be noted that subsequent Stage 2, 3 or 4 study may be recommended to mitigate any adverse impacts to significant archaeological resources found on the site through preservation or resource removal and documentation. If the licensed archaeologist or the Ministry recommends/requires further Stage 2, 3 or 4 Archaeological Assessments, these report(s) must also be submitted to and accepted by the Ministry, to the satisfaction of Niagara Region.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the accessory building not contain any plumbing or living spaces.

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

Please send 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, or Aimee Alderman, MCIP, RPP, Senior Development Planner at Aimee.Alderman@niagararegion.ca.

Kind regards,

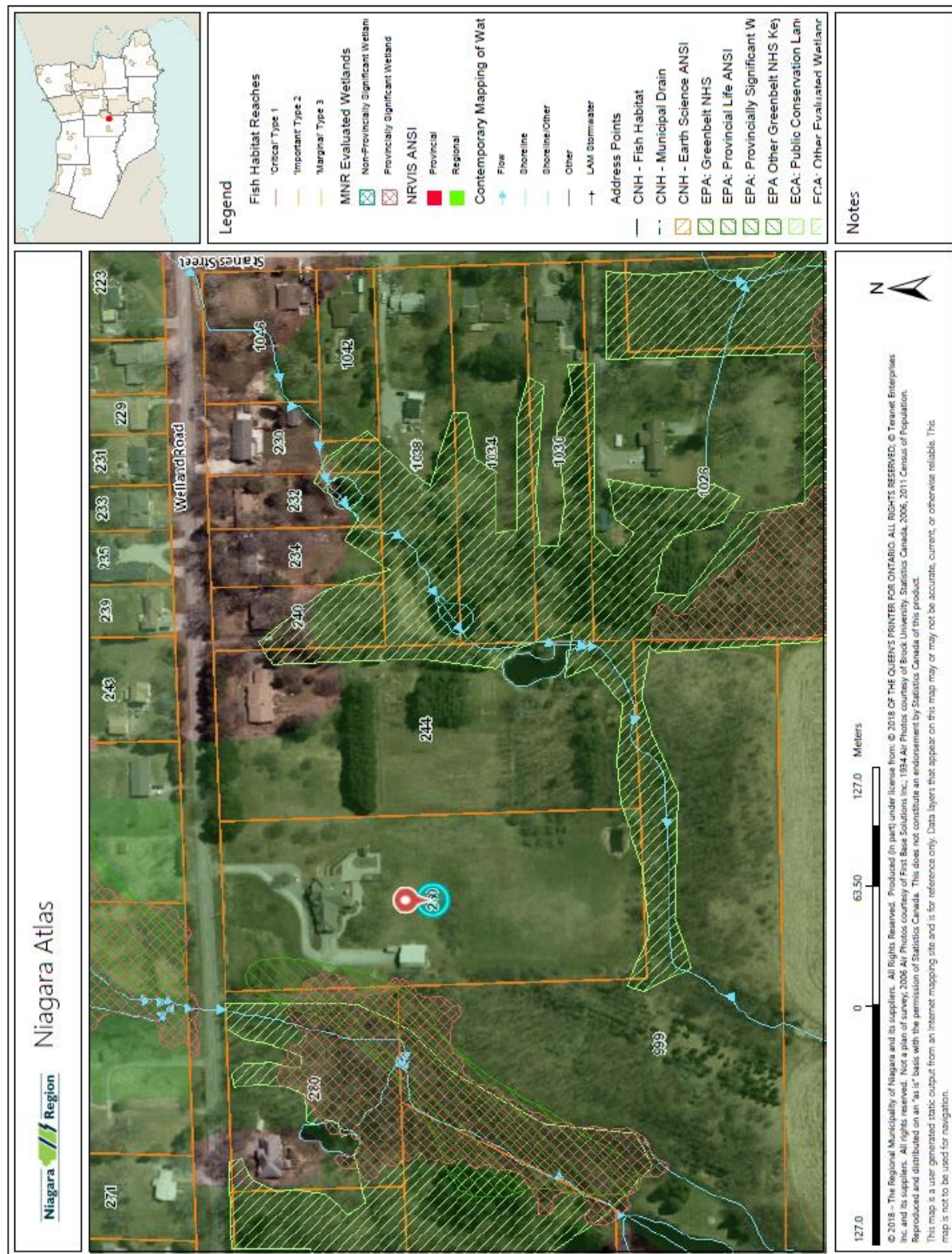
A handwritten signature in black ink, appearing to read 'Amy Shanks', with a stylized, flowing script.

Amy Shanks
Development Planner

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region
Devon Haluka, Private Sewage System Inspector, Niagara Region
Kenny Ng, Planner, Town of Pelham

Appendix: Core Natural Heritage System Mapping

Appendix: Core Natural Heritage System Mapping



September 22, 2021

Our File No.: PLMV202101276

BY E-MAIL ONLY

Town of Pelham
Planning Department/Committee of Adjustment
20 Pelham Town Square,
P.O. Box 400,
Fonthill ON
L0S 1C0

Attention: Kenny Ng, Planner

Subject: Application for Minor Variance, (A35/2021P)
260 WELLAND RD

NPCA staff have reviewed the above noted application and offer the following comments.

Application A35/2021P is made to permit a maximum lot coverage of 1.4% whereas the by-law allows 1% provided the maximum lot coverage of all buildings does not exceed 10 percent; and to permit a maximum building height of 7.3m whereas the by-law allows 3.7m.

The Niagara Peninsula Conservation Authority staff have reviewed the regulated mapping for the subject property and note the property is impacted by an NPCA regulated Provincially Significant Wetland.

NPCA Policy

NPCA Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document.

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The NPCA's *Policies for the Administration of Ontario Regulation 155/06 and The Planning Act*. (NPCA policies) provides direction for managing NPCA regulated features.

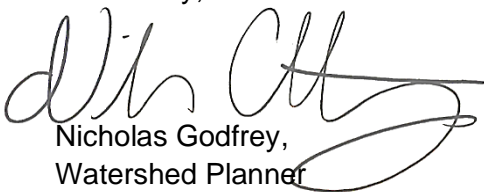
The subject properties identified in the application features a Provincially Significant Wetland) known as the Fonthill Kame Wetland Complex. Development within 30m of a PSW requires NPCA review and approval.

The NPCA has no objection to the proposed variance, but will require:

- A work permit from our office. A complete work permit application will include an Erosion and Sediment Control Plan, as well as an enhanced naturalized buffer between the proposed works to the edge of the PSW. An NPCA Work Permit (New Construction) is \$1405.

Please do not hesitate to contact me if you require further information.

Yours truly,



Nicholas Godfrey,
Watershed Planner
(905) 788-3135, ext. 278

September 29, 2021

Ms. Holly Willford, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Minor Variance Application A36/2021P
368 Canboro Road, Pelham
Part of Lot 7, Concession 8
Roll No. 2732 020 013 09400

The subject land is located on the south side of Canboro Road, lying west of Effingham Street, legally described above, and known locally as 368 Canboro Road in the Town of Pelham.

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

- i. **Section 6.16(d)(iv) "Ingress and Egress – Minimum Distance Between Driveways"** – to permit a minimum distance between driveways of 3.5 metres from the western property line and 1.5 metres from the eastern property line whereas the by-law requires 7.5 metres.
- ii. **Section 7.4(c) "Maximum Lot Coverage"** – to permit a maximum lot coverage of 15% whereas the by-law allows 10%;
- iii. **Section 7.4(d) "Minimum Front Yard"** – to permit a minimum front yard of 11 metres whereas the by-law requires 13 metres; and
- i. **Section 7.4(f) "Minimum Side Yard"** – to permit a minimum side yard of 1.2 metres whereas the by-law requires 9 metres.

The proposal seeks to construct a two-storey single detached dwelling.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

Provincial Policy Statement (PPS), 2020

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

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The Provincial Policy Statement (PPS) designates the subject land within the ‘Prime Agricultural Area’. ‘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). The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations.

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 also identifies this area as having composite archaeological resource potential. Given the anticipated significant ground disturbance resulting from the proposed building, the applicant must conduct a Stage 1-2 Archaeological Assessment and receive Clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries as a condition of approval.

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

Greenbelt Plan (2017)

The subject land is designated ‘Tender Fruit & Grape Lands’ (Specialty Crop Area) within the Greenbelt Plan’s Protected Countryside.

Policy 4.5.2 (Existing Uses) – states that for lands within the Protected Countryside, single dwellings are permitted on existing lots of record, provided they were zoned for such as of December 16, 2004. Municipalities are encouraged to discourage non-agricultural uses where appropriate.

The proposed dwelling does not conflict with Greenbelt Plan policy.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as ‘Protected Countryside’ and ‘Unique Agricultural Area’ according to Schedules A and B, respectively.

Policy 5.B.6 states that single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

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’ 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.

Planning staff are of the opinion that the proposed redevelopment is in conformity with the Town of Pelham Official Plan and should not compromise drainage, privacy or sensitive natural heritage feature and is in keeping with the overall character of the neighbourhood subject to the demonstration of appropriate urban design and fulfillment of the conditions of approval which must be satisfied prior to applying for Building Permit.

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 6.16(d)(iv) “Ingress and Egress – Minimum Distance Between Driveways” – to**

permit a minimum distance between driveways of 3.5 metres from the western property line and 1.5 metres from the eastern property line whereas the by-law requires 7.5 metres.

- ii. **Section 7.4(c) “Maximum Lot Coverage”** – to permit a maximum lot coverage of 15% whereas the by-law allows 10%;
- iii. **Section 7.4(d) “Minimum Front Yard”** – to permit a minimum front yard of 11 metres whereas the by-law requires 13 metres; and
- iv. **Section 7.4(f) “Minimum Side Yard”** – to permit a minimum side yard of 1.2 metres whereas the by-law requires 9 metres.

The Committee of Adjustment, in accordance with 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 maximum building lot coverage to 15 %, 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 subject lot has an overall area of 2172.75 m², with the proposed building area of 242 m² which equates to an overall lot coverage of 11.14%. The additional lot coverage was requested to accommodate for any future accessory building which would likely be situated at the rear yard and screened from public view. Adequate land area will remain available to handle stormwater runoff (subject to the requested lot grading plan) and preserve rear yard amenity area, and to allow for the construction of a new septic system as per Region’s request to service the proposed dwelling. Elevation plans and perspective drawings are requested as a condition of approval to demonstrate neighbourhood compatibility and appropriate transition between subject and adjacent properties.</p> <p>The proposed reduced front yard variance is minor overall as there will still be adequate distance that separates the main building face from the public street, the proposed building is also setback further than the existing building and is generally in-line with adjacent properties. This</p>

	<p>portion of Canboro Road generally has buildings closer to the street than what is the required setback in the Zoning By-law; maintaining this streetscape and building setback line is important to the character of Canboro Road.</p> <p>The proposed reduced side yard variance is minor overall as the required setback is indented for rural residential purposes which are characterized by significantly larger agricultural lots with an established frontage and would comfortably allow for the implementation of the required setback. Given the restrictive lot frontage and the overall narrow shape of the subject lot, this variance is considered minor subject to the demonstration that the proposed redevelopment will not result in any drainage issues to the neighbouring properties.</p> <p>The proposed reduced distance between driveway and lot lines variance is minor overall as it faces the similar constraints as the side yard requirement with regards to the limited lot frontage. Moreover, the proposed driveway is generally located in the same area as the existing driveway and will be located more centrally within the site. The intent of the required distance is to also ensure safe vehicular movements, a reduction in distance is acceptable and no issues were identified with respect to sight line concerns, site accessibility and vehicle maneuverability.</p> <p>The variances are considered minor in nature as no detrimental impact to the subject and adjacent lands are anticipated, subject to the demonstration of adequate drainage and private servicing capacity. The location of the proposed building is reasonable and the size of the new building should not have adverse impacts to the subject and surrounding properties subject to the demonstration of neighbourhood character compatibility through the requested elevation plans and perspective drawings.</p>
2. The variance is desirable for the development or	<p>The increase of the building lot coverage is desirable as the overall lot coverage is not significantly increased and the proposed dwelling is an average sized dwelling, while the</p>

use of the land.	<p>lot is considered an undersized lot and is an existing lot of record.</p> <p>The side yard setback variance is considered desirable as the proposed dwelling has approximately the same side yard setback (to the west) as the existing building and the existing mature trees situated on the west property line can provide for visual screening for the proposed dwelling and adjacent properties. All existing trees are expected to be preserved and a Trees Saving Plan is requested to demonstrate this intent and effort.</p> <p>The reduced driveway minimum distance variance is considered desirable as it will be relocated to a more central location within the site and would in turn improve vehicular circulation and accessibility.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The proposed single detached dwelling is a permitted use in the 'Specialty Agricultural' designation of the Official Plan and uses which are compatible with agriculture are permitted. The requested lot coverage and setback variances should have no impact on the agricultural viability of the subject lands or the agricultural use of the surrounding area and will not compromise the objectives of the Official Plan, with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities which are subject to the demonstration and satisfaction of the requested conditions of approval.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The variances maintain the general intent of the Zoning By-law as the subject site is located in an area which can be characterized as a rural village and smaller, narrow lots similar to the subject site exist quite commonly in the surrounding neighbourhood. The requested variances will allow for a slightly larger rural residential dwelling without creating an egregious building that is completely out of character in the surrounding neighbourhood. The requested plans/drawings must display how the proposed dwelling will provide a harmonious transition between the adjacent properties to the subject property to address any potential height and massing concerns.</p>

Agency & Public Comments

On September 15, 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:

- Building Division (September 21, 2021)
 - Building permit is required for the proposed 2 storey dwelling, building code compliance will be a requirement.
 - Retaining walls greater than 1m require a building permit.
- Public Works Department (September 20, 2021)
 - The following comments shall be addressed to the satisfaction of the Director of Public Works.
 - Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.
 - Please be advised that construction of a new driveway or any modifications to existing driveways/entrance will require a Driveway Entrance and Culvert Permit. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.
- Niagara Region Development Services Division (Original comments received on September 21, 2021)
 - Unsupportive of the application and has concerns that whether the existing site conditions can support a new septic system. Requested a detailed septic design by an approved septic contractor/designer to be submitted to the Department meeting Ontario Building Code requirements to confirm if the proposed development can be serviced on the restrictive lot.
- Niagara Region Development Services Division (Revised comments received on September 24, 2021)
 - Region's position remains unchanged that a new septic system must be required and due to access the septic system will need to be built first before the new home.
 - The septic design and permit application is requested as a condition of approval. Nothing can be built upon a septic system in order to ensure it will function effectively into the future. The septic system must also comply with setbacks in accordance with the Ontario Building Code.

One (1) public comment was received from a neighbouring property owner (372 Canboro), which is included on the Committee's Agenda and summarized below:

- Yvon Audette & Wendy Audette (September 22, 2021)
 - Object to the lot coverage and side yard setback variances.
 - Concern that the proposed dwelling may not fit with the existing rural residential neighbourhood built form and character.
 - Main concern being the reduced side yard setback which may disrupt the existing mature trees which are currently on the west property line and on subject and adjacent lands. Another concern raised is that the limited access to the backyard which may lead to repeated requests to use adjacent neighbour's land for access.

Planning Staff Comments

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on May 19, 2021 to discuss the subject application. In addition to a Site Plan and a Survey sketch, a Planning Justification Brief prepared by Upper Canada Consultants dated September 2, 2021 was also submitted in support of the proposed development. Planning staff have reviewed the *Planning Justification Brief*, as well as all agency and public correspondence submitted to date.

The subject lands are located on the south of Canboro Road, west of Effingham Street and are surrounded by the following:

- North – Farm with rural residential dwellings
- East – Rural residential dwellings
- South – Farm with rural residential dwellings
- West – Rural residential dwellings

Subject to the conditions that have been recommended, staff is of the opinion that the proposed variance will not have a negative impact on the subject property nor any neighbouring properties. The proposal makes efficient use of the land, will not result in overbuilding of the property, will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and should not be of detrimental impact to the lands, the street or surrounding area.

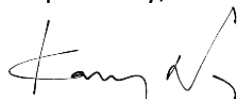
In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans. The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Given this analysis, Planning staff recommend that minor variance file A36/2021P **be approved** subject to the following conditions:

THAT the applicant

- Apply for and submit a New Septic Permit Application along with a detailed septic design by an approved septic contractor/designer, to the Niagara Region, for review and approval. The plan must demonstrate that the proposed development can be serviced by a new septic system on the restrictive lot, to the satisfaction of the Niagara Region. No construction shall commence prior to the clearance of this condition and upon a new septic system in place which can ensure full functionality.
- Conduct a Stage 1-2 Archaeological Assessment and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries.
- Undertake a Tree Savings Plan identifying trees to be retained and remain undisrupted to the satisfaction of the Director of Community Planning and Development.
- Provide front and side dwelling *Elevation Plan(s)* and perspective view drawing(s) that positively contribute to the surrounding neighbourhood and demonstrate compatibility and harmonious transition with the existing streetscape with respect to height, massing and design continuity, through the use of a front porch, windows symmetrically proportionate to the building's mass, a congruent use of exterior cladding, reduced garage dominance, etc., to the satisfaction of the Director of Community Planning & Development. Said *Elevation Plans* shall be substantially unaltered from those at the time of building permit.
- Submit a comprehensive overall lot grading plan, to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works.
- Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to Building Permit and the Applicant shall bear all costs associated with the works.
- Apply for and receive Building Permit for the proposed dwelling and retaining walls prior to construction.

Prepared by,

Kenny Ng, B.ES
Planner

Approved by,

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

Memo

To: Sarah Leach, Deputy Clerk

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Taylor Boyle, Engineering Technologist

Date: 22 September 2021

File No.: A36/2021P

RE: Minor Variance – 368 Canboro Road

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application seeking relief to construct a 2-storey single detached dwelling, from:

- **Section 7.4(c) “Maximum Lot Coverage”** – to permit a maximum lot coverage of 15% whereas the by-law allows 10%;
- **Section 7.4(d) “Minimum Front Yard”** – to permit a minimum front yard of 11 metres whereas the by-law requires 13 metres;
- **Section 7.4(f) “Minimum Side Yard”** – to permit a minimum side yard of 1.2 metres whereas the by-law requires 9 metres; and
- **Section 6.16(d)(iv) “Ingress and Egress – Minimum Distance Between Driveways”** – to permit a minimum distance between driveways of 3.5 metres from the eastern property lines and 1.5 metres from the western property line whereas the by-law requires 7.5 metres.

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

- Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.
- Please be advised that construction of a new driveway or any modifications to existing entrance on Town property will require a Driveway Entrance and Culvert Permit. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

To: Sarah Leach

Cc: Kenny Ng

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

Date: September 21st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – October 5th, 2021 Hearing

Comment for Re: Files #A35 – 260 Welland Rd.

The building department offers the following comment,

- Building permit is required for the proposed accessory structure

Comment for Re: Files #A36 - 363 Canboro Rd.

The building department offers the following comment,

- Building permit is required for the proposed 2 storey dwelling, building code compliance will be a requirement.
- Retaining walls greater than 1m require a building permit.

Comment for Re: Files #B29 & B30 – 1239 Pelham St. Parts 2 & 3

The building department offers no comment,

Kind Regards,

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

Via Email Only

September 21, 2021

Holly Willford,
Secretary-Treasurer of the Committee of Adjustment
20 Pelham Town Square, P.O. Box 400,
Fonthill, ON L0S 1E0

Re: Application for Minor Variance

Location: 368 Canboro Road, Pelham

File NO.: A36/2021P

Regional File: MV-21-0077

Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the City in its consideration of this application.

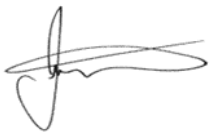
Private Sewage System Review

According to the plans submitted, the applicant is proposing to remove an existing dwelling and construct a new dwelling. The applicant has requested relief from lot coverage, distances between driveways and both the front and side yard setbacks.

No records were found for the existing sewage system servicing the property. The proposed development will increase the sewage flow on the property and therefore, require a new septic system to be installed to service the site. Considering the shape of the lot along with the additional sewage flows there is limited usable area on the property to install a new septic system. A detailed septic design by an approved septic contractor/designer must be submitted to our Department to confirm if the proposed development can be service on the restrictive lot. Approval for the new septic system is also required from the Niagara Peninsula Conservation Authority (NPCA), as a new system would encroach onto regulated lands. Please note that a new septic system may not be able to support the proposed dwelling.

Therefore, our department is unable to support the application as submitted. A detailed septic design by an approved septic contractor/designer must be submitted to our Department meeting Ontario Building Code requirements to confirm if the proposed development can be service on the restrictive lot. Approval for the new septic system is also required from the Niagara Peninsula Conservation Authority (NPCA).

Respectfully,



Justin Noort, Private Sewage System Inspector

cc: Amy Shanks, Development Planner, Planning and Development Services
Matteo Ramundo, Development Approvals Technician, Planning and Development Services

Sarah Leach

From: Lambert, Phill <Phill.Lambert@niagararegion.ca>
Sent: Friday, September 24, 2021 9:04 AM
To: 'William Heikoop'
Cc: Whyte, Jon; Shanks, Amy; Sarah Leach; Noort, Justin; Morreale, Diana;
[REDACTED]
Subject: RE: A36/2021P - Unsupportive Regional Comments

Hi William

Thanks for speaking with me yesterday. We appreciate and understand your position and are prepared to offer a compromise.

At the end of the day, we are trying to ensure that the owners have a fulsome understanding of the requirements for the septic system to support their development and that this doesn't become an issue at the 11th hour when all plans have been completed.

With our comments to have a septic system design at the Minor Variance stage, we are trying to achieve a balance of making sure that the homeowner is aware of the future impacts of a new septic system and how much land it is going to take up and cost. We've had situations like these come back to bite us in the past, when the homeowner has invested in and completed their future building plans (including landscaping plans with pool, patio, deck, shed, etc.) but then struggles with the requirements and available land for the supporting new septic system and fitting it in to the remaining space or having a more expensive system needed and possible reductions in the number of bathrooms, bedrooms, fixtures, or size of the proposed building to reduce the septic design flow and size of the new septic.

In this case, a new septic system will be required and due to access it seems as though the septic system will need to be built first before the new home as there doesn't appear to be another way into the back area which is the most likely location available for a new septic system.

In this case, we can make the septic design and permit application a condition of approval for the Minor Variance which will allow for the C of A meeting to continue as planned with approval in principle. This will allow for time to have the detailed home design and septic design to be completed and a better understanding for the homeowner of how much the new septic will cost and how much room it will take up. Please note that nothing can be built upon a septic system in order to ensure it will function effectively into the future. There are also required setbacks from a septic system in accordance with the Ontario Building Code.

Please let me know if you have any questions or would like to talk further about this.

Take Care

Phill Lambert. P. Eng.

Director, Infrastructure Planning & Development Engineering
Planning & Development Services Department
1815 Sir Isaac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Sarah Leach

To: Nicholas Godfrey
Subject: RE: A36/2021P - Unsupportive Regional Comments

From: Nicholas Godfrey <ngodfrey@npca.ca>
Sent: Friday, September 24, 2021 10:14 AM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Kenny Ng <KNg@pelham.ca>
Subject: RE: A36/2021P - Unsupportive Regional Comments

Hi Sarah,

Our position is the same as in the pre-con: The NPCA conducted a site visit at 368 Canboro Road, and noted that the regulated watercourse which appears on our mapping was not present on site. No evidence of a defined channel was observed on or adjacent to where the feature is mapped. Drainage is likely sheet flow south from Canboro Road to a low spot – potential pond (off-site and not accessible). A watercourse was present immediately south of the southern property line with a culvert entering into the previously described pond. As such, the NPCA has no concerns with the owner's proposal to construct a dwelling and no requirements at this time.

Based upon our observances from the site visit, we would not require a permit, nor would we consider this property impacted by any NPCA regulated features.

Best,

Nicholas Godfrey, M.A.
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 278

ngodfrey@npca.ca

www.npca.ca

Sept. 20, 2021

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

RE: File Number A36/2021P

Committee of Adjustment Members,

We object to the granting of minor variances Section 7.4(c) "Maximum Lot Coverage" and Section 7.4(f) "Minimum Side Yard" requested for 368 Canboro Rd. under File Number A36/2021P.

The application to increase Maximum Lot Coverage from 10% to 15% is a substantial increase of 50%. When this is accompanied by the request for the reduction of both side yards to 1.2 metres each, these variances, if granted, will allow the construction of a dwelling that is incompatible with the existing streetscape and the Agricultural 'A' zoning of this area.

The subject property is located in Ridgeville. According to the Town of Pelham Official Plan posted on the Town website, this area is designated as The Canboro Road Corridor. It is "considered to be an area of significant potential for enhancement as a rural promenade characterized by public parks and spaces geared to pedestrians and cyclists, as well as agricultural tourism". The majority of properties in this area consist of older homes with mature trees, separated by open spaces. Infilling has occurred, however, these newer homes also have open spaces around them, allowing the existing mature trees to remain and preserving the scenic, agricultural character of the neighbourhood. While a narrow two-storey dwelling with both side yards a minimum of only 1.2 metres wide may be acceptable in the designated Settlement Areas of Fonthill and Fenwick, it does not conform to the Official Plan's vision of a "rural promenade".

The need for FOUR variances to the zoning by-laws to enable the construction of the proposed dwelling is an indication that it is incompatible with the desired character of the area that the by-laws were created to maintain. If all variances are granted, the result will be a house that is much longer, wider and taller than the homes to the immediate east of it with similar lot frontages. This building will be out of character with the existing pattern of development and planning goals for Canboro Road.

We are particularly opposed to the application for variance Section 7.4(f) "Minimum Side Yard" to permit a reduction to a minimum of 1.2 metres on the side yard abutting our property to the west of the proposed dwelling. Digging this close to the property line for the construction of the building will damage the roots of large mature trees on our property, especially those adjacent to the open area between the existing dwelling and garage, shown in

the accompanying photographs. This will lead to their decline and eventual death, adversely affecting the enjoyment of our home. These trees form a visual boundary and privacy screen between yards. They shade our house from the hot sun in summer, which keeps it cooler and reduces our energy consumption. In addition, the removal of the dead trees would be our financial responsibility and may result in further damage to our yard and gardens, as they are very tall.

We also object to the reduction in minimum side yard permitted because it will severely restrict the owners' access to the rear of their own property. The proposed retaining wall to the east of the dwelling, as shown on the Site Plan, blocks access via that side yard, leaving the western side yard as the only alternative. This may result in repeated requests to use our yard and driveway to access their backyard for landscaping or other purposes, possibly causing damage to our lawn, trees, gardens and septic tile bed, as well as loss of privacy. Reducing the side yard to only 1.2 metres will also create problems with access for building maintenance, such as roof repair, or maintenance of the septic system.

The two-storey height and the length of the proposed building allowed by granting the requested "Maximum Lot Coverage" variance will completely fill the open area between the existing dwelling and garage. With a minimum side yard of only 1.2 metres, this will destroy the feeling of openness and space we now have, especially without the trees to provide a screen. It will also permanently shade the backyard of the smaller house to the east. (See photograph D)

The extent of the impact to our property of the variances requested for Section 7.4(c) "Maximum Lot Coverage" and Section 7.4(f) "Minimum Side Yard" shows that they cannot be considered as minor variances.

In conclusion, the proposed dwelling is simply too large and inappropriate for the size and configuration of a property in an area zoned Agricultural 'A'. The variances requested are not minor and, if granted, would set a precedent for future applications. The resulting over-building of lots would destroy the scenic character of The Canboro Road Corridor. We respectfully urge the Committee to deny these applications.

Thank you for the opportunity to comment on this matter,

x
Yvon and Wendy Audette
[redacted] Canboro Rd.
Ridgeville, ON
L0S 1M0

Wendy Audette
Yvon Audette

368 CRANBORO RD. ↗



372 CRANBORO RD. ↗

PHOTOGRAPH A
VIEW ACROSS FRONT YARD OF 372 CRANBORO RD.
SHOWING TREES ALONG PROPERTY LINE OF

← 368 CANBORO RD.
EAST

372 CANBORO R
→ WEST



PHOTOGRAPH B
FRONT VIEW OF SUBJECT PROPERTY
368 CANBORO RD. SHOWING WESTERN
SIDE YARD.

← PROPOSED 2-STORY DWELLING →

PROPOSED
COVERED DECK



PHOTOGRAPH C

VIEW OF EXISTING GARAGE ON
SUBJECT PROPERTY 368 CANBORO RD

APPROXIMATE LOCATION OF
PROPOSED DWELLING AND COVERED
DECK SHOWING TREES THAT
WOULD BE LOST



PHOTOGRAPH D
VIEW OF SUBJECT PROPERTY FROM SIDE
PORCH OF 372 CANBORO RD.
APPROXIMATE LOCATION OF PROPOSED

September 29, 2021

Ms. Holly Willford, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Consent Application B29-2021P
1239 Pelham St, Pelham
Part of Lot 177, Formerly Part of Thorold Township now Pelham (Part 3 on Sketch)
Roll No. 2732 030 019 07300

The subject parcel, shown as Part 3 on the attached sketch, has a frontage of 21.34m on the east side of Pelham Street lying south of Merritt Road, being Part of Lot 177 in the Town of Pelham.

Application is made for partial discharge of mortgage and consent to convey 1235.2 square metres of land (Part 3), for future construction of a single detached dwelling. Parts 1 and 2 are to be retained for continued residential use of the dwelling known municipally as 1239 Pelham Street.

Note: This application is being considered concurrently with Consent File B30/2021P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

- a) The development's effect on Provincial matters of interest;
 - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - The lot creation is not premature and is able to uphold public interest as it is within Urban Area Boundary and is seen as an appropriate form of gentle intensification.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - See Official Plan analysis below. The proposed lot should not compromise the existing subdivision parcel fabric as it does not hinder further surrounding redevelopment opportunities.
- d) The suitability of the land for such purposes;

- The lands (and neighbourhood) are predominantly lower to medium density residential with mostly ground-oriented development. The proposed consent would facilitate the construction of one additional single detached residential dwelling in each new lot.
- 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.
- 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 consistent with traditional neighbourhood development practice considering 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.

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 composite archaeological resource potential. As a result, a Stage 1 – 2 Archaeological Assessment was conducted and forwarded by the applicant.

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 majority being single detached dwellings. Single detached dwellings are also the only (principle) permitted use under the R1 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 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 Arterial 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 is required as a condition of approval.

Policy A4.1.1 Urban Living Area states that 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 Pelham Street, which is an Arterial 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 Arterial 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 any other ground oriented residential development.
 - ✓ The proposed lots comply with all applicable R1 zone requirements.
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.
 - ✓ The Town recently adopted second dwelling unit by-law amendment which permits second dwelling unit on a lot in the Residential 1(R1) zone, subject to applicable regulations.

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 serving a single dwelling unit should not cause a traffic hazard considering the speed of traffic in proximity and overall traffic volume.
- 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. Water and sanitary service available from Pelham Street.
- 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 subject lands are located in a mature neighbourhood which is consist of established residential development with little prospect for significant change in the future.
- 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.
- 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 conditions of approval.

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

The subject land is currently zoned 'Residential 1' (R1) according to the Zoning By-law. The

permitted uses include:

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

The proposed and retained lot comply with lot requirements and the proposed single detached dwelling is also planned to comply with zoning regulations.

Agency & Public Comments

On August 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:

- Hrdro One (September 8, 2021)
 - No concerns or comments.
- Building Department (September 21, 2021)
 - No comments.
- Public Works Department (August 27, 2021)
 - Town staff have reviewed the submitted documentation offer the following comments:
 - Town of Pelham staff require that the applicant submit 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.
 - The applicant must confirm that no existing utilities cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
 - All new lots will require individual driveways. The applicants must obtain a Driveway Entrance and Culvert Permit for the construction of all new or modifications of existing driveways or entrances. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

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

- Adrienne Markarian and David Burke (September 21, 2021)

- Drainage concerns pertaining to the swale/culvert located between Part 3 and Part 2, not able to handle flooding and may instead flows towards own back yard.
- Concern that own sump pumps cannot handle additional stormwater from planned dwellings.

Planning Staff Comments

The subject application is for consent to partial mortgage discharge and to convey (sever) 1235.2 square metres of land (Part 3) for a single detached residential lot. Part 1 is to be retained for continued residential use of the dwelling and Part 2 is to be severed for a single detached residential lot (B30/2021P).

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 1, 2021 to discuss the subject applications. In addition to the Consent Sketch, a draft Grading Plan, a Stage 1 – 2 Archaeological Assessment and a Planning Justification Report were also provided in support of the proposed development.

The subject lands are located on the east side of Pelham Street, between Merritt Road and Bacon Lane and are surrounded by single detached residential dwellings.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development. Specifically, making more efficient use of the Town's finite urban land supply and municipal infrastructure, where suitable to do so. The proposed lot creation complies with the Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff subject to the satisfaction of the requested conditions.

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

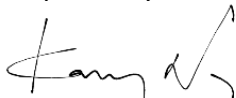
Given this analysis, Planning staff recommend that consent file B29-2021P **be approved** subject to the following conditions:

THAT the applicant

- Submit the Stage 1-2 Archaeological Assessment to the Ministry of Heritage, Sport, Tourism and Culture Industries, for review and approval. The report must be accepted by the Ministry, to the satisfaction of the Director of Community Planning and Development, prior to clearance of this condition.

- Submit 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.
- 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.
- Obtain a Driveway Entrance and Culvert Permit for the construction of all new or modifications of existing driveways or entrances. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.
- 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.
- Receive Final Certification of consent files B29/2021P and B30/2021P, from the Secretary-Treasurer, concurrently.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,



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

Memo

To: Sarah Leach, Deputy Clerk

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Taylor Boyle, Engineering Technologist

Date: 5th October 2021

File No.: B29/2021P

RE: Consent Application – 1239 Pelham Street (Part 3), Pelham

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application to convey lands (Part 3) for future construction of a single detached dwelling.

The following comments shall be addressed to the satisfaction of the Director of Public Works, or his designate. Note that further comments to be forthcoming on subsequent submissions.

Town staff have reviewed the submitted documentation offer the following comments:

- Town of Pelham staff require that the applicant submit 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.
- The applicant must confirm that no existing utilities cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
- All new lots will require individual driveways. The applicants must obtain a Driveway Entrance and Culvert Permit for the construction of all new or modifications of existing driveways or entrances. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

To: Sarah Leach

Cc: Kenny Ng

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

Date: September 21st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – October 5th, 2021 Hearing

Comment for Re: Files #A35 – 260 Welland Rd.

The building department offers the following comment,

- Building permit is required for the proposed accessory structure

Comment for Re: Files #A36 - 363 Canboro Rd.

The building department offers the following comment,

- Building permit is required for the proposed 2 storey dwelling, building code compliance will be a requirement.
- Retaining walls greater than 1m require a building permit.

Comment for Re: Files #B29 & B30 – 1239 Pelham St. Parts 2 & 3

The building department offers no comment,

Kind Regards,

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

From: Isaac.BORTOLUSSI@HydroOne.com
To: [Sarah Leach](#)
Subject: Pelham - 1239 Pelham Street - B29/2021P, B30/2021P
Date: Wednesday, September 8, 2021 12:19:06 PM

Hello,

We are in receipt of Application B29/2021P, B30/2021P dated August 26, 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.

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

Best Wishes,

Isaac Bortolussi

Real Estate Management Student | Land Use Planning

on behalf of

Dennis De Rango

Specialized Services Team Lead | Real Estate

From: Sarah Leach <SLeach@pelham.ca>
Sent: Thursday, August 26, 2021 8:27 AM
To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; Enbridge- Municipal Planning - Enbridge (MunicipalPlanning@enbridge.com) <MunicipalPlanning@enbridge.com>; jim.sorley@npei.ca; ash.neville@rci.rogers.com
Subject: Committee of Adjustment Notice of Hearing - October 5, 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)

- B29/2021P – 1239 Pelham Street (Part 3)
- B30/2021P – 1239 Pelham Street (Part 2)
- A35/2021P – 260 Welland Road

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

D: 905-980-6662

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

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From: [Gordon, Carrie](#)
To: [Sarah Leach](#)
Subject: RE: REVISED Notice of Hearing - October 5, 2021 -905-21-361
Date: Friday, September 17, 2021 8:40:47 AM

Hi Sarah,

Re: Severance application B29/2021P & B30/2021P

Subsequent to review of the abovementioned consent application at 1239 Pelham Street, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: Sarah Leach <SLeach@pelham.ca>
Sent: Thursday, August 26, 2021 11:58 AM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; Amy.Shanks@niagararegion.ca; ROWCC <rowcentre@bell.ca>
Subject: [EXT]REVISED Notice of Hearing - October 5, 2021

Good afternoon,

The applicant wishes to revise their application, requesting a discharge of mortgage. Attached, please find the REVISED notice of Hearing for Committee of Adjustment file(s):

- B29/2021P – 1239 Pelham Street (Part 3) ***for information only***
- B30/2021P – 1239 Pelham Street (Part 2) ***for information only***

Thank you,



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

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

Sarah Leach

Subject: FW: 1239 Pelham Street(Part 2 & Part 3)

From: Adrienne Markarian [REDACTED]

Sent: Tuesday, September 21, 2021 4:38 PM

To: clerks pelham <clerks@pelham.ca>

Subject: 1239 Pelham Street(Part 2 & Part 3)

RE:

File Number B29/2021P

B30/2021P

1239 Pelham Street (Part 2 & Part 3)

September 21, 2021

Dear Sir /Madam Clerk,

As to the proposed development of such above lots, the drainage concerns we have pertaining to the swale/culvert located between Lot 3(ours) and Lot 2. As our property has two sump pumps to remove ground and underground water flow we are concerned that planned drainage, added use by additional property owners will result in overflow of an already taxed facility. An example of the swale/culvert capacity and limitations was demonstrated on August 6th, to relieve water pressure from construction further towards downtown, the city released pressure from the fire hydrant(s) on such property for 3 days straight. By the third day, flooding and overflow was not captured into the swale/culvert but into our backyard and pool. As the swale/culvert has not been modernized or updated since our ownership(only mosquito control), additional use should be addressed.

with regards,

Adrienne Markarian and David Burke

September 29, 2021

Ms. Holly Willford, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Consent Application B30-2021P
1239 Pelham St, Pelham
Part of Lot 177, Formerly Part of Thorold Township now Pelham (Part 2 on Sketch)
Roll No. 2732 030 019 07300

The subject parcel, shown as Part 2 on the attached sketch, has a frontage of 20m on the east side of Pelham Street lying south of Merritt Road, being Part of Lot 177 in the Town of Pelham.

Application is made for partial discharge of mortgage and consent to convey 1157.6 square metres of land (Part 2), for future construction of a single detached dwelling. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1239 Pelham Street.

Note: This application is being considered concurrently with Consent File B29/2021P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

- a) The development's effect on Provincial matters of interest;
 - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - The lot creation is not premature and is able to uphold public interest as it is within Urban Area Boundary and is seen as an appropriate form of gentle intensification.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - See Official Plan analysis below. The proposed lot should not compromise the existing subdivision parcel fabric as it does not hinder further surrounding redevelopment opportunities.
- d) The suitability of the land for such purposes;
 - The lands (and neighbourhood) are predominantly lower to medium density

residential with mostly ground-oriented development. The proposed consent would facilitate the construction of one additional single detached residential dwelling in each new lot.

- 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.
- 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 consistent with traditional neighbourhood development practice considering 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.

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 composite archaeological resource potential. As a result, a Stage 1 – 2 Archaeological Assessment was conducted and forwarded by the applicant.

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 majority being single detached dwellings. Single detached dwellings are also the only (principle) permitted use under the R1 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 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 Arterial 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 is required as a condition of approval.

Policy A4.1.1 Urban Living Area states that 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 Pelham Street, which is an Arterial 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 Arterial 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 any other ground oriented residential development.
 - ✓ The proposed lots comply with all applicable R1 zone requirements.
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.
 - ✓ The Town recently adopted second dwelling unit by-law amendment which permits second dwelling unit on a lot in the Residential 1(R1) zone, subject to applicable regulations.

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 serving a single dwelling unit should not cause a traffic hazard considering the speed of traffic in proximity and overall traffic volume.
- 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. Water and sanitary service available from Pelham Street.
- 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 subject lands are located in a mature neighbourhood which is consist of established residential development with little prospect for significant change in the future.
- 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.
- 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 conditions of approval.

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

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

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

The proposed and retained lot comply with lot requirements and the proposed single detached dwelling is also planned to comply with zoning regulations.

Agency & Public Comments

On August 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:

- Hrdro One (September 8, 2021)
 - No concerns or comments.
- Building Department (September 21, 2021)
 - No comments.
- Public Works Department (August 27, 2021)
 - Town staff have reviewed the submitted documentation offer the following comments:
 - Town of Pelham staff require that the applicant submit 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.
 - The applicant must confirm that no existing utilities cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
 - All new lots will require individual driveways. The applicants must obtain a Driveway Entrance and Culvert Permit for the construction of all new or modifications of existing driveways or entrances. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

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

- Adrienne Markarian and David Burke (September 21, 2021)

- Drainage concerns pertaining to the swale/culvert located between Part 3 and Part 2, not able to handle flooding and may instead flows towards own back yard.
- Concern that own sump pumps cannot handle additional stormwater from planned dwellings.

Planning Staff Comments

The subject application is for consent to partial mortgage discharge and to convey (sever) 1157.6 square metres of land (Part 2) for a single detached residential lot. Part 1 is to be retained for continued residential use of the dwelling and Part 3 is to be severed for a single detached residential lot (B29/2021P).

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 1, 2021 to discuss the subject applications. In addition to the Consent Sketch, a draft Grading Plan, a Stage 1 – 2 Archaeological Assessment and a Planning Justification Report were also provided in support of the proposed development.

The subject lands are located on the east side of Pelham Street, between Merritt Road and Bacon Lane and are surrounded by single detached residential dwellings.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development. Specifically, making more efficient use of the Town's finite urban land supply and municipal infrastructure, where suitable to do so. The proposed lot creation complies with the Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff subject to the satisfaction of the requested conditions.

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

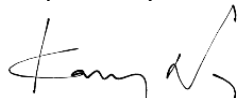
Given this analysis, Planning staff recommend that consent file B30-2021P **be approved** subject to the following conditions:

THAT the applicant

- Submit the Stage 1-2 Archaeological Assessment to the Ministry of Heritage, Sport, Tourism and Culture Industries, for review and approval. The report must be accepted by the Ministry, to the satisfaction of the Director of Community Planning and Development, prior to clearance of this condition.

- Submit 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.
- 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.
- Obtain a Driveway Entrance and Culvert Permit for the construction of all new or modifications of existing driveways or entrances. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.
- 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.
- Receive Final Certification of consent files B29/2021P and B30/2021P, from the Secretary-Treasurer, concurrently.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,



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

Memo

To: Sarah Leach, Deputy Clerk

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Taylor Boyle, Engineering Technologist

Date: 5th October 2021

File No.: B30/2021P

RE: Consent Application – 1239 Pelham Street (Part 2), Pelham

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application to convey lands (Part 2) for future construction of a single detached dwelling.

The following comments shall be addressed to the satisfaction of the Director of Public Works, or his designate. Note that further comments to be forthcoming on subsequent submissions.

Town staff have reviewed the submitted documentation offer the following comments:

- Town of Pelham staff require that the applicant submit 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.
- The applicant must confirm that no existing utilities cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
- All new lots will require individual driveways. The applicants must obtain a Driveway Entrance and Culvert Permit for the construction of all new or modifications of existing driveways or entrances. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

To: Sarah Leach

Cc: Kenny Ng

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

Date: September 21st, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – October 5th, 2021 Hearing

Comment for Re: Files #A35 – 260 Welland Rd.

The building department offers the following comment,

- Building permit is required for the proposed accessory structure

Comment for Re: Files #A36 - 363 Canboro Rd.

The building department offers the following comment,

- Building permit is required for the proposed 2 storey dwelling, building code compliance will be a requirement.
- Retaining walls greater than 1m require a building permit.

Comment for Re: Files #B29 & B30 – 1239 Pelham St. Parts 2 & 3

The building department offers no comment,

Kind Regards,

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

From: Isaac.BORTOLUSSI@HydroOne.com
To: [Sarah Leach](#)
Subject: Pelham - 1239 Pelham Street - B29/2021P, B30/2021P
Date: Wednesday, September 8, 2021 12:19:06 PM

Hello,

We are in receipt of Application B29/2021P, B30/2021P dated August 26, 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.

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

Best Wishes,

Isaac Bortolussi

Real Estate Management Student | Land Use Planning

on behalf of

Dennis De Rango

Specialized Services Team Lead | Real Estate

From: Sarah Leach <SLeach@pelham.ca>
Sent: Thursday, August 26, 2021 8:27 AM
To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; Enbridge- Municipal Planning - Enbridge (MunicipalPlanning@enbridge.com) <MunicipalPlanning@enbridge.com>; jim.sorley@npei.ca; ash.neville@rci.rogers.com
Subject: Committee of Adjustment Notice of Hearing - October 5, 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)

- B29/2021P – 1239 Pelham Street (Part 3)
- B30/2021P – 1239 Pelham Street (Part 2)
- A35/2021P – 260 Welland Road

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

D: 905-980-6662

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

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From: [Gordon, Carrie](#)
To: [Sarah Leach](#)
Subject: RE: REVISED Notice of Hearing - October 5, 2021 -905-21-361
Date: Friday, September 17, 2021 8:40:47 AM

Hi Sarah,

Re: Severance application B29/2021P & B30/2021P

Subsequent to review of the abovementioned consent application at 1239 Pelham Street, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: Sarah Leach <SLeach@pelham.ca>
Sent: Thursday, August 26, 2021 11:58 AM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; Amy.Shanks@niagararegion.ca; ROWCC <rowcentre@bell.ca>
Subject: [EXT]REVISED Notice of Hearing - October 5, 2021

Good afternoon,

The applicant wishes to revise their application, requesting a discharge of mortgage. Attached, please find the REVISED notice of Hearing for Committee of Adjustment file(s):

- B29/2021P – 1239 Pelham Street (Part 3) ***for information only***
- B30/2021P – 1239 Pelham Street (Part 2) ***for information only***

Thank you,



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

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

Sarah Leach

Subject: FW: 1239 Pelham Street(Part 2 & Part 3)

From: Adrienne Markarian [REDACTED]

Sent: Tuesday, September 21, 2021 4:38 PM

To: clerks pelham <clerks@pelham.ca>

Subject: 1239 Pelham Street(Part 2 & Part 3)

RE:

File Number B29/2021P

B30/2021P

1239 Pelham Street (Part 2 & Part 3)

September 21, 2021

Dear Sir /Madam Clerk,

As to the proposed development of such above lots, the drainage concerns we have pertaining to the swale/culvert located between Lot 3(ours) and Lot 2. As our property has two sump pumps to remove ground and underground water flow we are concerned that planned drainage, added use by additional property owners will result in overflow of an already taxed facility. An example of the swale/culvert capacity and limitations was demonstrated on August 6th, to relieve water pressure from construction further towards downtown, the city released pressure from the fire hydrant(s) on such property for 3 days straight. By the third day, flooding and overflow was not captured into the swale/culvert but into our backyard and pool. As the swale/culvert has not been modernized or updated since our ownership(only mosquito control), additional use should be addressed.

with regards,

Adrienne Markarian and David Burke

Committee of Adjustment
Minutes

Meeting #: CofA 09/2021
Date: Wednesday, September 8, 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
 Jacqueline Miller
 Kenny Ng
 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

5.1 A32/2021P - 1363 Station Street

Purpose of Application

Application for relief of:

Section 5.54(a) “Apartment Dwelling” Definition – to permit dwelling unit entrances from the exterior without an interior corridor, whereas the by-law requires that dwelling units be accessible from a corridor system connecting with a common entrance from outside the dwelling;

Section 6.16(d)(i) “Ingress and Egress” – to permit a minimum driveway width of 6.2m whereas the by-law requires 7.5m;

Section 6.16(i) “Parking Area Location on Lot” – to permit a minimum parking area distance of 3.7m to the street line and 0.9m to the south side lot line for the existing front parking area whereas the by-law requires 7.5m to the street line and 3m to the side lot line or rear lot line;

Section 17.2(g) “Minimum Rear Yard” – to permit a minimum rear yard of 5m whereas the by-law requires 12m or one-half the height of the building, whichever is greater;

Section 17.2(h) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 3.8m whereas the by-law requires 6m or one-half the height of the building, whichever is greater;

Section 17.2(j) “Minimum Landscaped Area” – to permit a minimum landscaped area of 23% whereas the by-law requires 35%.

Representation

The Agent, Mr. Gerrit Vander Meulen was electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hummel Properties Inc.

Applicants Comments

A Member asked if the site contained sufficient area for a moving truck, without affecting the traffic on Station Street. The Agent, Mr. Vander Meulen confirmed that the on-site parking lot would accommodate a moving truck.

In response to a Members inquiry regarding the requirement of an archeological assessment, Mr. Vander Meulen stated that artifacts that had been found in close proximity to the development.

Public Comments

Ms. Holly Willford, Secretary Treasurer indicated that there were no pre-registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:21 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Members Comments

The Members offered no comments or objections.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Application for relief of Section 5.54(a) “Apartment Dwelling” Definition – to permit dwelling unit entrances from the exterior without an interior corridor, whereas the by-law requires that dwelling units be accessible from a corridor system connecting with a common entrance from outside the dwelling, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as exterior individual entry for the ground-oriented apartment building is more appropriate and suitable with negligible impact.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for more efficient use of the interior space without having to compromise for a common lobby.**
- 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.
8. The Applicant understands that a Site Plan Agreement is required for the property.

AND THAT Application for relief of Section 6.16(d)(i) “Ingress and Egress” – to permit a minimum driveway width of 6.2m whereas the by-law requires 7.5m, is hereby: GRANTED;

The above decision is based on the following reasons:

1. The variance is minor in nature as no adverse impacts are anticipated as the parking area will function well and allow for the safe and practical movement of vehicles.
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 help facilitate the ground-oriented development of a new apartment building with moderate height and massing, designed to fit the character of the neighborhood.
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.
8. The Applicant understands that a Site Plan Agreement is required for the property.

AND THAT Application for relief of Section 6.16(i) “Parking Area Location on Lot” – to permit a minimum parking area distance of 3.7m to the street line and 0.9m to the south side lot line for the existing front parking area whereas the by-law requires 7.5m to the street line and 3m to the side lot line or rear lot line, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impacts are anticipated due to the fence along the south lot line which provides buffering between the subject parcel and neighbouring site.**
- 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 help facilitate the ground-oriented development of a new apartment building with moderate height and massing, designed to fit the character of the neighborhood.**
- 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.**
- 8. The Applicant understands that a Site Plan Agreement is required for the property.**

AND THAT Application for relief of Section 17.2(g) “Minimum Rear Yard” – to permit a minimum rear yard of 5m whereas the by-law requires 12m or one-half the height of the building, whichever is greater, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature provided the proposed building height is two-storey and that a planting strip will be provided to create a physical buffer separating the proposed building and rear lot.**
- 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 the two-storey height will help to minimize the building’s overall visual impacts on the subject and adjacent lands.**

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.
8. The Applicant understands that a Site Plan Agreement is required for the property.

AND THAT Application for relief of Section 17.2(h) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 3.8m whereas the by-law requires 6m or one-half the height of the building, whichever is greater, is hereby: GRANTED;

The above decision is based on the following reasons:

1. The variance is minor in nature as no adverse impacts are anticipated due to the fence along the south lot line which provides buffering between the subject parcel and neighbouring site.
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 help facilitate the ground-oriented development of a new apartment building with moderate height and massing, designed to fit the character of the neighborhood.
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.
8. The Applicant understands that a Site Plan Agreement is required for the property.

AND THAT Application for relief of Section 17.2(j) “Minimum Landscaped Area” – to permit a minimum landscaped area of 23% whereas the by-law requires 35%, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the front yard landscaping remains unchanged while the site provides an abundance of amenity area.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as well placed and high quality landscape treatment is required.**
- 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.**
- 8. The Applicant understands that a Site Plan Agreement is required for the property.**

The above decisions are subject to the following conditions:

To the satisfaction of the Director of Planning and Development, prior to the issuance of a building permit:

- 1. Conduct a Stage 1-2 Archaeological Assessment and receive Clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries, prior to site plan application.**
- 2. Enter into a Site Plan Agreement to the satisfaction of the the Town addressing the following:**
 - 1. Submission and approval of a Functional Servicing Report to confirm the capacity requirements for the new development.**
 - 2. Submission and approval of a Stormwater Management Report, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits. Report**

must show that all surface water run-off is contained on site and how storm water runoff will be controlled.

- 3. Abandon and remove the unused existing water service connection line.**
- 4. Construct a new storm sewer to receive storm water run-off from the site, a maintenance hole at the property line will also be required.**
- 5. Submit a landscape plan detailing landscape treatments and features, plant materials and landscape specification, tree preservation plan and any other additional information necessary for clarity.**

Carried

5.2 A33/2021P - 18 Beechwood Crescent

Purpose of Application

Application for relief of Section 13.2(c) “Maximum Lot Coverage” – to permit a 40% lot coverage whereas the by-law allows 30% and whereas the property received a minor variance approval to allow 34%.

Representation

The Applicant, Mr. Michael Azotini was electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

The Applicant offered no comments.

Public Comments

Ms. Holly Willford, Secretary Treasurer indicated that there were no pre-registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:30 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Members Comments

The Members offered no comments or objections.

Moved By Brenda Stan

Seconded By Sandra Marsh

THAT Application for relief of Section 13.2(c) “Maximum Lot Coverage” – to permit a 40% lot coverage whereas the by-law allows 30% and whereas the property received a minor variance approval to allow 34%, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the impact on the subject property and adjacent properties is minimal given the adequate distance separates the nearest residential neighbour from the existing building and proposed addition.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for the construction of a covered porch while maintaining the character of the area.**
- 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.**

Carried

5.3 A34/2021P - 345 Highway 20 West

Purpose of Application

Application for permission pursuant to Section 45(2)(a)(ii) of the Planning Act to permit an expansion of legal-non conforming use, in order to permit vehicle repairs and sales as a similar use to the existing permitted welding shop and trailer sales and service business.

Representation

The Agent, Mr. Steven Rivers and Applicant, Jacob Michels were electronically present.

Correspondence

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

Applicants Comments

A Member asked if vehicles for sale are intended to be displayed on the property. The Agent, Mr. Steven Rivers confirmed that no vehicles will be displayed. He added that the occasional vehicle may be on location, behind the dwelling.

Public Comments

Ms. Holly Willford, Secretary Treasurer indicated that there were no pre-registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:37 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Members Comments

The Members offered no comments or objections.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Application for permission pursuant to Section 45(2)(a)(ii) of the Planning Act to permit an expansion of legal-non conforming

use, in order to permit vehicle repairs and sales as a similar use to the existing permitted welding shop and trailer sales and service business, is hereby: **GRANTED**.

The above decision is based on the following reasons:

1. The application satisfies the Planning Act and Town Policy E2 – Non-Conforming Uses.
2. That the similar change of use to a commercial business office is in keeping with the goals of the Official Plan and the intent of the Zoning By-law.
3. That the similar change in use is not expected to generate any unreasonable negative impacts for adjacent uses or the community at large than what is currently permissible.
4. This application is granted without prejudice to any other application in the Town of Pelham.
5. No objections were received from commenting agencies or abutting property owners.
6. 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:

None.

Carried

6. Applications for Consent

6.1 B25/2021P - West Side of Rice Road (between RR20 and Shaw Avenue aka Meridian Way), Pelham

Purpose of Application

The Committee agreed to hear consent files B25/2021P, B26/2021P, B27/2021P and B28/2021P concurrently.

B25/2021P

Application for consent to convey 2,266.2 square metres of land (Parts 5 and 10 on sketch), to be added to the abutting property to the south (Parts

6 and 7 on sketch), for future development. Parts 3, 4, 13 and 14 on the sketch is to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 277.9 square metres of land, being Parts 3 and 10 on sketch, to the benefit of Parts 1, 2, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 41.2 square meters of land, being Part 14 on sketch, to the benefit of Parts 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 24.3 square meters of land, being Part 10 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

B26/2021P:

Application for Consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 1, 2, 3, 4, 8, 9, 10, 11, 12, 13 and 14 on sketch for a right of way. Parts 6 and 7 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 6 and 7 on sketch are to be retained for continued future commercial use.

B27/2021P:

Application for consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 on sketch for a right of way. Parts 8 and 9 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 8 and 9 on sketch are to be retained for continued future commercial use.

B28/2021P:

Application for consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2 on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a right of way. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use.

Application for consent to convey an easement in perpetuity over 118.2 square metres of land, being Part 11 on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a pedestrian access. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use.

Representation

The Agent, Mr. Steven Qi and Applicant, Ms. Kim Harrison-McMillan were electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Hydro One

Applicants Comments

A Member inquired about the ownership of the subject lands. The Agent, Mr. Steven Qi, responded that the lands are currently owned by four companies operating under one umbrella. The Member further inquired about why the consent process was being pursued for this development. Mr. Qi responded that the proposed 5-storey retirement home is to be located on Part 4. He stated the intent to sever the vacant Part 5 and Part 10 to join with lands to the south for future development. Mr. Qi further indicated that additional planning applications and Site Plan Control have been pursued and approved.

Public Comments

Ms. Holly Willford, Secretary Treasurer indicated that there were no pre-registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:57 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Members Comments

The Members offered no comments or objections.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Application B25/2021P for consent to convey 2,266.2 square metres of land (Parts 5 and 10 on sketch), to be added to the abutting property to the south (Parts 6 and 7 on sketch), for future development. Parts 3, 4, 13 and 14 on the sketch is to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 277.9 square metres of land, being Parts 3 and 10 on sketch, to the benefit of Parts 1, 2, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 41.2 square meters of land, being Part 14 on sketch, to the benefit of Parts 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 24.3 square meters of land, being Part 10 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use, is hereby GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Secretary-Treasurer

1. That application for consent, file B25/2021P receive final certification of the Secretary-Treasurer concurrently with applications B26/2021P, B27/2021P and B28/2021P.
2. A solicitors undertaking, to the satisfaction of the Secretary-Treasurer, identifying the order of title document registration with respect to the proposed transfer and easement documents.
3. 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 south (Parts 6 and 7 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.
4. 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.

AND THAT Application B26/2021P for consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 1, 2, 3, 4, 8, 9, 10, 11, 12, 13 and 14 on sketch for a right of way. Parts 6 and 7 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 6 and 7 on sketch are to be retained for continued future commercial use, be and is hereby: GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Secretary-Treasurer

1. That application for consent, file B26/2021P receive final certification of the Secretary-Treasurer concurrently with applications B25/2021P, B27/2021P and B28/2021P.
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.

AND THAT Application B27/2021P for consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 on sketch for a right of way. Parts 8 and 9 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 8 and 9 on sketch are to be retained for continued future commercial use, be and is hereby: GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Secretary-Treasurer

1. That application for consent, file B27/2021P receive final certification of the Secretary-Treasurer concurrently with applications B25/2021P, B26/2021P and B28/2021P.
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.

AND THAT Application B28/2021P for consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2

on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a right of way. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use; and

For consent to convey an easement in perpetuity over 118.2 square metres of land, being Part 11 on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a pedestrian access. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use. be and is hereby: GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Secretary-Treasurer

1. That application for consent, file B28/2021P receive final certification of the Secretary-Treasurer concurrently with applications B25/2021P, B26/2021P and B27/2021P.
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.

The above decisions are based on the following reasons:

1. The applications 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 B26/2021P - No Municipal Address (Southeastern Corner of Rice Road and Shaw Avenue aka Meridian Way) Pelham

Application B26/2021P was heard concurrently with applications B25/2021P, B27/2021P and B28/2021P. See application B25/2021P for minutes and decision.

6.3 B27/2021P - No Municipal Address (North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road), Pelham

Application B27/2021P was heard concurrently with applications B25/2021P, B26/2021P and B28/2021P. See application B25/2021P for minutes and decision.

6.4 B28/2021P - No Municipal Address (East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way), Pelham

Application B28/2021P was heard concurrently with applications B25/2021P, B26/2021P and B27/2021P. See application B25/2021P for minutes and decision.

7. Minutes for Approval

THAT the minutes of the August 3, 2021 Committee of Adjustment Hearing be approved.

8. Adjournment

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for October 5, 2021 at 4:00 pm.

John Klassen, Chair

Secretary-Treasurer, Holly Willford