Committee of Adjustment
AGENDA

CofA 12/2021

December 7, 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**

4. **Requests for Withdrawal or Adjournment**

5. **Applications for Consent**

5.1. B31/2021P - 198 Canboro Road (Part 2) 1

1. Town of Pelham Planning

2. Town of Pelham Public Works

3. Town of Pelham Building

4. Hrydro One

5. Niagara Region

6. Linda Stokes and Larry Moote

Pre-Registered Member(s) of the Public

1. Linda Stokes and Larry Moote

2. Daniel Peat

5.2. B32/2021P - 198 Canboro Road (Part 3) 24

1. Town of Pelham Planning

2. Town of Pelham Public Works

3. Town of Pelham Building

4. Niagara Region

5. Linda Stokes and Larry Moote

Pre-Registered Member(s) of the Public

1. Linda Stokes and Larry Moote

2. Daniel Peat

5.3. B33/2021P - 198 Canboro Road (Part 4) 46

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Linda Stokes and Larry Moote

Pre-Registered Member(s) of the Public

1. Linda Stokes and Larry Moote
2. Daniel Peat

6. Applications for Minor Variance

6.1. A38/2021P - 58 Bergenstein Crescent 65

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

6.2. A39/2021P - 198 Canboro Road (Part 1) 72

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Linda Stokes and Larry Moote

Pre-Registered Member(s) of the Public

1. Linda Stokes and Larry Moote
2. Daniel Peat

6.3. A40/2021P - 198 Canboro Road (Part 2) 81

1. Town of Pelham Planning

2. Town of Pelham Public Works

3. Town of Pelham Building

4. Linda Stokes and Larry Moote

Pre-Registered Member(s) of the Public

1. Linda Stokes and Larry Moote

2. Daniel Peat

6.4. A41/2021P - 198 Canboro Road (Part 3) 90

1. Town of Pelham Planning

2. Town of Pelham Public Works

3. Town of Pelham Building

4. Linda Stokes and Larry Moote

Pre-Registered Member(s) of the Public

1. Linda Stokes and Larry Moote

2. Daniel Peat

7. Minutes for Approval 99

November 2, 2021

8. Adjournment

December 1, 2021

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

Re: Consent Application B31-2021P
198 Canboro Road, Pelham
Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Parts 2 and 6 on Sketch)
Roll No. 2732 020 010 09801

The subject parcel, shown as Parts 2 and 6 on the attached sketch, has a frontage of 17.78m on the south side of Canboro Road, lying west of Oakridge Boulevard, being Part of Lot 3, Concession 8, being Parts 1 on Pan 59R-4012 in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 833 square metres of land (Parts 2 and 6 on sketch), for future construction of a single detached dwelling. Parts 1 and 5 is to be retained for the future construction of a single detached dwelling.

Note: This application is being considered concurrently with Consent File B32/2021P, B33/2021P and Minor Variance Files A39/2021P, A40/2021P and A41/2021P.

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 existing 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;
   - Utilities are available and municipal services exist to the site and there is no concern with capacity.

j) The adequacy of school sites
   - Available nearby.

k) The area of land, if any, exclusive of highways, to be dedicated for public use.
   - A 7.0 metre road widening will be conveyed to the Town of Pelham.

l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
   - The lots resulting from this development 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 existing 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 submitted 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 proximate

locations.

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 urban area. 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.

The Regional Official Plan permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland.

Policy 7.B.1.11 states that an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland.

The proposed new lots are approximately 40 m from Significant Woodland. However, the feature will remain under single ownership. Due to the scope, nature and location of the consents, regional staff do not anticipate any impacts to the woodland. As such, an EIS is not required for this development.

Regional Staff note that any future Planning Act applications on 204 Canboro may require an EIS or Tree Preservation Plan. Additionally, the Significant Woodland is likely subject to the Regional Woodland Conservation By-law (By-law 20-79), and as such any proposed removals must be in

conformity with the By-Law.

Policy 10.C.2.1.13 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for discovery of archeological resources due to their proximity (within 300 metres) to a watercourse, as well as their location along a historic transportation route (Canboro Road). In this regard, a Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd. (dated November 4, 2021), was submitted with the applications. The Stage 2 Assessment did not result in the identification of any archaeological resources, and further archaeological assessment was not recommended by the Licensed Archaeologist.

As of the date of this report, acknowledgement from the MHSTCI confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. Accordingly, a condition requiring Ministry clearance is included.

Regional staff note that the Region would need to review and comment on the servicing of the site to ensure that Regional infrastructure would not be negatively impacted by the proposed site servicing and that the appropriate clearance distances are provided. At this time Regional staff have no concerns with the consents subject to the submission of the servicing drawings for review and approval prior to the site being serviced.

Regional staff does not object to the proposed application as the development generally aligns with Provincial and Regional policies and is located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term. The potential concern for deeply buried archaeological resources and adjacent natural heritage feature were also addressed. Site servicing drawings will need to be submitted and is requested as a condition of approval for this development.

<u>Pelham Official Plan (2014)</u>

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 Canboro Road, 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, however the proposed housing type is consistent with area and the density is less than the approved townhouse development that is to the east.

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 an Arterial road not a local 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 proximate neighbourhood, being mostly comprised of single detached dwelling and any other ground oriented residential development.
   - ✓ The proposed lots comply with all applicable R1 zone requirements except a minor

lot frontage deficiency.

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. No traffic concerns have been raised with regards to driveway apron, traffic safety by commenting departments and agencies.

c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
   - ✓ Lot frontage deficiency will be addressed through minor variance application.

d) Can be serviced with an appropriate water supply and means of sewage disposal;
   - ✓ Complies. Water and sanitary service available from Canboro Road.

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 surrounded by established residential development to the east and south, as well as an approved condo townhouse development to the immediate east. Part of this subject lands are to be retained and consolidated with the land to the west for future residential development. The new lots created will not adversely affect the developability of the adjacent lands.

g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
   - ✓ No impact to the adjacent *significant woodland* as confirmed by regional staff.

h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
   - ✓ No objection from Region provided servicing drawings are submitted to the Region prior to the site being serviced and ministry clearance for archaeological assessment.

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.

3 concurrent minor variance applications have been submitted to address the following zoning deficiencies:

- Part 1 - File A39/2021P (Minimum lot frontage)
- Part 2 - File A40/2021P (Minimum lot frontage)
- Part 3 - File A41/2021P (Minimum lot frontage)

A reduction of 1.3 metres has been requested for all three parcels fronting onto Canboro Road to address to ensure zoning compliance with the default regulations for minimum lot frontage under the 'R1' zoning, which requires 19 metres.

Agency & Public Comments

On November 9, 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 (November 22, 2021)
  - No concerns or comments.
- Building Department (November 23, 2021)
  - A demolition permit is required for the existing dwelling.
- Niagara Region Planning & Development Services Department (November 23, 2021)

- No objection subject to the requested conditions of approval:
    1. That the owner receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd., dated November 4, 2021. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, these reports must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
    2. That servicing drawings be submitted to the Region for review and approval prior to the site being serviced.

- Public Works Department (November 23, 2021)
    - Public Works Staff have the following comments:
        1. That the Applicant obtain a Driveway Access and Culvert Permit from the Town to construct a new access to serve Part 2. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to consent and the Applicant shall bear all costs associated with the works.
        2. That the Applicant 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.
        3. That the Applicant confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocations and/or removal.
        4. That the applicant submit a Servicing Brief. Included in the submission, the applicant is to submit a drawing that indicates the location of the individual water service and sanitary lateral for all lots to confirm no existing water or sanitary services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands. If installation of new services is required, locate cards shall be submitted upon completion.
        5. That the applicant submit a Stormwater Management Brief, which details stormwater management strategies and provides all necessary

calculations to demonstrate post development runoff rates are within allowance limits.

6. That the applicant is required to gratuitously grant a 7.00 meter road widening across the frontage of the subject property to the Town of Pelham.
   The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Town of Pelham Public Works Staff for approval. Public Works Staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Town of Pelham will clear the applicable condition.

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

- Daniel Peat (November 30, 2021)
  - Traffic safety with two new driveways close to crest of the hill.
  - Piecemeal approach to planning process.
  - Proposed lot lines are not perpendicular to Canboro Road, driveways will either be not perpendicular to road, or lots will be crowded due to angular restrictions, so concerns with variance decreasing frontage are compounded.

Planning Staff Comments

The subject application is for consent to partial mortgage discharge and to convey (sever) 833 square metres of land (Parts 2 and 6 on sketch), for future construction of a single detached dwelling. Part 1 is to be retained for the future construction of a single detached dwelling and part 5 is to be conveyed to the Town of Pelham for road widening purpose.

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 September 2, 2021 to discuss the subject applications. In addition to the Consent Sketch, a preliminary 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 south side of Canboro Road, between Effingham Street and Haist Street and are surrounded by existing residential neighbourhood mostly consist of 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.

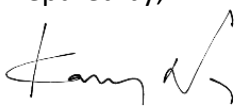
Given this analysis, Planning staff recommend that consent file B31-2021P **be approved** subject to the following conditions:

THAT the applicant

- Obtain approval for any deficient Zoning By-law regulations to the satisfaction of the Director of Community Planning & Development.
- Receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd., dated November 4, 2021. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, these reports must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
- Submit servicing drawings to the Region for review and approval prior to the site being serviced.
- Obtain a Driveway Access and Culvert Permit from the Town to construct a new access to serve Part 2. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to consent and the Applicant shall bear all costs associated with the works.
- 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.
- 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.

- Submit a Servicing Brief to the satisfaction of the Director of Public Works. Included in the submission, the applicant is to submit a drawing that indicates the location of the individual water service and sanitary lateral for all lots to confirm no existing water or sanitary services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands. If installation of new services is required, locate cards shall be submitted upon completion.
- Submit a Stormwater Management Brief, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits, to the satisfaction of the Director of Public Works.
- Gratuitously grant a 7.00 metre road widening across the frontage of the subject property to the Town of Pelham. The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Town of Pelham Public Works Staff for approval. Public Works Staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Town of Pelham will clear the applicable condition.
- Provide front 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, 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.
- 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 B32/2021P and B33/2021P, 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: Kenny Ng, Planner

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: 23 November 2021

File No.: B31 2021P

RE: Consent – 198 Canboro Road (Part 2)

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.

The application is made for consent to partial discharge of mortgage and consent to convey 833 square metres of land (Parts 2 and 6 on sketch), for future construction of a single detached dwelling. Parts 1 and 5 is to be retained for the future construction of a single detached dwelling. Public Works Staff have reviewed the submitted documentation and have no comments or concerns.

Public Works Staff have the following comments:

1. That the Applicant obtain a Driveway Access and Culvert Permit from the Town to construct a new access to serve Part 2. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to consent and the Applicant shall bear all costs associated with the works.

2. That the Applicant 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.

3. That the Applicant confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocations and/or removal.

4. That the applicant submit a Servicing Brief. Included in the submission, the applicant is to submit a drawing that indicates the location of the individual water service and sanitary lateral for all lots to confirm no existing water or sanitary services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands. If installation of new services is required, locate cards shall be submitted upon completion.

5. That the applicant submit a Stormwater Management Brief, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits.

6. That the applicant is required to gratuitously grant a 7.00 meter road widening across the frontage of the subject property to the Town of Pelham.

   The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Town of Pelham Public Works Staff for approval. Public Works Staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Town of Pelham will clear the applicable condition.

Office of Community Planning and Development

David Christensen, BSc (Hons), Adv. Dip.
dchristensen@pelham.ca
905-892-2607 x344

To: Sarah Leach

Cc: Kenny Ng

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

Date: November 23rd, 2021

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

Comment for Re: File A38/2021P

The building department offers the following comment,

- A building permit is required for the proposed uncovered deck

Comment for Re: Files A39/2021P, A40/2021P & A41/2021P 198 Canboro Rd.

The building department offers the following comment,

- Building permits are required for the future proposed dwellings

Comment for Re: Files B31/2021P, B32/2021P & B33/2021P 198 Canboro Rd.

The building department offers the following comment,

- A demolition permit is required for the existing dwelling

Kind Regards,

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

Sarah Leach

From: SHETTY Dolly <Dolly.Shetty@HydroOne.com> on behalf of LANDUSEPLANNING <LandUsePlanning@HydroOne.com>
Sent: Monday, November 22, 2021 11:10 AM
To: Sarah Leach
Subject: Pelham - 198 Canboro Road - B31/2021P

Hello,

We are in receipt of Application B31/2021P dated November 22, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

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

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

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

Planning & Development Services
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215
www.niagararegion.ca

VIA E-MAIL ONLY

November 23, 2021

Sarah Leach
Deputy Clerk
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S1E0

Application for Consent

Proposal: Application is made for consent to partial discharge of mortgage and consent to convey 833 square metres of land (Parts 2 and 6 on sketch), for future construction of a single detached dwelling. Parts 1 and 5 is to be retained for the future construction of a single detached dwelling.

Location: 198 Canboro Road
In the Town of Pelham

Our File: CS-21-0101

Town File: B31/2021P

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a consent application for a severance located at 198 Canboro Road in the Town of Pelham:

- Notice of Hearing and Application, dated November 09, 2021.

The following comments are provided from a Regional and Provincial perspective to assist in reviewing the Consent Application.

Archeological Resources

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

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for discovery of archeological resources due to their proximity (within 300 metres) to a watercourse, as well as their location along a historic transportation route (Canboro Road). In this regard, a Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd. (dated November 4, 2021), was submitted with the applications. The Stage 2 Assessment did not result in the identification of any archaeological resources, and further archaeological assessment was not recommended by the Licensed Archaeologist.

As of the date of this letter, acknowledgement from the MHSTCI confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. Accordingly, a condition requiring Ministry clearance is included in the Appendix.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland.

The proposed new lots are approximately 40 m from Significant Woodland. However, the feature will remain under single ownership. Due to the scope, nature and location of the consents, staff do not anticipate any impacts to the woodland. As such, Environmental planning offers no objection to the Consent applications.

Please note that any future Planning Act applications on 204 Canboro may require an EIS or Tree Preservation Plan. Additionally, the Significant Woodland is likely subject to the Regional Woodland Conservation By-law (By-law 20-79), and as such any proposed removals outside of Planning Act applications must be in conformity with the By-Law.

Site Servicing

Regional staff noted at the preconsultation that took place on September 02, 2021 that Regional staff would need to review and comment on the servicing of the site. This is to ensure that Regional infrastructure would not be negatively impacted by the proposed site servicing and that the appropriate clearance distances are provided. At this time Regional staff have no concerns with the consents subject to the submission of the servicing drawings for review and approval prior to the site being serviced.

Conclusion

Based on the analysis and comments above, Regional staff offers no objection to the application provided the servicing drawings are submitted to the Region prior to the site being serviced and the owner receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,

Matteo Ramundo
Development Approvals Technician
Niagara Region

cc. Susan Dunsmore, Manager, Development Engineer, Niagara Region
Amy Shanks, Development Planner, Niagara Region

APPENDIX I
Consent Conditions
198 Canboro Road, Pelham

1. That the owner receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd., dated November 4, 2021. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, these reports must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2. That servicing drawings be submitted to the Region for review and approval prior to the site being serviced.

From: [redacted]
To: Holly Willford; clerks pelham; [redacted] Sarah Leach
Subject: File #A40/2021P Electronic Hearing Dec 7th questions and registration.
Date: Wednesday, November 24, 2021 2:46:40 PM

Weve just moved into [redacted] Concord Lot [redacted] so have a few questions it's receiving the notice of Public hearing on Dec 7 which we'd like to register for under
Larry Moote and LindaStokes
[redacted] and [redacted]
Questions
What will 3 lots be for. 3 detached homes ?
What is Part 4 of lot being used for ?
Are they serviced lots or do they need to add services to those 3 lots
Where do the Sewer easements go at the end of Part 8 and how are they constructed ?
What is the capacity of the sewer easements all flowing down behind concord home lots from the new Canberra developments ?
Normally new developments create a catch basin for water / sewer runoff. Why is there no indication of one for Canborro developments?
Where are the sewer easements for the 3 lots in question and are we getting to a point where the sewer easements will be over whelming the end area of Part 8

Linda Stokes and Larry Moote
[redacted]

Get Outlook for iOS

December 1, 2021

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

Re: Consent Application B32-2021P
198 Canboro Road, Pelham
Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Parts 3 and 7 on Sketch)
Roll No. 2732 020 010 09801

The subject parcel, shown as Parts 3 and 7 on the attached sketch, has a frontage of 17.78m on the south side of Canboro Road, lying west of Oakridge Boulevard, being Part of Lot 3, Concession 8, being Part 1 on Pan 59R-4012 in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 833 square metres of land (Part 3 and 7 on sketch), for future construction of a single detached dwelling. Parts 1 and 5 is to be retained for the future construction of a single detached dwelling.

Note: This application is being considered concurrently with Consent File B31/2021P, B33/2021P and Minor Variance Files A39/2021P, A40/2021P and A41/2021P.

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 existing 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;
   - Utilities are available and municipal services exist to the site and there is no concern with capacity.

j) The adequacy of school sites
   - Available nearby.

k) The area of land, if any, exclusive of highways, to be dedicated for public use.
   - A 7.0 metre road widening will be conveyed to the Town of Pelham.

l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
   - The lots resulting from this development 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 existing 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 submitted 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 proximate

locations.

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 urban area. 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.

The Regional Official Plan permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland.

Policy 7.B.1.11 states that an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland.

The proposed new lots are approximately 40 m from Significant Woodland. However, the feature will remain under single ownership. Due to the scope, nature and location of the consents, regional staff do not anticipate any impacts to the woodland. As such, an EIS is not required for this development.

Regional Staff note that any future Planning Act applications on 204 Canboro may require an EIS or Tree Preservation Plan. Additionally, the Significant Woodland is likely subject to the Regional Woodland Conservation By-law (By-law 20-79), and as such any proposed removals must be in

conformity with the By-Law.

Policy 10.C.2.1.13 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for discovery of archeological resources due to their proximity (within 300 metres) to a watercourse, as well as their location along a historic transportation route (Canboro Road). In this regard, a Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd. (dated November 4, 2021), was submitted with the applications. The Stage 2 Assessment did not result in the identification of any archaeological resources, and further archaeological assessment was not recommended by the Licensed Archaeologist.

As of the date of this report, acknowledgement from the MHSTCI confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. Accordingly, a condition requiring Ministry clearance is included.

Regional staff note that the Region would need to review and comment on the servicing of the site to ensure that Regional infrastructure would not be negatively impacted by the proposed site servicing and that the appropriate clearance distances are provided. At this time Regional staff have no concerns with the consents subject to the submission of the servicing drawings for review and approval prior to the site being serviced.

Regional staff does not object to the proposed application as the development generally aligns with Provincial and Regional policies and is located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term. The potential concern for deeply buried archaeological resources and adjacent natural heritage feature were also addressed. Site servicing drawings will need to be submitted and is requested as a condition of approval for this development.

<u>Pelham Official Plan (2014)</u>

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 Canboro Road, 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, however the proposed housing type is consistent with area and the density is less than the approved townhouse development that is to the east.

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 an Arterial road and not a local 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 proximate neighbourhood, being mostly comprised of single detached dwelling and any other ground oriented residential development.
   - ✓ The proposed lots comply with all applicable R1 zone requirements except a minor

lot frontage deficiency.

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. No traffic concerns have been raised with regards to driveway apron, traffic safety by commenting departments and agencies.

c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
   - ✓ Lot frontage deficiency will be addressed through minor variance application.

d) Can be serviced with an appropriate water supply and means of sewage disposal;
   - ✓ Complies. Water and sanitary service available from Canboro Road.

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 surrounded by established residential development to the east and south, as well as an approved condo townhouse development to the immediate east. Part of this subject lands are to be retained and consolidated with the land to the west for future residential development. The new lots created will not adversely affect the developability of the adjacent lands.

g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
   - ✓ No impact to the adjacent *significant woodland* as confirmed by regional staff.

h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
   - ✓ No objection from Region provided servicing drawings are submitted to the Region prior to the site being serviced and ministry clearance for archaeological assessment.

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.

3 concurrent minor variance applications have been submitted to address the following zoning deficiencies:

- Part 1 - File A39/2021P (Minimum lot frontage)
- Part 2 - File A40/2021P (Minimum lot frontage)
- Part 3 - File A41/2021P (Minimum lot frontage)

A reduction of 1.3 metres has been requested for all three parcels fronting onto Canboro Road to address to ensure zoning compliance with the default regulations for minimum lot frontage under the 'R1' zoning, which requires 19 metres.

Agency & Public Comments

On November 9, 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 (November 22, 2021)
  - No concerns or comments.
- Building Department (November 23, 2021)
  - A demolition permit is required for the existing dwelling.

- Niagara Region Planning & Development Services Department (November 23, 2021)
  - No objection subject to the requested conditions of approval:
    1. That the owner receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd., dated November 4, 2021. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, these reports must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
    2. That servicing drawings be submitted to the Region for review and approval prior to the site being serviced.
- Public Works Department (November 23, 2021)
  - Public Works Staff have the following comments:
    1. That the Applicant obtain a Driveway Access and Culvert Permit from the Town to construct a new access to serve Part 3. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to consent and the Applicant shall bear all costs associated with the works.
    2. That the Applicant 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.
    3. That the Applicant confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocations and/or removal.
    4. That the applicant submit a Servicing Brief. Included in the submission, the applicant is to submit a drawing that indicates the location of the individual water service and sanitary lateral for all lots to confirm no existing water or sanitary services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands. If installation of new services is required, locate cards shall be submitted upon completion.
    5. That the applicant submit a Stormwater Management Brief, which details stormwater management strategies and provides all necessary

calculations to demonstrate post development runoff rates are within allowance limits.

6. That the applicant is required to gratuitously grant a 7.00 meter road widening across the frontage of the subject property to the Town of Pelham.
   The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Town of Pelham Public Works Staff for approval. Public Works Staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Town of Pelham will clear the applicable condition.

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

- Daniel Peat (November 30, 2021)
  - Traffic safety with two new driveways close to crest of the hill.
  - Piecemeal approach to planning process.
  - Proposed lot lines are not perpendicular to Canboro Road, driveways will either be not perpendicular to road, or lots will be crowded due to angular restrictions, so concerns with variance decreasing frontage are compounded.

Planning Staff Comments

The subject application is for consent to partial mortgage discharge and to convey (sever) 833 square metres of land (Parts 3 and 7 on sketch), for future construction of a single detached dwelling. Parts 1 is to be retained for the future construction of a single detached dwelling and part 5 is to be conveyed to the Town of Pelham for road widening purpose.

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 September 2, 2021 to discuss the subject applications. In addition to the Consent Sketch, a preliminary 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 south side of Canboro Road, between Effingham Street and Haist Street and are surrounded by existing residential neighbourhood mostly consist of 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.

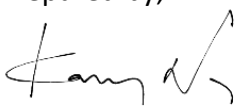
Given this analysis, Planning staff recommend that consent file B32-2021P **be approved** subject to the following conditions:

THAT the applicant

- Obtain approval for any deficient Zoning By-law regulations to the satisfaction of the Director of Community Planning & Development.
- Receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd., dated November 4, 2021. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, these reports must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
- Submit servicing drawings to the Region for review and approval prior to the site being serviced.
- Obtain a Driveway Access and Culvert Permit from the Town to construct a new access to serve Part 3. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to consent and the Applicant shall bear all costs associated with the works.
- 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.
- 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.

- Submit a Servicing Brief to the satisfaction of the Director of Public Works. Included in the submission, the applicant is to submit a drawing that indicates the location of the individual water service and sanitary lateral for all lots to confirm no existing water or sanitary services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands. If installation of new services is required, locate cards shall be submitted upon completion.
- Submit a Stormwater Management Brief, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits, to the satisfaction of the Director of Public Works.
- Gratuitously grant a 7.00 metre road widening across the frontage of the subject property to the Town of Pelham. The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Town of Pelham Public Works Staff for approval. Public Works Staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Town of Pelham will clear the applicable condition.
- Provide front 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, 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.
- 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 B31/2021P and B33/2021P, 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: Kenny Ng, Planner

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: 23 November 2021

File No.: B32 2021P

RE: Consent – 198 Canboro Road (Part 3)

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.

The application is made for consent to partial discharge of mortgage and consent to convey 833 square metres of land (Part 3 and 7 on sketch), for future construction of a single detached dwelling. Parts 1 and 5 is to be retained for the future construction of a single detached dwelling.

Public Works Staff have the following comments:

1. That the Applicant obtain a Driveway Access and Culvert Permit from the Town to construct a new access to serve Part 3. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to consent and the Applicant shall bear all costs associated with the works.

2. That the Applicant 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.

3. That the Applicant confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocations and/or removal.

4. That the applicant submit a Servicing Brief. Included in the submission, the applicant is to submit a drawing that indicates the location of the individual water service and sanitary lateral for all lots to confirm no existing water or sanitary services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands. If installation of new services is required, locate cards shall be submitted upon completion.

5. That the applicant submit a Stormwater Management Brief, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits.

6. That the applicant is required to gratuitously grant a 7.00 meter road widening across the frontage of the subject property to the Town of Pelham.

   The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Town of Pelham Public Works Staff for approval. Public Works Staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Town of Pelham will clear the applicable condition.

Office of Community Planning and Development

David Christensen, BSc (Hons), Adv. Dip.
dchristensen@pelham.ca
905-892-2607 x344

To: Sarah Leach

Cc: Kenny Ng

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

Date: November 23rd, 2021

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

Comment for Re: File A38/2021P

The building department offers the following comment,

- A building permit is required for the proposed uncovered deck

Comment for Re: Files A39/2021P, A40/2021P & A41/2021P 198 Canboro Rd.

The building department offers the following comment,

- Building permits are required for the future proposed dwellings

Comment for Re: Files B31/2021P, B32/2021P & B33/2021P 198 Canboro Rd.

The building department offers the following comment,

- A demolition permit is required for the existing dwelling

Kind Regards,

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

Planning & Development Services
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215
www.niagararegion.ca

VIA E-MAIL ONLY

November 23, 2021

Sarah Leach
Deputy Clerk
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S1E0

Application for Consent

Proposal: Application is made for consent to partial discharge of mortgage and consent to convey 833 square metres of land (Part 3 and 7 on sketch), for future construction of a single detached dwelling. Parts 1 and 5 is to be retained for the future construction of a single detached dwelling.

Location: 198 Canboro Road
In the Town of Pelham

Our File: CS-21-0100

Town File: B32/2021P

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a consent application for a severance located at 198 Canboro Road in the Town of Pelham:

- Notice of Hearing and Application, dated November 09, 2021.

The following comments are provided from a Regional and Provincial perspective to assist in reviewing the Consent Application.

Archeological Resources

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

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for discovery of archeological resources due to their proximity (within 300 metres) to a watercourse, as well as their location along a historic transportation route (Canboro Road). In this regard, a Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd. (dated November 4, 2021), was submitted with the applications. The Stage 2 Assessment did not result in the identification of any archaeological resources, and further archaeological assessment was not recommended by the Licensed Archaeologist.

As of the date of this letter, acknowledgement from the MHSTCI confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. Accordingly, a condition requiring Ministry clearance is included in the Appendix.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland.

The proposed new lots are approximately 40 m from Significant Woodland. However, the feature will remain under single ownership. Due to the scope, nature and location of the consents, staff do not anticipate any impacts to the woodland. As such, Environmental planning offers no objection to the Consent applications.

Please note that any future Planning Act applications on 204 Canboro may require an EIS or Tree Preservation Plan. Additionally, the Significant Woodland is likely subject to the Regional Woodland Conservation By-law (By-law 20-79), and as such any proposed removals outside of Planning Act applications must be in conformity with the By-Law.

Site Servicing

Regional staff noted at the preconsultation that took place on September 02, 2021 that Regional staff would need to review and comment on the servicing of the site. This is to ensure that Regional infrastructure would not be negatively impacted by the proposed site servicing and that the appropriate clearance distances are provided. At this time Regional staff have no concerns with the consents subject to the submission of the servicing drawings for review and approval prior to the site being serviced.

Conclusion

Based on the analysis and comments above, Regional staff offers no objection to the application provided the servicing drawings are submitted to the Region prior to the site being serviced and the owner receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,

Matteo Ramundo
Development Approvals Technician
Niagara Region

cc. Susan Dunsmore, Manager, Development Engineer, Niagara Region
Amy Shanks, Development Planner, Niagara Region

APPENDIX I
Consent Conditions
198 Canboro Road, Pelham

1. That the owner receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd., dated November 4, 2021. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, these reports must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2. That servicing drawings be submitted to the Region for review and approval prior to the site being serviced.

From: [redacted]
To: Holly Willford; clerks pelham; [redacted] Sarah Leach
Subject: File #A40/2021P Electronic Hearing Dec 7th questions and registration.
Date: Wednesday, November 24, 2021 2:46:40 PM

Weve just moved into [redacted] Concord Lot [redacted] so have a few questions it's receiving the notice of Public hearing on Dec 7 which we'd like to register for under
Larry Moote and LindaStokes
[redacted] and [redacted]
Questions
What will 3 lots be for. 3 detached homes ?
What is Part 4 of lot being used for ?
Are they serviced lots or do they need to add services to those 3 lots
Where do the Sewer easements go at the end of Part 8 and how are they constructed ?
What is the capacity of the sewer easements all flowing down behind concord home lots from the new Canberra developments ?
Normally new developments create a catch basin for water / sewer runoff. Why is there no indication of one for Canborro developments?
Where are the sewer easements for the 3 lots in question and are we getting to a point where the sewer easements will be over whelming the end area of Part 8

Linda Stokes and Larry Moote
[redacted]

Get Outlook for iOS

December 1, 2021

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

Re: Consent Application B33-2021P
198 Canboro Road, Pelham
Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Part 4 on Sketch)
Roll No. 2732 020 010 09801

The subject parcel, shown as Part 4 on the attached sketch, is an interior parcel of land situated 44.25m south of Canboro Road, lying west of Oakridge Boulevard, being Part of Lot 3, Concession 8, being Part 1 on Pan 59R-4012 in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 1,562 square metres of land (Part 4), to be added to the abutting residential property to the west, being 204 Canboro Road (Part 8 on Sketch). Parts 1 is to be retained for the future construction of a single detached dwelling. Part 5, 6 and 7 are to be dedicated to the Town for road widening purposes. No new development is proposed with the lot addition.

Note: This application is being considered concurrently with Consent File B31/2021P, B32/2021P and Minor Variance Files A39/2021P, A40/2021P and A41/2021P.

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 the retained lot would be of similar lot fabric as adjacent residential lots.

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 the retained and merging lot.

f) The dimensions and shapes of the proposed lots;
   - The retained lot dimensions and shape are consistent with existing neighbourhood development patterns and can comfortably site a new dwelling. The additional land proposed to be merged with the lot to the west will not adversely impact the new lot fabric.

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.
   - A 7.0 metre road widening will be conveyed to the Town of Pelham.

l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
   - The lots resulting from this development 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 retained and merging lots are 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 lot boundary adjustment will facilitate the redevelopment of the subject land, 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 of the retained is consistent with existing neighbourhood development practice considering the community at large, while the merging lot will maintain its current lot fabric. 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 hea lth 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.

This consent application is an acceptable form of development which should not adversely impact the provincial interests, public health, safety or the quality of the human environment. In Planning staff's opinion, the proposed consent is consistent with the PPS.

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.

Planning staff are of the opinion the proposed development conforms to the Growth Plan.

<u>Regional Official Plan (Consolidated August 2014)</u>

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

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

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

The Regional Official Plan permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland.

Policy 7.B.1.11 states that an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland.

The proposed new lots are approximately 40 m from Significant Woodland. However, the feature will remain under single ownership. Due to the scope, nature and location of the consents, regional staff do not anticipate any impacts to the woodland. As such, an EIS is not required for this development.

Regional Staff note that any future Planning Act applications on 204 Canboro may require an EIS or Tree Preservation Plan. Additionally, the Significant Woodland is likely subject to the Regional Woodland Conservation By-law (By-law 20-79), and as such any proposed removals must be in conformity with the By-Law.

Policy 10.C.2.1.13 states that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for discovery of archeological resources due to their proximity (within 300 metres) to a watercourse, as well as their location along a historic transportation route (Canboro Road). In this regard, a Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd. (dated November 4, 2021), was submitted with the applications. The Stage 2 Assessment did not result in the identification of any archaeological resources, and further archaeological assessment was not recommended by the Licensed Archaeologist.

As of the date of this letter, acknowledgement from the MHSTCI confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. Accordingly, a condition requiring Ministry clearance is included in the Appendix.

Regional staff does not object to the proposed application as the development generally aligns with Provincial and Regional policies. The potential concern for deeply buried archaeological resources and adjacent natural heritage feature were also addressed. Site servicing drawings will need to be submitted and is requested as a condition of approval for this development.

<u>Pelham Official Plan (2014)</u>

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 A2.7.2 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 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 proposed lot boundary adjustment will have no impact to traffic.

c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
   - ✓ Lot frontage deficiency for the retained lots will be addressed through minor variance application, the lot to the west has no zoning deficiency.

d) Can be serviced with an appropriate water supply and means of sewage disposal;
   - ✓ Complies. Water and sanitary service available from Canboro Road.

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 surrounded by established residential development to the east and south, as well as an approved condo townhouse development to the immediate east. Part 1 of this subject lands are to be retained for residential use. The merger of Part 4 with Part 8 will not adversely impact on the developability of the retained Part 1. No development is proposed in the valleylands.

g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
   - ✓ No impact to the adjacent *significant woodland* as confirmed by regional staff.

h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
   - ✓ No objection from Region provided servicing drawings are submitted to the

Region prior to the site being serviced and ministry clearance for archaeological assessment.

i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
   - ✓ Not applicable.

Policy D5.2.2 states that a consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

Town Planning staff are of the opinion the proposed consent application conforms to the local Official Plan.

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.

3 concurrent minor variance applications have been submitted to address the following zoning deficiencies:

- Part 1 - File A39/2021P (Minimum lot frontage)
- Part 2 - File A40/2021P (Minimum lot frontage)
- Part 3 - File A41/2021P (Minimum lot frontage)

A reduction of 1.3 metres has been requested for all three parcels fronting onto Canboro Road to address to ensure zoning compliance with the default regulations for minimum lot frontage under the 'R1' zoning, which requires 19 metres.

The merging lot (204 Canboro) has no zoning deficiency and therefore no requirement for further application.

Agency & Public Comments

On November 9, 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 (November 22, 2021)
  - No concerns or comments.
- Building Department (November 23, 2021)
  - No comments.
- Niagara Region Planning & Development Services Department (November 23, 2021)
  - No objection subject to the requested conditions of approval:
    1. That the owner receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd., dated November 4, 2021. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, these reports must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
- Public Works Department (November 23, 2021)
  - Public Works Staff have the following comments:
    1. That the Applicant 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. Please note that there is a significant elevation change on the subject property from the north to the south. As such the developer should take careful consideration to drainage as this could potentially negatively impact development and surrounding properties.
    2. That the Applicant confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocations and/or removal.
    3. That the applicant is required to gratuitously grant a 7.00 meter road widening across the frontage of the subject property to the Town of Pelham.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Town of Pelham Public Works Staff for approval. Public Works Staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Town of Pelham will clear the applicable condition.

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

- Daniel Peat (November 30, 2021)
    - Traffic safety with two new driveways close to crest of the hill.
    - Piecemeal approach to planning process.
    - Proposed lot lines are not perpendicular to Canboro Road, driveways will either be not perpendicular to road, or lots will be crowded due to angular restrictions, so concerns with variance decreasing frontage are compounded.

Planning Staff Comments

The subject application is made for consent to partial discharge of mortgage and consent to convey 1,562 square metres of land (Part 4), to be added to the abutting property to the west, being 204 Canboro Road (Part 8 on Sketch). Parts 1 is to be retained for the future construction of a single detached dwelling and Parts 5, 6, and 7 are to be dedicated to the Town for road widening purposes. Concurrent applications for consent for the creation of two residential lots for single detached residential use on Parts 2 and 3 are also being considered.

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 September 2, 2021 to discuss the subject applications. In addition to the Consent Sketch, a preliminary 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 south side of Canboro Road, between Effingham Street and Haist Street and are surrounded by existing residential neighbourhood mostly consist of 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 severance application. The remnant and merging lots will be able to comply with Zoning By-law regulations pending minor variance 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.

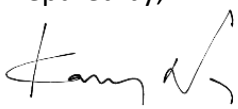
In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Given this analysis, Planning staff recommend that consent file B33-2021P **be approved** subject to the following conditions:

THAT the applicant

- That Part 4 merge in title with Part 8.
- 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.
- 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.
- Gratuitously grant a 7.00 metre road widening across the frontage of the subject property to the Town of Pelham. The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Town of Pelham Public Works Staff for approval. Public Works Staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Town of Pelham will clear the applicable condition.
- 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 B31/2021P and B32/2021P, 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: Kenny Ng, Planner

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: 23 November 2021

File No.: B33 2021P

RE: Consent – 198 Canboro Road (Part 4)

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.

The application is made for consent to partial discharge of mortgage and consent to convey 1,562 square metres of land (Part 4), to be added to the abutting property to the west, being 204 Canboro Road (Part 8 on Sketch). Parts 1 and 5 is to be retained for the future construction of a single detached dwelling.

Public Works Staff have the following comments:

1. That the Applicant obtain a Driveway Access and Culvert Permit from the Town to construct a new access to serve Part 4. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to consent and the Applicant shall bear all costs associated with the works.

2. That the Applicant 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.

   Please note that there is a significant elevation change on the subject property from the north to the south. As such the developer should take careful consideration to drainage as this could potentially negatively impact development and surrounding properties.

3. That the Applicant confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocations and/or removal.

4. That the applicant submit a Servicing Brief. Included in the submission, the applicant is to submit a drawing that indicates the location of the individual water service and sanitary lateral for all lots to confirm no existing water or sanitary services branch from or

through the proposed lots to other lands, and from or through the remaining parcel to other lands. If installation of new services is required, locate cards shall be submitted upon completion.

5. That the applicant submit a Stormwater Management Brief, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits.

6. That the applicant is required to gratuitously grant a 7.00 meter road widening across the frontage of the subject property to the Town of Pelham.

   The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Town of Pelham Public Works Staff for approval. Public Works Staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Town of Pelham will clear the applicable condition.

Office of Community Planning and Development

David Christensen, BSc (Hons), Adv. Dip.
dchristensen@pelham.ca
905-892-2607 x344

To: Sarah Leach

Cc: Kenny Ng

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

Date: November 23rd, 2021

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

Comment for Re: File A38/2021P

The building department offers the following comment,

- A building permit is required for the proposed uncovered deck

Comment for Re: Files A39/2021P, A40/2021P & A41/2021P 198 Canboro Rd.

The building department offers the following comment,

- Building permits are required for the future proposed dwellings

Comment for Re: Files B31/2021P, B32/2021P & B33/2021P 198 Canboro Rd.

The building department offers the following comment,

- A demolition permit is required for the existing dwelling

Kind Regards,

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

Planning & Development Services
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215
www.niagararegion.ca

VIA E-MAIL ONLY

November 23, 2021

Sarah Leach
Deputy Clerk
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S1E0

Application for Consent

Proposal: Application is made for consent to partial discharge of mortgage and consent to convey 1,562 square metres of land (Part 4), to be added to the abutting property to the west, being 204 Canboro Road (Part 8 on Sketch).

Location: 198 Canboro Road
In the Town of Pelham

Our File: CS-21-0101

Town File: B33/2021P

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a consent application for a severance located at 198 Canboro Road in the Town of Pelham:

- Notice of Hearing and Application, dated November 09, 2021.

The following comments are provided from a Regional and Provincial perspective to assist in reviewing the Consent Application.

Archeological Resources

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

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for discovery

of archeological resources due to their proximity (within 300 metres) to a watercourse, as well as their location along a historic transportation route (Canboro Road). In this regard, a Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd. (dated November 4, 2021), was submitted with the applications. The Stage 2 Assessment did not result in the identification of any archaeological resources, and further archaeological assessment was not recommended by the Licensed Archaeologist.

As of the date of this letter, acknowledgement from the MHSTCI confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. Accordingly, a condition requiring Ministry clearance is included in the Appendix.

Core Natural Heritage System

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with Regional Official Plan (ROP) Policy 7.B.1.11, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland.

The proposed new lots are approximately 40 m from Significant Woodland. However, the feature will remain under single ownership. Due to the scope, nature and location of the consents, staff do not anticipate any impacts to the woodland. As such, Environmental planning offers no objection to the Consent applications.

Please note that any future Planning Act applications on 204 Canboro may require an EIS or Tree Preservation Plan. Additionally, the Significant Woodland is likely subject to the Regional Woodland Conservation By-law (By-law 20-79), and as such any proposed removals outside of Planning Act applications must be in conformity with the By-Law.

Conclusion

Based on the analysis and comments above, Regional staff offers no objection to the application provided the owner receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,

Matteo Ramundo

Development Approvals Technician
Niagara Region

cc. Susan Dunsmore, Manager, Development Engineer, Niagara Region
Amy Shanks, Development Planner, Niagara Region

APPENDIX I
Consent Conditions
198 Canboro Road, Pelham

1. That the owner receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the archaeological assessment reports entitled Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Ltd., dated November 4, 2021. If the Ministry requires further archaeological work to be completed prior to acknowledging these reports, these reports must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MHSTCI through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

From: [redacted]
To: Holly Willford; clerks pelham; [redacted] Sarah Leach
Subject: File #A40/2021P Electronic Hearing Dec 7th questions and registration.
Date: Wednesday, November 24, 2021 2:46:40 PM

Weve just moved into [redacted] Concord Lot [redacted] so have a few questions it's receiving the notice of Public hearing on Dec 7 which we'd like to register for under
Larry Moote and LindaStokes
[redacted] and [redacted]
Questions
What will 3 lots be for. 3 detached homes ?
What is Part 4 of lot being used for ?
Are they serviced lots or do they need to add services to those 3 lots
Where do the Sewer easements go at the end of Part 8 and how are they constructed ?
What is the capacity of the sewer easements all flowing down behind concord home lots from the new Canberra developments ?
Normally new developments create a catch basin for water / sewer runoff. Why is there no indication of one for Canborro developments?
Where are the sewer easements for the 3 lots in question and are we getting to a point where the sewer easements will be over whelming the end area of Part 8

Linda Stokes and Larry Moote
[redacted]

Get Outlook for iOS

December 1, 2021

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

Re: Minor Variance Application A38/2021P
58 Bergenstein Crescent, Pelham
Lot 84 on Plan 59M-434
Roll No. 2732 030 020 05186

The subject land is located on the east side of Bergenstein Crescent, lying east of Lametti Drive, West of Rice Road, legally described above, and known locally as 58 Bergenstein Crescent in the Town of Pelham.

The subject land is zoned a site-specific Residential 2-254 "R2-254" in accordance with Pelham Zoning Amending By-law 3705(2016), as amended. The minor variance application requests relief from:

i. **By-law 3705(2016) 254. Section R2-254 (f) "Minimum Rear Yard"** – to permit a minimum rear yard of 4.91m whereas the by-law requires 7.5m.

The proponent seeks to construct a rear deck.

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.

Regional Official Plan (Consolidated, August 2014)

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

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 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as 'EF – Low Density Residential'.

Policy A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- 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 maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance to seek relief from rear yard setback requirement should not compromise drainage and privacy and is in keeping with the existing character of the residential neighbourhood. Planning staff are of the opinion that the proposal is in conformity with the Town of Pelham Official Plan.

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

The subject land is zoned a site-specific Residential 2-254 "R2-254" in accordance with Pelham Zoning By-law 1136(1987), as amended. Under the regulations of the Zoning By-law, the minor variance application requests relief from:

i. **Section R2-254 (f) "Minimum Rear Yard"** – to permit a minimum rear yard of 4.91m whereas the by-law requires 7.5m.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The proposed reduced rear yard setback is minor overall as the proposed addition is reasonably sized and would not substantially remove outdoor amenity space of the parcel as the proposed rear deck is considered to be outdoor amenity space. Further, it is unlikely that the addition will have any shadowing projection onto adjacent properties. It is noted that the property backs onto the watercourse which gives the appearance of more space as well.
2. The variance is desirable for the development or use of the land.	The variance is desirable as it will provide for a deck that will improve the outdoor amenity space for the residents of the dwelling while still maintaining adequate amenity space on the ground for other outdoor uses such as gardening or play area. The proposed raised rear deck is not uncommon with other decks in the neighbourhood dwellings have a rear walkout from the basement.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance maintains the general purpose and intent of the Official Plan as it does not compromise the neighbourhood's ability to be adequately serviced, maintain land use compatibility, while also improving the property value and aesthetics by providing a rear yard deck.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance maintains the general intent of the Zoning By-law as the requested variance will allow for the logical, and appropriate extension of the dwelling while still maintaining adequate land for outdoor amenity and landscaped area.

Agency & Public Comments

On November 2, 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 (November 23, 2021)
  - A building permit is required for the proposed uncovered deck.
- Public Works Department (November 2, 2021)
  - No comments or concerns.

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

Planning Staff Comments

The proposed minor variance application was circulated to Town Planning, Building and Public Works staff for pre-application review and comments prior to submission.

The subject lands are located on the west side of Rice Road, lying south of Summersides Boulevard. The property is surrounded by the following:

North: Watercourse, vacant residential land
East: Residential use on agricultural lots
South: Residential neighbourhood
West: Residential neighbourhood

The proposed minor variance application seeks zoning relief to permit a total encroachment of 2.59 metres for an uncovered deck resulting in a rear yard setback of 4.91 metres.

In considering the reduced rear yard setback, staff is of the opinion that although the minimum required rear yard will be encroached, the impact on the subject property and adjacent properties is negligible. The addition's side yard setback is in keeping with the existing dwelling and the addition's modest size and placement will help to minimize its overall visual impact and will not result in the overbuilding of this property.

Planning staff are of the opinion that the proposal applies current planning and development principles and providing design flexibility where suitable to do so. 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 negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff.

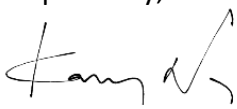
In Planning staff's opinion, the requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Given this analysis, Planning staff recommend that minor variance file A38/2021P **be approved** subject to the following condition:

THAT the applicant

- Apply for and receive Building Permit for the proposed uncovered deck.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,

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

Memo

To: Kenny Ng, Planner

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

From: Tolga Aydin, Engineering Technologist

Date: 2 November 2021

File No.: A38/2021P

RE: Minor Variance – 58 Bergenstein Crescent

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. The Applicant is seeking relief from:

Section R2-254(f) "Minimum Rear Yard" to permit a minimum rear yard of 4.91 meters whereas the by-law requires 7.5 meters.

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

Office of Community Planning and Development

David Christensen, BSc (Hons), Adv. Dip.
dchristensen@pelham.ca
905-892-2607 x344

To: Sarah Leach

Cc: Kenny Ng

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

Date: November 23rd, 2021

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

Comment for Re: File A38/2021P

The building department offers the following comment,

- A building permit is required for the proposed uncovered deck

Comment for Re: Files A39/2021P, A40/2021P & A41/2021P 198 Canboro Rd.

The building department offers the following comment,

- Building permits are required for the future proposed dwellings

Comment for Re: Files B31/2021P, B32/2021P & B33/2021P 198 Canboro Rd.

The building department offers the following comment,

- A demolition permit is required for the existing dwelling

Kind Regards,

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

December 1, 2021

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

Re: Minor Variance Application A39/2021P
198 Canboro Road, Pelham
Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Parts 1 and 5 on Sketch)
Roll No. 2732 020 010 09801

The subject land is located on the south side of Canboro road, lying west of Oakridge Boulevard, being Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Part 1 and 5 on Sketch), in the Town of Pelham.

The subject land is zoned Residential 1 "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The minor variance application requests relief from:

i. **Section 13.2(b) "Minimum Lot Frontage"** – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

Note: This application is being considered concurrently with Consent File B31/2021P, B32/2021P, B33/2021P and Minor Variance Files A40/2021P and A41/2021P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

Provincial Policy Statement (PPS) (2020)

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

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

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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

The proposed minor variance application has been submitted to seek relief from minimum lot frontage requirement in order to legalize the proposed lot within the R1 zone regulations.

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 to the proposed applications as the development generally aligns with Provincial and Regional policies. Servicing drawings are requested as condition of approval for the concurrent consent applications.

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 A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- 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 maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance would facilitate the construction of one new single detached dwelling on the proposed lot. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses. The proposed lot is compatible in area, frontage and orientation with the neighbourhood.

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

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

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

Policy E1.5 states that in addition to the Planning Act's four tests considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

The applicant has indicated in the submitted report that the reason it is not possible to comply with the zoning provisions is because this development option would provide for the most efficient land development which is consistent with current planning policies to maximize finite urban land usage and to ensure a uniform lotting pattern and compatible development.

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

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

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

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

The minor variance application requests relief from:

i. **Section 13.2(b) "Minimum Lot Frontage"** – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The proposed reduced lot frontage is minor in nature given the surrounding area and lot pattern; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province to adhere to provincial interest. With the reduced lot frontage, the lot can still comfortably accommodate the proposed dwelling, outdoor amenity area, parking, drainage and provide adequate separation from adjacent lots and land uses. The reduced lot frontage should not result in sightline issue and traffic concerns as the reduction is minimal.
2. The variance is desirable for the development or use of the land.	The variance to reduce the minimum lot frontage is desirable for the lands as it will allow for the creation of an additional residential building lot on a large, underutilized residential lot within the delineated built boundary of the

	Fonthill urban settlement area. The reduced lot frontage will be negligible in terms of resulting impacts and would appear indistinguishable from surrounding residential lots.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance to reduce the minimum lot frontage maintain the policy intent of the Official Plan as it allows for gentle intensification of an existing neighbourhood within the delineated built boundary, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The minor reduction in lot frontage will not negatively impact the character of the neighbourhood but instead help strengthen and diversify the housing stock.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance seeking reduction of the minimum lot frontage provision maintain the general intent of the Zoning By-law Plan as the lot will continue to permit a single detached residential dwellings in the R1 zone. The proposed lot frontage is in keeping with the surrounding neighbourhood and would not incur incompatibility.

Agency & Public Comments

On November 9, 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 (November 23, 2021)
  - A demolition permit is required for the existing dwelling.
- Public Works Department (November 23, 2021)
  - No comments or concerns.

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

- Daniel Peat (November 30, 2021)
  - Traffic safety with two new driveways close to crest of the hill.
  - Piecemeal approach to planning process.
  - Proposed lot lines are not perpendicular to Canboro Road, driveways will either be not perpendicular to road, or lots will be crowded due to angular restrictions, so concerns with variance decreasing frontage are compounded.

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 September 2, 2021 to discuss the subject applications. In addition to the Consent Sketch, a preliminary 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 south side of Canboro Road, between Effingham Street and Haist Street and are surrounded by existing residential neighbourhood mostly consist of single detached residential dwellings.

The proposed minor variance application seeks zoning relief to permit a reduction of 1.7 metres for the minimum lot frontage requirement.

In considering the reduced lot frontage, staff is of the opinion that although the minimum required lot frontage will be reduced, the impact on the subject property and adjacent properties is negligible. The proposed lot frontage is in keeping with the existing proximate neighbourhood and the additional housing opportunity aligns with provincial, regional and local plan intent and purposes. It is noted that the reduced lot frontage provides for a large lot by today's development standards.

Planning staff are of the opinion that the proposal applies current planning and development principles and makes efficient use of the land and infrastructure, and should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff. 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 A39/2021P **be approved**.

Prepared by,

Kenny Ng, B.ES
Planner

Approved by,

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

Memo

To: Kenny Ng, Planner

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: 23 November 2021

File No.: A39 2021P

RE: Consent – 198 Canboro Road (Part 1)

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.

The application is made for relief, to construct a single detached dwelling, from Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

Public Works Staff have no comments or concerns in regards to this application.

Office of Community Planning and Development

David Christensen, BSc (Hons), Adv. Dip.
dchristensen@pelham.ca
905-892-2607 x344

To: Sarah Leach

Cc: Kenny Ng

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

Date: November 23rd, 2021

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

Comment for Re: File A38/2021P

The building department offers the following comment,

- A building permit is required for the proposed uncovered deck

Comment for Re: Files A39/2021P, A40/2021P & A41/2021P 198 Canboro Rd.

The building department offers the following comment,

- Building permits are required for the future proposed dwellings

Comment for Re: Files B31/2021P, B32/2021P & B33/2021P 198 Canboro Rd.

The building department offers the following comment,

- A demolition permit is required for the existing dwelling

Kind Regards,

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

From: [redacted]
To: Holly Willford; clerks pelham; [redacted] Sarah Leach
Subject: File #A40/2021P Electronic Hearing Dec 7th questions and registration.
Date: Wednesday, November 24, 2021 2:46:40 PM

Weve just moved into [redacted] Concord Lot [redacted] so have a few questions it's receiving the notice of Public hearing on Dec 7 which we'd like to register for under
Larry Moote and LindaStokes
[redacted] and [redacted]
Questions
What will 3 lots be for. 3 detached homes ?
What is Part 4 of lot being used for ?
Are they serviced lots or do they need to add services to those 3 lots
Where do the Sewer easements go at the end of Part 8 and how are they constructed ?
What is the capacity of the sewer easements all flowing down behind concord home lots from the new Canberra developments ?
Normally new developments create a catch basin for water / sewer runoff. Why is there no indication of one for Canborro developments?
Where are the sewer easements for the 3 lots in question and are we getting to a point where the sewer easements will be over whelming the end area of Part 8

Linda Stokes and Larry Moote
[redacted]

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December 1, 2021

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

Re: Minor Variance Application A40/2021P
198 Canboro Road, Pelham
Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Parts 2 and 6 on Sketch)
Roll No. 2732 020 010 09801

The subject land is located on the south side of Canboro road, lying west of Oakridge Boulevard, being Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Part 2 and 6 on Sketch), in the Town of Pelham.

The subject land is zoned Residential 1 "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The minor variance application requests relief from:

i. **Section 13.2(b) "Minimum Lot Frontage"** – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

Note: This application is being considered concurrently with Consent File B31/2021P, B32/2021P, B33/2021P and Minor Variance Files A39/2021P and A41/2021P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

Provincial Policy Statement (PPS) (2020)

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

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

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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

The proposed minor variance application has been submitted to seek relief from minimum lot frontage requirement in order to legalize the proposed lot within the R1 zone regulations.

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 to the proposed applications as the development generally aligns with Provincial and Regional policies. Servicing drawings are requested as condition of approval for the concurrent consent applications.

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 A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- 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 maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance would facilitate the construction of one new single detached dwelling on the proposed lot. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses. The proposed lot is compatible in area, frontage and orientation with the neighbourhood.

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

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

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

Policy E1.5 states that in addition to the Planning Act's four tests considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

The applicant has indicated in the submitted report that the reason it is not possible to comply with the zoning provisions is because this development option would provide for the most efficient land development which is consistent with current planning policies to maximize finite urban land usage and to ensure a uniform lotting pattern and compatible development.

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

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

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

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

The minor variance application requests relief from:

i. **Section 13.2(b) "Minimum Lot Frontage"** – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The proposed reduced lot frontage is minor in nature given the surrounding area and lot pattern; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province to adhere to provincial interest. With the reduced lot frontage, the lot can still comfortably accommodate the proposed dwelling, outdoor amenity area, parking, drainage and provide adequate separation from adjacent lots and land uses. The reduced lot frontage should not result in sightline issue and traffic concerns as the reduction is minimal.
2. The variance is desirable for the development or use of the land.	The variance to reduce the minimum lot frontage is desirable for the lands as it will allow for the creation of an additional residential building lot on a large, underutilized residential lot within the delineated built boundary of the

	Fonthill urban settlement area. The reduced lot frontage will be negligible in terms of resulting impacts and would appear indistinguishable from surrounding residential lots.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance to reduce the minimum lot frontage maintain the policy intent of the Official Plan as it allows for gentle intensification of an existing neighbourhood within the delineated built boundary, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The minor reduction in lot frontage will not negatively impact the character of the neighbourhood but instead help strengthen and diversify the housing stock.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance seeking reduction of the minimum lot frontage provision maintain the general intent of the Zoning By-law Plan as the lot will continue to permit a single detached residential dwellings in the R1 zone. The proposed lot frontage is in keeping with the surrounding neighbourhood and would not incur incompatibility.

Agency & Public Comments

On November 9, 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 (November 23, 2021)
  - A demolition permit is required for the existing dwelling.
- Public Works Department (November 23, 2021)
  - No comments or concerns.

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

- Daniel Peat (November 30, 2021)
  - Traffic safety with two new driveways close to crest of the hill.
  - Piecemeal approach to planning process.
  - Proposed lot lines are not perpendicular to Canboro Road, driveways will either be not perpendicular to road, or lots will be crowded due to angular restrictions, so concerns with variance decreasing frontage are compounded.

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 September 2, 2021 to discuss the subject applications. In addition to the Consent Sketch, a preliminary 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 south side of Canboro Road, between Effingham Street and Haist Street and are surrounded by existing residential neighbourhood mostly consist of single detached residential dwellings.

The proposed minor variance application seeks zoning relief to permit a reduction of 1.3 metres for the minimum lot frontage requirement.

In considering the reduced lot frontage, staff is of the opinion that although the minimum required lot frontage will be reduced, the impact on the subject property and adjacent properties is negligible. The proposed lot frontage is in keeping with the existing proximate neighbourhood and the additional housing opportunity aligns with provincial, regional and local plan intent and purposes. It is noted that the reduced lot frontage provides for a large lot by today's development standards.

Planning staff are of the opinion that the proposal applies current planning and development principles and makes efficient use of the land and infrastructure, and should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff. 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 A40/2021P **be approved**.

Prepared by,

Kenny Ng, B.ES
Planner

Approved by,

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

Memo

To: Kenny Ng, Planner

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: 23 November 2021

File No.: A40 2021P

RE: Consent – 198 Canboro Road (Part 2)

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.

The application is made for relief, to construct a single detached dwelling, from Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

Public Works Staff have no comments or concerns in regards to this application.

Office of Community Planning and Development

David Christensen, BSc (Hons), Adv. Dip.
dchristensen@pelham.ca
905-892-2607 x344

To: Sarah Leach

Cc: Kenny Ng

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

Date: November 23rd, 2021

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

Comment for Re: File A38/2021P

The building department offers the following comment,

- A building permit is required for the proposed uncovered deck

Comment for Re: Files A39/2021P, A40/2021P & A41/2021P 198 Canboro Rd.

The building department offers the following comment,

- Building permits are required for the future proposed dwellings

Comment for Re: Files B31/2021P, B32/2021P & B33/2021P 198 Canboro Rd.

The building department offers the following comment,

- A demolition permit is required for the existing dwelling

Kind Regards,

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

From: [redacted]
To: Holly Willford; clerks pelham; [redacted] Sarah Leach
Subject: File #A40/2021P Electronic Hearing Dec 7th questions and registration.
Date: Wednesday, November 24, 2021 2:46:40 PM

Weve just moved into [redacted] Concord Lot [redacted] so have a few questions it's receiving the notice of Public hearing on Dec 7 which we'd like to register for under
Larry Moote and LindaStokes
[redacted] and [redacted]
Questions
What will 3 lots be for. 3 detached homes ?
What is Part 4 of lot being used for ?
Are they serviced lots or do they need to add services to those 3 lots
Where do the Sewer easements go at the end of Part 8 and how are they constructed ?
What is the capacity of the sewer easements all flowing down behind concord home lots from the new Canberra developments ?
Normally new developments create a catch basin for water / sewer runoff. Why is there no indication of one for Canborro developments?
Where are the sewer easements for the 3 lots in question and are we getting to a point where the sewer easements will be over whelming the end area of Part 8

Linda Stokes and Larry Moote
[redacted]

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Memo

To: Kenny Ng, Planner

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: 23 November 2021

File No.: A41 2021P

RE: Consent – 198 Canboro Road (Part 3)

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.

The application is made for relief, to construct a single detached dwelling, from Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

Public Works Staff have no comments or concerns in regards to this application.

Office of Community Planning and Development

David Christensen, BSc (Hons), Adv. Dip.
dchristensen@pelham.ca
905-892-2607 x344

To: Sarah Leach

Cc: Kenny Ng

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

Date: November 23rd, 2021

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

Comment for Re: File A38/2021P

The building department offers the following comment,

- A building permit is required for the proposed uncovered deck

Comment for Re: Files A39/2021P, A40/2021P & A41/2021P 198 Canboro Rd.

The building department offers the following comment,

- Building permits are required for the future proposed dwellings

Comment for Re: Files B31/2021P, B32/2021P & B33/2021P 198 Canboro Rd.

The building department offers the following comment,

- A demolition permit is required for the existing dwelling

Kind Regards,

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

From: [redacted]
To: Holly Willford; clerks pelham; [redacted] Sarah Leach
Subject: File #A40/2021P Electronic Hearing Dec 7th questions and registration.
Date: Wednesday, November 24, 2021 2:46:40 PM

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Where are the sewer easements for the 3 lots in question and are we getting to a point where the sewer easements will be over whelming the end area of Part 8

Linda Stokes and Larry Moote
[redacted]

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December 1, 2021

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

Re: Minor Variance Application A41/2021P
198 Canboro Road, Pelham
Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Parts 3 and 7 on Sketch)
Roll No. 2732 020 010 09801

The subject land is located on the south side of Canboro road, lying west of Oakridge Boulevard, being Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Part 3 and 7 on Sketch), in the Town of Pelham.

The subject land is zoned Residential 1 "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The minor variance application requests relief from:

i. **Section 13.2(b) "Minimum Lot Frontage"** – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

Note: This application is being considered concurrently with Consent File B31/2021P, B32/2021P, B33/2021P and Minor Variance Files A39/2021P and A40/2021P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

Provincial Policy Statement (PPS) (2020)

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

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

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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

The proposed minor variance application has been submitted to seek relief from minimum lot frontage requirement in order to legalize the proposed lot within the R1 zone regulations.

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 to the proposed applications as the development generally aligns with Provincial and Regional policies. Servicing drawings are requested as condition of approval for the concurrent consent applications.

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 A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- 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 maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance would facilitate the construction of one new single detached dwelling on the proposed lot. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses. The proposed lot is compatible in area, frontage and orientation with the neighbourhood.

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

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

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

Policy E1.5 states that in addition to the Planning Act's four tests considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

The applicant has indicated in the submitted report that the reason it is not possible to comply with the zoning provisions is because this development option would provide for the most efficient land development which is consistent with current planning policies to maximize finite urban land usage and to ensure a uniform lotting pattern and compatible development.

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

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

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

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

The minor variance application requests relief from:

i. **Section 13.2(b) "Minimum Lot Frontage"** – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The proposed reduced lot frontage is minor in nature given the surrounding area and lot pattern; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province to adhere to provincial interest. With the reduced lot frontage, the lot can still comfortably accommodate the proposed dwelling, outdoor amenity area, parking, drainage and provide adequate separation from adjacent lots and land uses. The reduced lot frontage should not result in sightline issue and traffic concerns as the reduction is minimal.
2. The variance is desirable for the development or use of the land.	The variance to reduce the minimum lot frontage is desirable for the lands as it will allow for the creation of an additional residential building lot on a large, underutilized residential lot within the delineated built boundary of the

	Fonthill urban settlement area. The reduced lot frontage will be negligible in terms of resulting impacts and would appear indistinguishable from surrounding residential lots.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance to reduce the minimum lot frontage maintain the policy intent of the Official Plan as it allows for gentle intensification of an existing neighbourhood within the delineated built boundary, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The minor reduction in lot frontage will not negatively impact the character of the neighbourhood but instead help strengthen and diversify the housing stock.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance seeking reduction of the minimum lot frontage provision maintain the general intent of the Zoning By-law Plan as the lot will continue to permit a single detached residential dwellings in the R1 zone. The proposed lot frontage is in keeping with the surrounding neighbourhood and would not incur incompatibility.

Agency & Public Comments

On November 9, 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.

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- Building Division (November 23, 2021)
  - A demolition permit is required for the existing dwelling.
- Public Works Department (November 23, 2021)
  - No comments or concerns.

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

- Daniel Peat (November 30, 2021)
  - Traffic safety with two new driveways close to crest of the hill.
  - Piecemeal approach to planning process.
  - Proposed lot lines are not perpendicular to Canboro Road, driveways will either be not perpendicular to road, or lots will be crowded due to angular restrictions, so concerns with variance decreasing frontage are compounded.

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 September 2, 2021 to discuss the subject applications. In addition to the Consent Sketch, a preliminary 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 south side of Canboro Road, between Effingham Street and Haist Street and are surrounded by existing residential neighbourhood mostly consist of single detached residential dwellings.

The proposed minor variance application seeks zoning relief to permit a reduction of 1.3 metres for the minimum lot frontage requirement.

In considering the reduced lot frontage, staff is of the opinion that although the minimum required lot frontage will be reduced, the impact on the subject property and adjacent properties is negligible. The proposed lot frontage is in keeping with the existing proximate neighbourhood and the additional housing opportunity aligns with provincial, regional and local plan intent and purposes. It is noted that the reduced lot frontage provides for a large lot by today's development standards.

Planning staff are of the opinion that the proposal applies current planning and development principles and makes efficient use of the land and infrastructure, and should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff. 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 A41/2021P **be approved**.

Prepared by,

Kenny Ng, B.ES
Planner

Approved by,

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

Committee of Adjustment

Minutes

Meeting #:	**CofA 11/2021**
Date:	**Tuesday, November 2, 2021**
Time:	**4:00 pm**
Location:	**Town of Pelham Municipal Office - Council Chambers** **20 Pelham Town Square, Fonthill**
Members Present	Donald Cook John Klassen Sandra Marsh
Members Absent	Bernie Law Brenda Stan
Staff Present	Holly Willford Sarah Leach Jacquie Miller Kenny Ng

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

Ms. Sarah Leach, Assistant Secretary-Treasurer, recited the land recognition statement.

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

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

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

5. Applications for Minor Variance

5.1 A37/2021P - 105 Highway 20 East

Purpose of Application

Application is made for relief of By-Law 3867(2017) 275. GC-275 - Section 20.2(f) “Maximum Density for Apartments” – to permit a maximum density of 155 units per hectare whereas the by-law allows 120 units per hectare.

Representation

The Agent, Mr. Jared Marcus and the Applicant, Mr. Tony Azzi 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

The Agent, Mr. Marcus, provided a short presentation to further explain the application. A copy is available through the Clerk.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre-registered members of the public. Ms. Leach checked the clerks@pelham.ca email address at 4:27 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion or the meeting and deliberate.

Moved By Sandra Marsh
Seconded By John Klassen

THAT the public portion of the meeting is closed.

Carried

Member Comments

A Member asked what clientele the development is being marketed too. The Applicant, Mr. Azzi responded primarily Pelham residents, secondarily Niagara residents and lastly, residents of the Greater Toronto Area. Mr. Azzi indicated a need for more affordable condominiums within Niagara, noting that the smaller unit size allows for a more competitive price point. A Member suggested that the proposed condominium size is not conducive to a family exceeding one child. Mr. Azzi stated that he anticipates that purchasers will include people downsizing and young professionals looking to enter the housing market. The Member further asked if the development may become a University residence. Mr. Azzi stated no.

A Member stated that the development as a whole was based on a site-specific zoning by-law. The Member suggested that what is being asked of the Committee of Adjustment should be presented to Council as an amendment to the site-specific zoning by-law. The Member expressed that in their opinion, the increase in density is excessive in relation to the surrounding neighborhood which is comprised largely of single family dwellings. The Member indicated that they could not support the variance for this reason.

A Member asked for clarity with respect to the number of two bedroom and single bedroom units within the condominium. The Member expressed concern regarding the number of illegal left hand turns westbound on Highway 20. The Member indicated that a similar situation may occur at the entrance to the development from eastbound traffic on Highway 20. The Member stated his concern that safety is being compromised and the increased density will worsen the situation. The Member reaffirmed their position as not being in support of the variance as they believe a zoning by-law amendment is warranted.

In response to an earlier inquiry, Mr. Marcus indicated that eight two bed room and 98 single bedroom units are proposed. A Member echoed the safety concern with respect to the entrance on Highway 20. In response, Mr. Marcus stated that the site entrance was approved at that location. He indicated that due to approval, the entrance was deemed a sufficient location with sufficient distance.

A Member asked for confirmation that an entrance permit for Highway 20 was issued by the Niagara Region. Mr. Azzi confirmed that an entrance permit had issued. Mr. Azzi further indicated that a traffic study was also submitted to the Niagara Region which supported and justified the entranceway off Highway 20. Mr. Azzi indicated that the decrease in commercial space will result in reduced traffic flow.

With regard to parking stall requirements, a Member asked if a restaurant would be included within the commercial property. Mr. Azzi confirmed that no restaurant is proposed.

Moved By John Klassen
Seconded By Sandra Marsh

Application for relief of By-Law 3867(2017) 275. GC-275 - Section 20.2(f) "Maximum Density for Apartments" – to permit a maximum density of 155 units per hectare whereas the by-law allows 120 units per hectare is hereby: GRANTED;

The above decision is based on the following reasons:

1. **The variance is minor in nature as the exterior of the building and built form remains relatively unchanged from the original design and no adverse impacts are anticipated.**
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 as it will increase residential intensification and help facilitate additional units which can potentially improve the affordability of this mixed-use development project.**
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 is aware that a Site Plan Amendment Application is required.**

The above decision is subject to the following conditions:

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

1. **Submit and receive approval of a Site Plan Amendment Application addressing the following:**
    1. **Submission and approval of a Landscape Plan detailing landscape treatments and features, plant materials and landscape specification, landscaped buffer area, tree planting list and elevation, and any other additional information necessary for clarity.**
    2. **Submission and approval of a Site Plan providing locations for bike storage which avoid conflicts with pedestrian movement and site circulation. Adequate landscape buffer which can screen parking elements from public view, sidewalk and adjacent properties without obstructing pedestrian view.**

Carried

6. Applications for Consent

7. Minutes for Approval

Moved By Sandra Marsh
Seconded By John Klassen

THAT the minutes of the October 5, 2021 Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

Moved By Sandra Marsh
Seconded By John Klassen

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for December 7, 2021 at 4:00 pm.

Carried

_____

Don Cook, Chair

_____

Assistant Secretary-Treasurer, Sarah Leach