

Committee of Adjustment AGENDA

CofA 02/2022

February 1, 2022

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**

- 2.1. **Land Recognition Statement**

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 Minor Variance**

5.1. A2/2022P - 368 Canboro Road

1

1. Town of Pelham Planning
2. Town of Pelham Building
3. Town of Pelham Public Works
4. Niagara Region
5. Erik Rohrmoser and Jessica Szaszi
6. Howard and Cyndy Best
7. Nigel Witteveen and Caitlin Manson
8. Wes and Pat Crowe
9. Wendy Audette
10. John and Susan Pruyn

Pre-Registered Members of the Public

1. Erik Rohrmoser and Jessica Szaszi
2. Nigel Witteveen and Caitlin Manson

6. Applications for Consent

6.1. B1/2022P - 147 Port Robinson Road (Part 1)

29

1. Town of Pelham Planning
2. Town of Pelham Building
3. Town of Pelham Public Works
4. Bell Canada
5. Amy Zavitz

6.2.	B2/2022P - 147 Port Robinson Road (Part 2)	46
	1. Town of Pelham Planning	
	2. Town of Pelham Building	
	3. Town of Pelham Public Works	
	4. Bell Canada	
	5. Amy Zavitz	
6.3.	B3/2022P - 147 Port Robinson Road (Part 3)	59
	1. Town of Pelham Planning	
	2. Town of Pelham Building	
	3. Town of Pelham Public Works	
	4. Bell Canada	
	5. Amy Zavitz	

6.4. B4/2022P - 1620 Haist Street (Part 1)

72

1. Town of Pelham Planning
2. Town of Pelham Building
3. Town of Pelham Public Works
4. Niagara Region
5. Bell Canada
6. Hydro One
7. Mr. & Mrs. Hubbard
8. Oscar and Janet Weiland
9. Iqbal Khan
10. Dale Nicholson
11. Kathy and Alan Shaw
12. Warren Fine
13. Tom Eansor

Pre-Registered Members of the Public

1. Warren Fine
2. Kathy Shaw
3. Larry Colangelo

7. Minutes for Approval

97

December 7, 2021

8. Adjournment

January 26, 2022

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

Re: Minor Variance Application A2/2022P
368 Canboro Road, Pelham
Part of Lot 7, Concession 8
Roll No. 2732 020 013 09400

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

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

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

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

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the

development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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

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

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town’s Heritage Master Plan also identifies this area as having composite archaeological resource potential. The applicant has therefore conducted a Stage 1 and 2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated August 13, 2021). Given the results of the Stage 1-2 assessment and the recovery of no archaeological resources, no further archaeological assessment was recommended by the licensed archaeologist.

In a letter dated Aug 24, 2021, the Ministry of Heritage, Sport, Tourism, and Culture Industries acknowledged the information contained in the Stage 1 and 2 Archeological Assessment and its recommendations. The report has been entered into the Ontario Public Register of Archaeological Reports. As such, no further archeological assessment is warranted, and archaeological resources have been addressed for the subject property.

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

Greenbelt Plan (2017)

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

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

The proposed dwelling does not conflict with Greenbelt Plan policy.

Regional Official Plan (Consolidated, August 2014)

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

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

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham’s unique character, diversity, cultural heritage and protect our natural heritage features.

The Town local Official Plan designates the subject land as ‘Specialty Agricultural’ as per Schedule ‘A’.

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

Policy B2.2.2 states that among other uses, one single detached dwelling is permitted on existing lots of record.

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

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

The subject land is zoned ‘Agricultural’ (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Under the default regulations of the Zoning By-law, the minor variance application

requests relief from:

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

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	In considering the increase to the maximum building lot coverage to 15 %, staff is of the opinion that although the permitted lot coverage will be exceeded, the anticipated impact on the subject property and adjacent properties is minimal. The variance is not too large in actual measurement, as the subject lot has an overall area of 2172.75 m ² , with the proposed building area of 276.43 m ² which equates to an overall lot coverage of 12.72%. This would not result in an oversized building that would be incompatible or appear egregious in the immediate neighbourhood. Adequate open space will remain available to handle stormwater runoff (subject to the requested lot grading and drainage plan) and preserve sufficient rear yard amenity area, and to allow for the construction of a new septic system as per Region’s request to service the proposed dwelling. The proposed dwelling is located to the rear of the property where it will have the least impact on adjacent lands and is more than 60m separated from the nearest adjacent dwelling. The separated distance is considered to be more than sufficient to not impact on privacy, sunlight and openness. The proposed dwelling will also conform to the height requirements of the by-law and the scale and mass of the proposed dwelling is typical of a single detached dwelling

	<p>with an attached garage and is not so extreme to result in an adverse impact with respect to shadowing or overlook.</p> <p>The proposed reduced side yard variance is minor overall given the restrictive configuration of the lot caused by the overall narrow shape of the lot and the 'flag' lot configuration. In considering the limited lot fabric and buildable area, this variance is considered minor in nature and should not result in adverse impacts to subject and surrounding properties given that the dwelling is more than sufficiently separated from adjacent dwellings.</p> <p>The proposed reduced distance between driveway and lot lines variance is minor overall as it faces the similar constraints as the side yard requirement with regards to the limited lot fabric. Moreover, the proposed driveway is generally located in the same area as the existing driveway and will be located more centrally within the site. The intent of the required distance is to ensure safe vehicular movements, a reduction in distance is acceptable and no issues were identified with respect to sight line concerns, site accessibility and vehicle maneuverability.</p> <p>The variances are considered minor in nature as no detrimental impacts to the subject and adjacent lands are anticipated, subject to the demonstration of adequate drainage and private servicing capacity. The location of the proposed building is reasonable given the prevailing condition of the lot. The proposed size of the new single detached dwelling combined with its proposed location is not egregious and should not have adverse impacts or deemed incompatible with adjacent residential uses and the surrounding agricultural and rural uses.</p>
2. The variance is desirable for the development or use of the land.	<p>The increase of the building lot coverage is desirable as the overall lot coverage is not significantly increased and the proposed dwelling is an average sized dwelling, while the lot is considered an undersized lot with a narrow lot fabric which poses limitations in the property's built form within the buildable area.</p>

	<p>The intent of the side yard setback is to ensure that new development have regard for adjacent dwellings and to minimize impact to structures on adjacent lots. It also ensures the maintenance of an outside access around the building and the retention of open space on individual properties. The side yard setback variance is considered desirable as there is adequate distance which separates the proposed building from adjacent structure on neighbouring properties. There is also adequate space to maneuver around the building for access and retains ample open space in the rear yard.</p> <p>The reduced driveway minimum distance variance is considered desirable as it will be relocated to a more central location within the site and would in turn improve vehicular circulation and accessibility.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The proposed single detached dwelling is a permitted use in the 'Specialty Agricultural' designation of the Official Plan and uses which are compatible with agriculture are permitted. The requested lot coverage and setback variances should have no impact on the agricultural viability of the subject lands or the agricultural use of the surrounding area and will not compromise the objectives of the Official Plan, with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities which are subject to the demonstration and satisfaction of the requested conditions of approval.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The variances maintain the general intent of the Zoning By-law as the subject site is located in an area which can be characterized as a rural village and smaller, narrow lots similar to the subject site exist quite commonly in the surrounding neighbourhood. The requested variances will allow for a slightly larger rural residential dwelling to be situated in the rear yard, which is not out of character in the surrounding neighbourhood. The requested zoning reliefs are necessary to address the site's particular lot configuration that is quite limiting in depth and size with regards being able to site the proposed dwelling with minimal impact on adjacent properties.</p>

Agency & Public Comments

On December 24, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Niagara Region Development Services Division (January 12, 2022)
 - The site is a tight space with a natural slope to the east with trees on the west side which would have to be removed to accommodate a septic system in this area. In the future, no structures are permitted to be constructed in the bed area which includes the mantle.
 - Regional staff offers no objections to the proposed addition subject to the applicant obtaining a septic permit prior to the issuance of a building permit.
- Building Division (January 19, 2021)
 - Demolition permit is required for the proposed structures to be removed.
 - Building permit required for the proposed dwelling.
- Public Works Department (January 19, 2021)
 - Public Works Staff suggests the following conditions:
 - Due to the alterations to the site, Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties. This includes overland flow routes, identifying swales and roof leader discharge locations, and showing that neither parcel will rely on the other for drainage.
 - If a new driveway or alterations to an existing driveway is proposed, the Applicant shall obtain a Driveway Access and Culvert Permit from the Town. 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.

Several public comments were received from neighbouring property owners, which are included on the Committee's Agenda and summarized below including responses to the comments:

- Yvon and Wendy Audette (January 16, 2022)
 - Concern with loss of privacy and openness, light and noise pollution due to the placement of new home. – *the proposed home will replace the existing home on the subject lands and will be placed further away from homes on adjacent properties than the current home on the property resulting in minimal impact on privacy, openness, light and pollution.*

- Concern with stormwater and septic drainage, as well as septic system code compliance. – *the applicant will be required to obtain approval for a new septic system and approval of a lot grading and drainage plan as part of the building permit approval process.*
- Worried that mature trees will be removed for the installation of utilities. – *it is not anticipated that any trees will be removed to accommodate this proposed development. The existing house and garage will be demolished allowing for the new driveway and utilities to be installed without impacting any mature trees and the proposed dwelling is located in area where there are no trees.*
- Erik Rohrmoser (January 17, 2022)
 - Concern with stormwater drainage, septic drainage, safety, view, etc. *prior to a building permit being issued, the proponent is required to obtain permit approval for a new septic system by the Region of Niagara and design of lot grading and drainage plan to the satisfaction of the Director of Public Works. The siting of the proposed dwelling to the rear of the property does not create any additional safety issues in the neighbourhood. Unfortunately, the right to a view is not a land use planning consideration, the dwelling will be located greater than 60m to the nearest dwelling and as such the impact on view is minimal.*
 - Loss of backyard space for agricultural, recreational purposes, as well as loss of property value and community feel due to new structure in backyard. – *the backyard is still greater than 19m in depth which is adequate for garden and amenity area. While the applicant initially proposed a dwelling at the front in keeping with the streetscape, it caused significant impacts on adjacent properties, resulted in tree loss and construction challenges that rendered that location not feasible.*
- Howard and Cyndy Best (January 18, 2022)
 - Concern with stormwater drainage and septic drainage causing negative impacts to neighbouring properties. – *the applicant is required to obtain approval for lot grading and drainage plan to the satisfaction of the Director of Public Works prior to building permit being issued.*
 - Object to the building placement and the requested side yard setback, which would lead to loss of privacy. – *impact on reduction of side setback is considered to minimal. The proposed dwelling is located sufficiently distance from other dwellings to not result in privacy issues. The proposed dwelling is also located more than 30m from neighbouring pool.*
 - Recommend adding a storey in the existing house to increase space. – *the applicants have chosen to build a new home vs. adding on or renovating the existing home.*
- Nigel Witteveen & Caitlin Manson (January 18, 2022)

- Concern with drainage causing negative impacts to neighbouring properties. – *prior to a building permit being issued for the proposed new dwelling the proponent will be required to obtain approval of a grading and drainage plan to the satisfaction of the Director of Public Works demonstrating how the grading of the property will be managed.*
- Object to the building placement, which would lead to loss of view. – *due to the configuration of the lot, the applicant is not able to site a dwelling in the front portion of the lot. Previous attempts to site a home in the front of the property resulted in more significant impacts on adjacent properties, tree loss and construction issues. The proposed dwelling is greater than 60m separated from adjacent dwellings resulting in minimal impact on views. While the proposed dwelling is located in proximity to a portion of the neighbouring rear amenity area, there remains significant rear amenity area that is not impacted by the placement of the dwelling and any impact is considered to be minimal.*
- Patty Crowe (January 19, 2022)
 - Concern with stormwater and septic and would like to request a stormwater management report be submitted. – *prior to a building permit being issued, the proponent is required to obtain permit approval for a new septic system by the Region of Niagara and design of lot grading and drainage plan to the satisfaction of the Director of Public Works.*
- John and Susan Pruyn (January 19, 2022)
 - Concern with stormwater and septic and would like to request a stormwater management report be submitted. – *prior to a building permit being issued, the proponent is required to obtain permit approval for a new septic system by the Region of Niagara and design of lot grading and drainage plan to the satisfaction of the Director of Public Works.*
 - Object to side yard setback variance, and concern with impacts to agricultural use of adjacent lands. – *the impact of the proposed side yard setback is considered to be minimal and the impact on the agricultural land use to the rear is minimal given the rear yard setback of over 19m.*

Planning Staff Comments

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on May 19, 2021 to discuss the subject application. In addition to a Site Plan and a Survey sketch, a Planning Justification Brief prepared by Upper Canada Consultants dated December 14, 2021 was also submitted in support of the proposed development. Planning staff have reviewed the *Planning Justification Brief*, as well as all agency and public correspondence submitted to date.

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

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

It is noted that the applicant initially proposed a new dwelling in the general location of the existing dwelling to maintain the streetscape of the Canboro Road in this area. However, that location resulted in greater impact on the adjacent land uses, would have resulted in a significant amount of tree removal and caused significant issues with regards to construction and need to access adjoining lands. As a result, it was not considered to be a desirable option and the applicant revised their house designs and relocated the proposed dwelling to the rear of the property where it could be more easily accommodated, have less impact on adjacent properties, not result in tree removal, albeit it altering the streetscape somewhat. However, it is noted that there are a number of locations along Canboro Road that houses are setback further and to the rear of other lots and they have proven to compliment the area.

Based on the analysis given in above sections and the requested conditions of approval, staff is of the opinion that the application is consistent with the PPS and conforms to Provincial, Regional, and local plans. The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

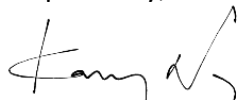
Given this analysis, Planning staff recommend that minor variance file A2/2022P **be approved** subject to the following conditions:

THAT the applicant

- Apply for and submit a Septic Permit Application along with a detailed septic design by an approved septic contractor/designer, to the Niagara Region, for review and approval. No construction shall commence prior to the clearance of this condition and upon a new septic system in place which can ensure full functionality.
- Submit a comprehensive overall lot grading and drainage plan, to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works.
- Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to Building Permit and the Applicant shall bear all costs associated with the works.

- Apply for and receive all necessary Building Permits for the proposed dwelling prior to construction.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,



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

To: Sarah Leach

Cc: Kenny Ng,

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

Date: January 19th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 1st, 2022 Hearing

Comment for Re: File A2/2022P 368 Canboro Rd.

The building department offers the following comment,

- Demolition permit is required for the proposed structures to be removed.
- Building permit required for the proposed dwelling.

Comment for Re: File B1, B2 & B3/2022P And 147 Port Robinson B4/2022P 1621 Haist St.

The building department offers the following comment,

- No comment.

Kind Regards,

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

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: 19th January 2022

File No.: A2/2022P

RE: Minor Variance – 368 Canboro Road, Pelham

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application.

This application is made for relief, to construct a 2 storey single detached dwelling, from:

Section 7.4(c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 15% whereas the bylaw allows 10%;

Section 7.4(f) “Minimum Side Yard” – to permit a minimum side yard of 1.2 metres whereas the by-law requires 9 metres; and

Section 6.16(d)(iv) “Ingress and Egress – Minimum Distance Between Driveway Measured Along the Street Line” – to permit a minimum distance between driveways of 1.5 metres from the eastern property line and 1.5 metres from the western property line whereas the by-law requires 7.5 metres.

Public Works Staff suggests the following conditions:

1. Due to the alterations to the site, Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties. This includes overland flow routes, identifying swales and roof leader discharge locations, and showing that neither parcel will rely on the other for drainage.
2. If a new driveway or alterations to an existing driveway is proposed, the Applicant shall obtain a Driveway Access and Culvert Permit from the Town. 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.

VIA E-MAIL ONLY

January 12, 2022

Holly Willford

Town Clerk/Secretary-Treasurer

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

Submission for Minor Variance Application

Location: 368 Canboro Road
In the Town of Pelham

Our File: MV-21-0106

Regional Planning and Development Services staff have completed a review of the provided materials which were provided as part of an application for a minor variance at 368 Canboro Road in the Town of Pelham.

The documents were received by Regional staff on December 24, 2021. The submitted Minor Variance application is seeking permission permit a maximum lot coverage of 15%, a minimum side yard setback of 1.2 metres, and a minimum distance between driveways of 1.5 metres.

Private Sewage System

Regional Private Sewage System (PSS) staff have reviewed the application for 368 Canboro Road and conducted an on-site inspection. At the time of inspection it was noted that the site is a tight space with a natural slope to the east with trees on the west side which would have to be removed to accommodate a septic system in this area. Due to the tight space staff would suggest the applicant ensure that there is sufficient space provided in order to meet the required private sewage system setbacks as per the Ontario Building Code. It should also be noted that in the future no structures are permitted to be constructed in the bed area which includes the mantle. At this time PSS staff have no concerns with the proposal provided the applicant obtains a septic permit prior to the issuance of a building permit.

Conclusion

Based on the analysis and comments above, Regional staff offers no objections to the proposed addition subject to the applicant obtaining a septic permit prior to the issuance of a building permit.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3358, or Devon Haluka, Private Sewage System Inspector, at extension 3671.

Best Regards,



Matteo Ramundo
Private Sewage System Inspector
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Amy Shanks, Development Planner, Niagara Region
Devon Haluka, Private Sewage System Inspector, Niagara Region

Sarah Leach

To: Holly Willford
Subject: RE: 368 Canboro Rd Ridgeville

From: Erik Rohrmoser [REDACTED]
Sent: Monday, January 17, 2022 10:58 PM
To: Holly Willford <HWillford@pelham.ca>; Erik Rohrmoser [REDACTED] Jessica Szaszi
[REDACTED]
Subject: 368 Canboro Rd Ridgeville

Hi there, my name is Erik Rohrmoser and I am speaking on behalf of myself and my wife Jessica Szaszi. We are the owner's of [REDACTED] Canboro Rd. We understand that the family who bought 368 Canboro has now decided to try to build at the bottom of the hill in the open part of their backyard. Our household has several issues and flat out objections with the possibility of this build. Our objections are as follows:

1: Drainage.... We are under the impression that the rain water from the road drains into the exact location of the proposed house. Our concern is that they will have to raise their foundation to protect their house from flooding, but that could result in them redirecting that water to all of the surrounding yards including our own.

2: Septic Drainage..... with the house being at the back of their property I would imagine there will be numerous complications and potential "eye sores" involved with the necessary leeching bed that they will need to install uphill because there won't be enough room anywhere else.

3: Agricultural Zoning..... Ridgeville and our little area is from what I understand zoned as A1 Agricultural. The properties in our area have a very healthy amount of extremely fertile land used by both hobbist gardeners and farmers as well as families who survive solely on profits from agriculture. 368 Canboro is a very healthy sized piece of very fertile land that has lots of room to grow crops, have chickens, garden and enjoy nature. We truly believe that if that is replaced with a driveway that extends through most of the land only to reach a house that takes up the last little bit of the property, it will drastically change it from an Agricultural haven to a giant suburban style property which will not easily be undone. Nor will it likely ever go back to an Agricultural feel and it may encourage others in the area to do the same.

4: Safety..... our children and their friends have always played in our backyard and even the woods behind our property. They've had campouts overnight and we've all felt very safe because they are away from the road and strangers including delivery people because it's so far back. But if they're allowed to build the front of their house in the back of our yard, they will encourage delivery people, sales people, workers, and even just random people checking meter numbers. That will drastically change the feel from a safe environment to one where we must now keep a constant eye on who is wandering around in our unfenced backyard.

5: Community Feel..... houses 358, 360, 362, 364, 366, 370, and the former residents of 368 Canboro Rd have all opted to never install fences, dividers, hedges, or obstructions to views or our "open community vibe". All of our families spend a lot of time in our backyards and at the bottom of the hill doing a number of activities, gardening, landscaping, growing crops, hanging out in the pool, and even going for hikes in the woods. We all spend time in each other's properties, we all help each other, hangout together, eat and even drink together as a "micro community". Especially during the pandemic, all of the properties were communal and free to roam, and frankly it's been a sanctuary for everyone during the lockdowns. The new neighbours would now like to build a house smack dab in the middle of all that. It is extremely undesirable and in my opinion should be unacceptable. It extremely disrupts the natural flow of the area and community and they are trying to be the "odd man out".

6: Property value..... both my wife and myself were hesitant to move all the way from St Catharines to Ridgeville. However when we saw the absolutely beautiful and nature filled backyard that has never been built or developed on, we immediately fell in love, bought the house, and became citizens of Ridgeville. I very strongly believe that if a house is allowed to be built in any of the surrounding backyards it will destroy the view and lower our property value. Potential new citizens of Ridgeville may not fall as easily in love with the new landscape and curb appeal will likely go down due to a random house in the middle of everyone's backyard. We all have decent sized properties, however they are all less than an acre in size, so in reality any house down there will stick out like a sore thumb.

7: Obstructed View..... all of the properties have an unobstructed view of the woods, treeline, and in general....nature. If anyone is allowed to build a house at the bottom of the hill, they will obstruct every other house's view and will intern inherit the view for themselves alone and reduce the view for everyone else.

8: To recap.... the variances required for this new build and frankly the build itself are not Minor in nature, are not Desirable, are not appropriate for the area, are not in keeping with the intent of the zoning bylaws, will change the feeling of safe and tranquil to awkward and unnerving, will likely disrupt the water flow and Drainage of all the surrounding properties, will drastically change the community feel to one of distance and an "every man for themselves" attitude, and could likely reduce the property values of several families in the neighbourhood.

Thank you so much for taking the time to read this. We look forward to hearing the decisions at the zoom meeting.

Sincerely,
Erik Rohrmoser & Jessica Szaszi

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Sarah Leach

To: Holly Willford
Subject: RE: 368 Canboro Rd Ridgeville

On Jan 18, 2022, at 5:15 PM, Cynthia Best <[REDACTED]> wrote:

To The Committee of Adjustment:

We are Howard and Cyndy Best and we have resided at [REDACTED] Canboro Rd., for 37 years and we have some concerns about the proposed new build on 368 Canboro Rd.

First and foremost we are very concerned about drainage and their septic system. The back of our property is very low and water will flow to the lowest point, the new build at the back of 368 Canboro has the potential to cause the surrounding lower property to be unusable due to extra water buildup. Already, the water from Canboro Rd., runs down our driveway and through our back yard like a river, ending up in the field which is the back part of the property of 366 and 368. There is also a drainage easement that runs between 366 and 368 from a manhole along the sidewalk, we are concerned about any change in the grade where the house is constructed. To have added drainage from a septic or weeping system at the back of that property could add more water to an already saturated ground. We think that this alone would negatively impact neighbouring property. (We probably wouldn't be able to have a vegetable garden at all anymore.)

If this was just adding an additional level to the existing home we would have no objections to the variance for the side yard at this point it would be a minor variance. But, as this is a new build we don't believe the side yard falls into a minor variance INSTEAD we believe it falls into a site specific rezoning. Asking for 8M instead of 9M is minor, asking for 1.2 instead of 9 is not minor.

As we have stated, we have lived here 37 years and have enjoyed living a quiet rural life with open farmers fields and the wooded area behind being our beautiful backdrop. Having a home built in the back changes our area to being more like a subdivision and hinders our privacy. We enjoy our neighbours and our properties are not divided by fences in the back. We have a very free community setting. We have just retired and were hoping to really start enjoying our backyard space with our pool area. Instead, now we feel we will not be able to enjoy our privacy with a house in the backyard. If we had wanted homes in our backyard we would have bought in a subdivision.

We are not against anyone building on the property but we feel that the house should conform to the neighboring buildings in size and location.

Please consider our concerns as we do not believe they are MINOR in any way.

Sincerely,
Howard and Cyndy Best
[REDACTED]

From: [REDACTED]
To: [clerks pelham](#)
Subject: File# A2/2022P
Date: Tuesday, January 18, 2022 8:40:09 PM

Hello,

We would like to register for the zoom meeting for 368 Canboro Rd.

There are also some written concerns that we would like to submit.

We understand that this is a funny lot, we are at [REDACTED]. Our lots are not an ideal shape, that being said, we have a house that is built at the front of the property and fits in with the rest of the street. We understand that it's not ideal having your backyard fall behind your neighbour's property, but the rest of us have made it work.

First off, building at the back of the property is an eye sore for us, we look out into our beautiful backyard and instead of a scenic view, we will see a monstrous house. Day or night, a house back there will light up our quiet back yard, take away from the middle of the country feel and star gazing nights.

It takes away from our privacy and theirs. We have a gazebo and horseshoe pits in the back part of our property, it is where we entertain. Which will now be right beside their living room or bedroom window.

Building back there will cause drainage issues, everything flows down until it can't, then it spills over. The proposed building plan doesn't even look like there is any room for septic system, that tile bed has to drain somewhere.

There are better uses for this property, different building plans can be made for building up top. Plans that go with the rest of the houses on this street/don't disrupt anyone else's view/use of their own property.

Thank you.

Nigel Witteveen & Caitlin Manson

Sarah Leach

To: Holly Willford
Cc: Kenny Ng
Subject: RE: 368 Canboro Rd

From: patty crowe [REDACTED]
Sent: Wednesday, January 19, 2022 10:00 AM
To: Holly Willford <HWillford@pelham.ca>
Subject: 368 Canboro Rd

Attention: Committee of Adjustment

We have been residents of [REDACTED] Canboro Rd for 36 years and have concerns regarding the new build on 368 Canboro Rd., Ridgeville. Our concern is about drainage and their septic system.

Our farm (which is our livelihood) butts against the southern end of this property. Our property being downhill will get both the increase in runoff and any migration of septic effluent. Household conaminants can leach into the farmland and damage roots of fragile crops putting the future of agricultural land at risk.

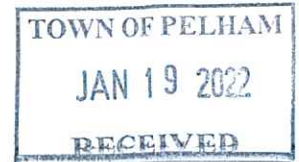
Before considering the request for the building of the house this far down the lot, more investigation into the drainage of this area needs to be completed. A stormwater management report should be submitted to the Town of Pelham showing post development flows do not exceed pre development flows. (We believe this is considered a standard requirement for all new developments)

Please consider our concerns as they affect our precious agricultural land which is diminishing in the Town of Pelham.

Thank you,

Wes and Pat Crowe
[REDACTED]

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Jan. 16, 2022

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

RE: File Number A2/2022P

Committee of Adjustment Members,

We object to the granting of minor variances from Section 7.4(c) "Maximum Lot Coverage", Section 7.4(f) "Minimum Side Yard" and Section 6.16(d)(iv) "Ingress and Egress – Minimum Distance Between Driveway Measured Along the Street Line" requested for 368 Canboro Road under File Number A2/2022P.

If these variances are granted, it would allow the construction of a dwelling that will overlook our backyard and the backyards of at least 4 homes to the east of the property. (See Photograph A). There are no other dwellings in our immediate area that are located this far from the road. At 2 storeys tall, it would loom over our backyards and would result in a major loss of privacy for all of the homeowners. The small size of the lot and reduction of minimum side yards to only 1.2 m will not allow any space for landscaping to screen it from view.

The "look at me" outdoor lighting that all new homes seem to have will light up our backyard all night, every night. We would no longer be able to go out, away from the streetlights, and see the stars, or watch meteor showers or fireflies on warm summer nights.

The noise from their air conditioner will be an additional annoyance, intruding on the quiet of the only area of our backyard that is free from the noise of traffic on Canboro Road.

According to the Site Plan, if the "Minimum Side Yard" reduction is allowed, we will have a 2-storey-high wall over 10 metres (33 feet) long only 1.2 m (4 ft.) from our property line. It will destroy the feeling of openness and space that we now enjoy. Over-digging and construction of the foundation is very likely to cause damage to our garden, and the building will permanently cast shade on our garden and yard, as shown in Photographs B and C.

This loss of privacy, unwanted lighting and noise, and loss of openness will negatively affect the rural character of the neighbourhood and will vastly reduce our enjoyment of our property.

Our concerns are not minor. The variances requested cannot be considered as "minor".

We are opposed to the granting of "Maximum Lot Coverage" and "Minimum Side Yard" variances because we believe that the construction of the proposed dwelling would lead to drainage problems. The land on this side of Canboro Rd slopes down from the roadway to a low-lying area behind the homes, as shown in Photograph A. The Ontario Building Code states (9.14.6.1) "The building shall be located or the building site graded so that water will not accumulate at or near the building and will not adversely affect adjacent properties". As the building would be located in this low area, the site would require extensive grading in order to comply. With increased "Maximum Lot Coverage" and minimum

side yards of only 1.2m, there is not enough room on the remaining property for this to be accomplished without directing the surface drainage, as well as water from the building's downspouts, onto adjacent properties.

The surface drainage in this area can be significant. There have been several instances in past winters where a large snowfall has been followed by a sudden increase in temperature. This caused the snow on the hills to the north of Canboro Rd to melt very rapidly and the water to pour down across the roadway, overwhelming the catch basins. On one occasion, water was also gushing up out of the grate and flowing like a river down the side of the existing dwelling at 368 Canboro to the lower land behind it.

We also object to the request to permit a "Maximum Lot Coverage" increase to 15% because it may not leave enough land for the septic system. The Town of Pelham Official Plan states under Section D1.3, Water and Sewer Servicing for the Rural Area, that "Full municipal water and sewage services are not permitted outside of the urban service boundaries of Fonthill and Fenwick". The Class 4 leaching bed septic system, consisting of a treatment unit and distribution piping, is commonly used in rural areas. The Ontario Building Code mandates clearances of 1.5m from a structure and 3m from the property line for the treatment unit, and 5m from a structure and 3m from the property line for the distribution piping. After the construction of this large 2 storey dwelling and attached 2-car garage, there is not much space left on the lot when the required clearances and grading are considered. The 1.2m side yards would also restrict access to the area behind the dwelling for maintenance of the septic system.

According to the Ontario Building Code, the only alternative to the Class 4 leaching bed septic system is the Class 5 system, which involves a holding tank that is pumped out and the sewage hauled away by an approved sewage hauling service. The circumstances under which this class of system can be approved are limited and are unlikely to apply to this property.

We object to the granting of minor variance Section 6.16(d)(iv) "Ingress and Egress – Minimum Distance Between Driveway Measured Along the Street Line" to permit a reduction to 1.5m from the western property line. Digging involved in preparing a base for a driveway this close to our property line may damage the roots of our large mature trees. (See Photograph D). Additional digging to allow for installation of gas, water and hydro would cause further damage. This would lead to their decline and eventual death, adversely affecting our enjoyment of our home. These trees form a visual boundary and privacy screen between yards. They shade our home from the hot sun in summer and shield it from the cold winds in winter, which reduces our energy consumption. In addition, removal of the dead trees would be our financial responsibility.

We are opposed to the granting of these variances because they do not conform to the general intent of the Official Plan, which states that one objective under "Growth and Settlement" (A2.2.2) is to "encourage diversity in housing in an effort to accommodate the broadest range of income levels". The proposed 2 storey dwelling with attached 2-car garage, with a building area of 276.43 square metres (2,975.5 sq. feet) would replace a much smaller home, and another opportunity for an affordable home would be lost.

These variances are not appropriate for the desirable development of the lot in an area zoned Agricultural 'A'. The proposed large dwelling, garage, and the required septic system would occupy most of the property. The Ontario Building Code prohibits the septic leaching bed from being subject to compaction or pressure that could damage the distribution pipes, which would leave very little usable space on the lot for amenities. The long driveway also takes up much of the open space, and the area alongside it would be required for the location of buried utilities. There would be little room for vegetable and flower gardens, or a patio or deck with the outdoor living spaces that are very desirable at present, and in keeping with the rural character of our neighbourhood. Large houses crammed onto small lots without any thought to natural features are not.

In conclusion, the problems of loss of privacy, reduced enjoyment of our property, drainage and

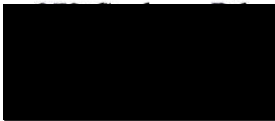
septic system issues that would be created by allowing these variances show that they are not "minor" in nature. They do not conform to the general intent of the Official Plan, nor are they appropriate for the desirable development of the lot in an area zoned Agricultural 'A'.

We respectfully urge the Committee to deny these applications.

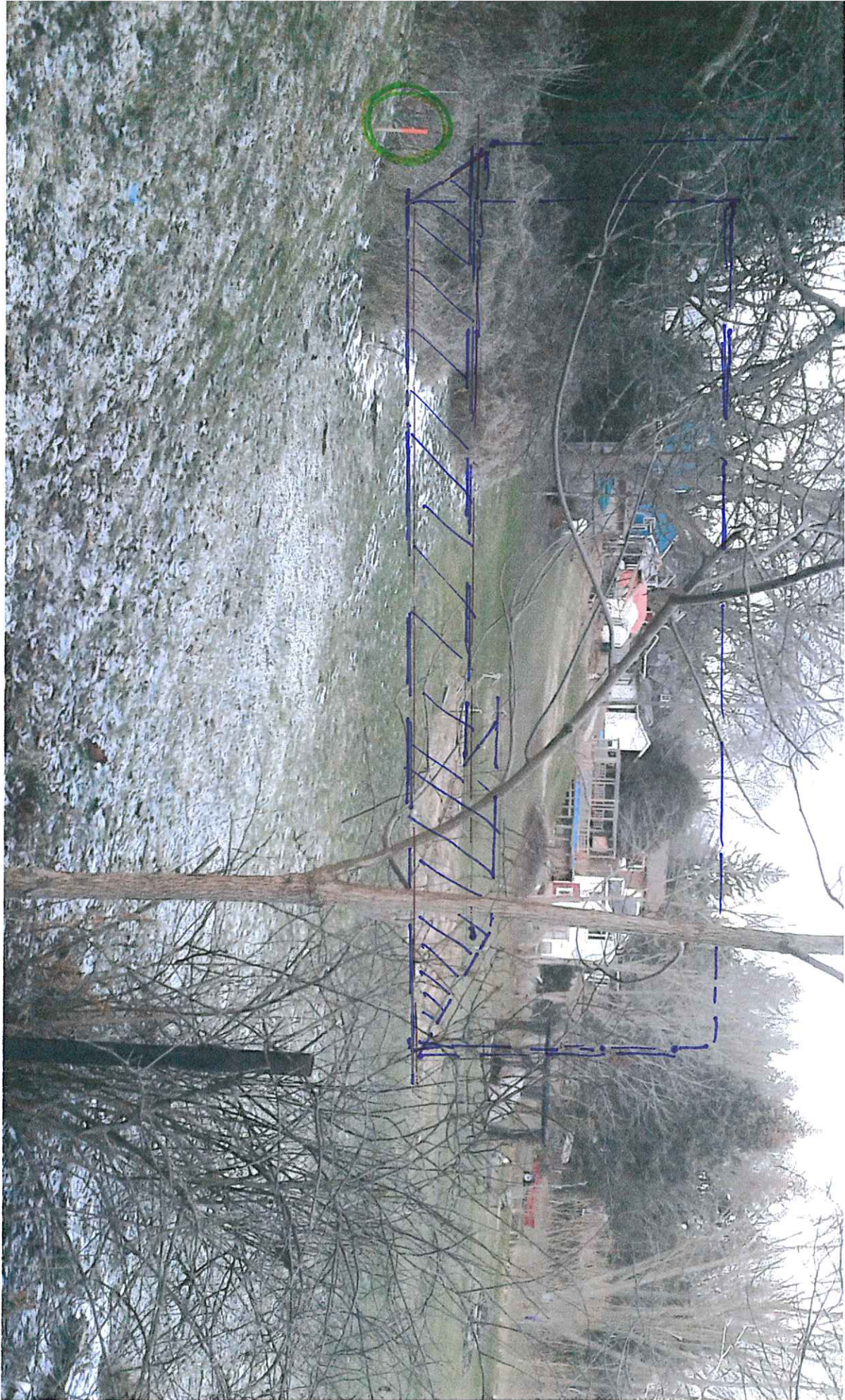
Thank you for the opportunity to comment on this matter,

Yvon Audette *Wendy Audette*

Yvon and Wendy Audette



VIEW FROM THE SOUTH EAST CORNER OF 372 CANBORO RD
SHOWING BACKYARDS OF NEIGHBOURING HOMES AND DOWNWARD
SLOPE OF LAND



← WEST



SURVEYOR'S MARKING FOR PROPERTY LINE
BETWEEN #372 AND #368



APPROXIMATE LOCATION OF
PROPOSED DWELLING

* NOTE THAT THE LAND SLOPES DOWN TOWARDS
THE PROPOSED BUILDING SITE.

← EAST



VIEW OF 368 CANBORO FROM
REAR YARD OF 372 CANBORO RD.

— APPROXIMATE LOCATION OF
PROPOSED DWELLING

LINE OF 372 CANBORO RD. AND ADJACENT 368 CANBORO RD
SHOWING SURVEY AND GROUND FROM PHOTOGRAPH B

PHOTOGRAPH C



EAST
↓
SURVEYOR'S MARKING STAKE
FROM PHOTOGRAPH B

WEST →

PHOTOGRAPH 12



WEST
→
372
CAMPUS
RD.

Sarah Leach

Cc: Kenny Ng
Subject: RE: File# A2/2022P, 368 Canboro Rd Pelham PL7 Con8

From: John Pruyn [REDACTED]
Sent: Wednesday, January 19, 2022 2:44 PM
To: Holly Willford <HWillford@pelham.ca>; Cynthia Best [REDACTED]
Subject: File# A2/2022P, 368 Canboro Rd Pelham PL7 Con8

To The Committee of Adjustment:

We are John and Susan Pruyn and we reside at [REDACTED] Canboro Rd. You have notified us that the owners of 368 Canboro Rd want to change the agricultural area of their property into a building lot and construct a large house and garage. The proposed dwelling is west of our property and will be prominently visible from our backyard. Our objections are as follows:

- 1) We are concerned about drainage. The back of our property is low. The new dwelling at the back of 368 Canboro has the potential to cause the surrounding lower properties to be flooded and unusable due to extra water buildup. Water from Canboro Road, runs down our driveway (also our neighbours) and through our back yard like a river, ending up in the field and agricultural areas of 358, 360, 362, 364, 366 and 368. The new dwelling will affect the drainage of the surrounding properties. Our hillside area will likely be subject to heavy rainfalls in the future due to climate change. A condition of the variance should be that there are no impacts on any neighbours' property from current and future drainage issues. We request that a stormwater management report be submitted to the Town showing post development flows do not exceed pre development flows.
- 2) Requesting a side yard of 1.2m when the bylaw requires 9m is not a minor variance and the committee of adjustment can only grant minor variances. This should be an application for site specific rezoning. Minor is defined in the zoning bylaw and the applicant has to show that their request is minor. Asking for 8m instead of 9m is a minor 1m change. Asking for 1.2m instead of 9m is a major 7.8m change and not a minor variance.
- 3) Currently the majority of the property at 368 is available for agricultural use. The proposed dwelling location and driveway will change the property into a suburban property not suitable for an agricultural area. The house will only be 1.2m from the neighbour's agricultural area. Chickens, pigs, cows etc. can be right next to the house. Is it okay to have livestock so close to a dwelling? A condition of the variance should be that there are no impacts on any neighbours' use of their properties for agricultural purposes.

This is a rural area with fields and wooded areas behind the houses along Canboro Road. The request to insert a large house and garage in the middle of prime agricultural land, right against the neighbour's property is not a minor variance and should be rejected.

Yours truly,

John and Susan Pruyn
[REDACTED] Canboro Rd
[REDACTED]
Ridgeville ON L0S 1M0
[REDACTED]

January 26, 2022

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

Re: Consent Application B1-2022P

147 Port Robinson Road, Pelham

Part of Lot 166, Formerly Part of Thorold Township now Pelham, Being Part 1 on Plan 59R-2675 (Part 1 on Sketch)

Roll No. 2732 030 020 04401

The subject parcel, shown as Part 1 on the submitted sketch, is an interior parcel of land situated 92.09 metres north of Port Robinson Road lying west of Moody Street, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 414 square metres of land (Part 1), to be merged with the partial lot to the east in the future. Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

Note: This application is being considered concurrently with Consent Files B2/2022P and B3/2022P.

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 the severed part will be merged with a partial lot within River Estates (Phase 2) in the future to form a complete single-detached lot fronting onto Susan Drive.

- d) The suitability of the land for such purposes;
 - The lands (and neighbourhood) are predominantly lower to medium density residential dwellings with mostly ground-oriented development. The proposed consent would facilitate the construction of one additional single detached residential dwelling in the new lot.
- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
 - The consent applications will dedicate Parts 2 and 3 as shown on the Severance Sketch, to the Town as public rights of way. Part 2 is to be used as an extension of a local collector road (rear laneway) and is 7.50 meters in width, 15.55 meters in depth and 109 square meters in area. Part 3 is to be dedicated as an extension of the Moody Street road allowance and is 18 meters in width, 30.58 meters in depth and 659 square meters in area. The dedication of these lands will facilitate the connection of the laneway to Moody Street and the extension of Moody Street itself.
- f) The dimensions and shapes of the proposed lots;
 - The proposed lot which will be merged with a partial lot in the adjacent subdivision will have comparable dimensions and shape to the existing neighbourhood development patterns and can comfortably site a new dwelling. It is noted however, any zoning deficiency and required land use changes must be addressed in the future Zoning By-law Amendment.
- h) Conservation of natural resources and flood control;
 - No natural resources or flood concerns are identified to be impacted because of this redevelopment.
- i) The adequacy of utilities and municipal services;
 - The retained parcel is connected to municipal infrastructure and has access to the full range of public services. Utilities and municipal services are available to service the severed parcel.
- j) The adequacy of school sites
 - Available nearby.
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
 - Part 2 and 3 as shown from the consent sketch will be conveyed to the Town of Pelham for public highway use.
- 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 also identifies this area as having composite archaeological resource potential. Therefore, a Stage 1 and 2 Archaeological Assessment and Ministry Clearance are required as a condition of approval.

The proposal will facilitate the construction of one new single detached dwelling 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 designated 'Delineated Built-Up 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, being single detached, semi-detached and townhouse dwellings. Single detached dwellings are the only (principle) permitted use under the proposed R2 zoning.

The extra residential lot will help the Town to meet or exceed its *delineated built boundary* intensification targets. The proposed dwelling will 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.

Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests. The subject lands are also 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 must be addressed as a condition of approval.

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 'East Fonthill Secondary Plan Area' according to Schedule 'A1'. The East Fonthill Land Use Plan (Schedule A5) more specifically designates the subject lands as 'EF-Medium Density Residential'.

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 Local road (Susan Drive). The neighbourhood is undergoing considerable transition and its character is shifting into becoming a residential neighbourhood with a mix of housing types, dense, compact and walkable urban village. 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.

The subject lands have no existing designated heritage properties and an archaeological assessment and clearance from the Ministry is required as a condition of approval.

Policy B1.7.3.1 (East Fonthill Development Objectives) – states the following development objectives will be implemented by the mechanisms set out in this Plan.

- b. To ensure a well-designed, attractive, pedestrian & bicycle-friendly community;
- c. To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
- d. To create a *complete community* with a safe, healthy and functional environment;
- j. To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces;
- k. To develop a land use pattern and transportation system that supports vehicle traffic, transit, bicyclists and pedestrians.
- l. To provide a hierarchy of collector and local roads that is based on a connected modified grid network.

Policy B1.7.7.4.2 (EF-Medium Density Residential Development Policies) – states that development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector Main Street.

The proposed lot will be able to realize the promoted development guideline of allowing a public laneway and the overall lot fabric is able to uphold development standards.

Policy B1.1.3 states that 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 Port Robinson Road, which is a Collector road according to Schedule 'C'.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
 - ✓ Not applicable according to subsection d) below, however the proposed housing type is consistent with area.
- 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.
- 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 lot which will be merged in the future comply with most applicable R2 zone requirements except a minor corner 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 2 (R2) 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;
 - ✓ Any zoning deficiency will be addressed through future Zoning By-law Amendment application.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Complies. Water and sanitary service available.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration will be required in subsequent Planning Act application.
- 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 north, as well as approved condo townhouse developments to the east and South. Lands to the west will be further developed pending future Planning Act applications. The new lot created will not 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 features and functions of environmental feature in the area.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
 - ✓ No objection from Region provided archaeological potential is addressed.
- 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 the satisfaction of the conditions of approval.

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

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

- a) Agricultural uses including greenhouses;
- b) Seasonal or permanent farm help houses on farms larger than 10 hectares;
- c) One single detached dwelling on one lot;

- d) Home occupations;
- e) Kennels;
- f) Animal hospitals;
- g) Uses, buildings and structures accessory to the foregoing permitted uses;
- h) Forestry and conservation uses.

A Zoning By-law Amendment will be required as a condition of approval to this consent, to amend the severed parcel's existing Agricultural (A) zoning into a site-specific Residential 2 (R2) zone, as well as to address any zoning regulation deficiency resulting from the lot creation for the retained lot.

Agency & Public Comments

On December 24, 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 Department (January 19, 2021)
 - No comment.
- Public Works Department (January 19, 2021)
 - Public Works Staff suggests the following condition:
 1. If a new driveway or alterations to an existing driveway is proposed, the Applicant shall obtain a Driveway Entrance and Culvert Permit from the Town. 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.

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

Planning Staff Comments

The subject application is made for consent to partial discharge of mortgage and consent to convey 414 square metres of land (Part 1), to be merged with the partial lot to the east in the future. Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

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 Planning Justification Report was provided in support of the proposed development.

The subject lands are located on the north side of Port Robinson Road, between Rice Road and Station Street and are situated in a quickly evolving secondary plan growth area.

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.

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

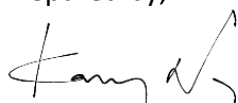
Given this analysis, Planning staff recommend that consent file B1-2022P **be approved** subject to the following conditions:

THAT the applicant

- Merge Part 1 with partial lot to the east within the River Estate Phase 2 Subdivision.
- Obtain approval for a site-specific Zoning By-law Amendment to rezone the merged lot, as well as to address any deficient Zoning By-law regulations resulting from the lot's creation to the satisfaction of the Director of Community Planning and Development.
- Provide lot priority plan to the Department of Community Planning and Development.
- Submit a Solicitor's Certificate of Ownership and a Surveyor's Certificate showing lot frontage and net lot area for the final merged lot to the Department of Community Planning and Development.
- Conduct a Stage 1-2 Archaeological Assessment and receive Clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries.
- 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.
- Obtain a Driveway Entrance and Culvert Permit from the Town to construct a new access to serve Part 1. 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.
- Receive Final Certification of consent files B1/2022P, B2/2022P and B3/2022P concurrently.

- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$411, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Prepared by,



Kenny Ng, B.ES
Planner



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

Approved by,

To: Sarah Leach

Cc: Kenny Ng,

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

Date: January 19th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 1st, 2022 Hearing

Comment for Re: File A2/2022P 368 Canboro Rd.

The building department offers the following comment,

- Demolition permit is required for the proposed structures to be removed.
- Building permit required for the proposed dwelling.

Comment for Re: File B1, B2 & B3/2022P And 147 Port Robinson B4/2022P 1621 Haist St.

The building department offers the following comment,

- No comment.

Kind Regards,

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

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: 19th January 2022

File No.: B1/2021P

RE: Consent – 147 Port Robinson, Pelham

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application.

This application is made for consent to partial discharge of mortgage and consent to convey 109 square metres of land (Part 2), to be dedicated to the Town of Pelham as a public laneway. Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

Public Works staff have no comments or concerns.

From: [Gordon, Carrie](#)
To: [Jacquie Miller](#)
Subject: RE: Committee of Adjustment Notices of Hearing - February 1, 2022 - 905-22-021
Date: Friday, January 7, 2022 8:31:04 AM

Hello,

Re: B1/2022P, B2/2022P and B3/2022P

Subsequent to review of the abovementioned application at 147 Port Robinson Road, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: Jacquie Miller <JMiller@pelham.ca>
Sent: Friday, December 24, 2021 10:37 AM
To: ROWCC <rowcentre@bell.ca>
Subject: [EXT]Committee of Adjustment Notices of Hearing - February 1, 2022

Good morning:

Please find attached the Notices of Hearing for files:

- A2/2022P – 368 Canboro Road
- B1/2022P, B2/2022P and B3/2022P – 147 Port Robinson Road

Thank you,
Jacquie



Jacquie Miller
Legislative and Committee Coordinator, Clerks Department
Town of Pelham
D: 905-980-6664 | E: JMiller@pelham.ca
T: 905-892-2607 x322
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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

Sarah Leach

To: Holly Willford; Kenny Ng
Subject: RE: File B1,B2,B3/2022P Attention Secretary-Treasurer

From: Amy Zavitz [REDACTED]
Sent: Wednesday, January 19, 2022 9:50 AM
To: Holly Willford <HWillford@pelham.ca>
Subject: File B1,B2,B3/2022P Attention Secretary-Treasurer

Attention Secretary-Treasurer for the town of Pelham

Good morning Holly,

My name is Amy Zavitz and I reside at [REDACTED] Susan Drive, Pelham.

I do have a concern with the development of Part 1 of the application for plan 59R-2675.

1. I would like to inquire about the nature of the residential land use that is proposed-will it be joined with the abutting land that fronts on Susan Drive to create a building lot?
2. Will this be a single dwelling or condo/townhomes?
3. There is already so much congestion in this area, especially with the condos being built along Port Robinson and Moody.
4. The trees that line this property along the fence on the property line are mature pine trees and I would hate very much to see them cut down to build more houses.
5. These trees are home to many animals including Monarch butterflies-I have seen at least 50-100 of these butterflies fly out of these trees at a time when I cut my lawn in the summer, and I assure you it's an amazing sight.
6. It is sad to see so much of our nature in Pelham cut down and bulldozed away.

I know at the end, my comments will not make much of a difference. But, I did buy this property because of the trees next door. I came from a 10 acre property in North Pelham, I was content with this property because I only have neighbours on one side and I had a beautiful view of mature trees.

I thank you for your consideration in this matter. I can be contacted at [REDACTED]

Thank you and take care,

Amy Zavitz

Sent from [Mail](#) for Windows

January 26, 2022

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

Re: Consent Application B2-2022P

147 Port Robinson Road, Pelham

Part of Lot 166, Formerly Part of Thorold Township now Pelham, Being Part 1 on Plan 59R-2675 (Part 2 on Sketch)

Roll No. 2732 030 020 04401

The subject parcel, shown as Part 2 on the submitted sketch, is an interior parcel of land situated 92.09 metres north of Port Robinson Road lying west of Moody Street, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 109 square metres of land (Part 2), to be dedicated to the Town of Pelham as a public laneway. Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

Note: This application is being considered concurrently with Consent Files B1/2022P and B3/2022P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

- a) The development's effect on Provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

- The consent applications will dedicate Parts 2 and 3 as shown on the Severance Sketch, to the Town as public rights of way. Part 2 is to be used as an extension of a local collector road (rear laneway) and is 7.50 meters in width, 15.55 meters in depth and 109 square meters in area. Part 3 is to be dedicated as an extension of the Moody Street road allowance and is 18 meters in width, 30.58 meters in depth and 659 square meters in area. The dedication of these lands will facilitate the connection of the laneway to Moody Street and the extension of Moody Street itself.
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
- 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.

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 facilitating in the creation of a lot within the settlement area, and in 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 public laneway extension is consistent with existing laneway road width.

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.

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 designated 'Delineated Built-Up Area' according to the Growth Plan. Guiding principles regarding how land is developed:

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

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

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

The proposed consent to dedicate the parcel to the Town of Pelham as a public laneway will ensure enhanced north-south mobility is maintained and that rear laneway design is consistent

with the planned lot fabric and accessibility to the River Estate Phase 2 subdivision. Planning staff are of the opinion the proposed development conforms to the Growth Plan.

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.

Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests. The subject lands are also 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 must be addressed as a condition of approval.

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 'East Fonthill Secondary Plan Area' according to Schedule 'A1'. The East Fonthill Land Use Plan (Schedule A5) more specifically designates the subject lands as 'EF-Medium Density Residential'.

Policy B1.7.3.1 (East Fonthill Development Objectives) – states the following development objectives will be implemented by the mechanisms set out in this Plan.

- b. To ensure a well-designed, attractive, pedestrian & bicycle-friendly community;
- c. To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;

- d. To create a *complete community* with a safe, healthy and functional environment;
- j. To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces;
- k. To develop a land use pattern and transportation system that supports vehicle traffic, transit, bicyclists and pedestrians.
- l. To provide a hierarchy of collector and local roads that is based on a connected modified grid network.

Policy B1.7.7.4.2 (EF-Medium Density Residential Development Policies) – states that development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector Main Street.

The proposed severance would facilitate the extension of the currently unnamed public laneway and provide direct access to part 3, which will also be dedicated to the Town for the extension of Moody Street. The application largely follows the existing Neighbourhood Master and will be able to realize the promoted development guideline of allowing a public laneway and the overall lot fabric is able to uphold development standards.

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;
 - ✓ Not applicable as the parcel will be dedicated as a public laneway.
- b) Will not cause a traffic hazard;
 - ✓ The public laneway will provide for alternative access to the proposed lot which will merge with the partial to the east and no traffic hazard was identified.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Any zoning deficiency resulting from the consent applications will be addressed through a Zoning By-law Amendment application.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Not applicable as the parcel will be dedicated as a public laneway.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration will be required in subsequent Planning Act application.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ The continuation of the public laneway should have no effect to 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 features and functions of environmental feature in the area.

- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
 - ✓ No objection from Region provided archaeological potential is addressed.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ Not applicable.

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 the satisfaction of the conditions of approval.

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

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

- a) Agricultural uses including greenhouses;
- b) Seasonal or permanent farm help houses on farms larger than 10 hectares;
- c) One single detached dwelling on one lot;
- d) Home occupations;
- e) Kennels;
- f) Animal hospitals;
- g) Uses, buildings and structures accessory to the foregoing permitted uses;
- h) Forestry and conservation uses.

A Zoning By-law Amendment will be required as a condition of approval to this consent, to address any zoning regulation deficiency resulting from this application.

Agency & Public Comments

On December 24, 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 Department (January 19, 2021)
 - No comment.
- Public Works Department (January 19, 2021)
 - No comment.

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

Planning Staff Comments

The subject application is made for consent to partial discharge of mortgage and consent to convey 109 square metres of land (Part 2), to be dedicated to the Town of Pelham as a public laneway. Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

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 Planning Justification Report was provided in support of the proposed development.

The subject lands are located on the north side of Port Robinson Road, between Rice Road and Station Street and are situated in a quickly evolving secondary plan growth area.

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.

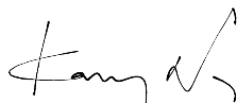
In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Given this analysis, Planning staff recommend that consent file B2-2022P **be approved** subject to the following conditions:

THAT the applicant

- Merge Part 2 with lands to the north, identified as Block 59 in Registered Plan 59M-471.
- Receive Final Certification of consent files B1/2022P and B3/2022P concurrently.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$411, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,



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

To: Sarah Leach

Cc: Kenny Ng,

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

Date: January 19th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 1st, 2022 Hearing

Comment for Re: File A2/2022P 368 Canboro Rd.

The building department offers the following comment,

- Demolition permit is required for the proposed structures to be removed.
- Building permit required for the proposed dwelling.

Comment for Re: File B1, B2 & B3/2022P And 147 Port Robinson B4/2022P 1621 Haist St.

The building department offers the following comment,

- No comment.

Kind Regards,

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

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: 19th January 2022

File No.: B2/2021P

RE: Consent – 147 Port Robinson, Pelham

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application.

This application is made for consent to partial discharge of mortgage and consent to convey 414 square metres of land (Part 1), to be merged with the partial lot to the east in the future. Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

Public Works Staff suggests the following conditions:

If a new driveway or alterations to an existing driveway is proposed, the Applicant shall obtain a Driveway Access and Culvert Permit from the Town. 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.

From: [Gordon, Carrie](#)
To: [Jacquie Miller](#)
Subject: RE: Committee of Adjustment Notices of Hearing - February 1, 2022 - 905-22-021
Date: Friday, January 7, 2022 8:31:04 AM

Hello,

Re: B1/2022P, B2/2022P and B3/2022P

Subsequent to review of the abovementioned application at 147 Port Robinson Road, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: Jacquie Miller <JMiller@pelham.ca>
Sent: Friday, December 24, 2021 10:37 AM
To: ROWCC <rowcentre@bell.ca>
Subject: [EXT]Committee of Adjustment Notices of Hearing - February 1, 2022

Good morning:

Please find attached the Notices of Hearing for files:

- A2/2022P – 368 Canboro Road
- B1/2022P, B2/2022P and B3/2022P – 147 Port Robinson Road

Thank you,
Jacquie



Jacquie Miller
Legislative and Committee Coordinator, Clerks Department
Town of Pelham
D: 905-980-6664 | E: JMiller@pelham.ca
T: 905-892-2607 x322
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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

Sarah Leach

To: Holly Willford; Kenny Ng
Subject: RE: File B1,B2,B3/2022P Attention Secretary-Treasurer

From: Amy Zavitz [REDACTED]
Sent: Wednesday, January 19, 2022 9:50 AM
To: Holly Willford <HWillford@pelham.ca>
Subject: File B1,B2,B3/2022P Attention Secretary-Treasurer

Attention Secretary-Treasurer for the town of Pelham

Good morning Holly,

My name is Amy Zavitz and I reside at [REDACTED] Susan Drive, Pelham.

I do have a concern with the development of Part 1 of the application for plan 59R-2675.

1. I would like to inquire about the nature of the residential land use that is proposed-will it be joined with the abutting land that fronts on Susan Drive to create a building lot?
2. Will this be a single dwelling or condo/townhomes?
3. There is already so much congestion in this area, especially with the condos being built along Port Robinson and Moody.
4. The trees that line this property along the fence on the property line are mature pine trees and I would hate very much to see them cut down to build more houses.
5. These trees are home to many animals including Monarch butterflies-I have seen at least 50-100 of these butterflies fly out of these trees at a time when I cut my lawn in the summer, and I assure you it's an amazing sight.
6. It is sad to see so much of our nature in Pelham cut down and bulldozed away.

I know at the end, my comments will not make much of a difference. But, I did buy this property because of the trees next door. I came from a 10 acre property in North Pelham, I was content with this property because I only have neighbours on one side and I had a beautiful view of mature trees.

I thank you for your consideration in this matter. I can be contacted at [REDACTED]

Thank you and take care,

Amy Zavitz

Sent from [Mail](#) for Windows

January 26, 2022

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

Re: Consent Application B3-2022P

147 Port Robinson Road, Pelham

Part of Lot 166, Formerly Part of Thorold Township now Pelham, Being Part 1 on Plan 59R-2675 (Part 3 on Sketch)

Roll No. 2732 030 020 04401

The subject parcel, shown as Part 3 on the submitted sketch, is an interior parcel of land situated 74.09 metres north of Port Robinson Road lying west of Moody Street, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 659 square metres of land (Part 3), to be dedicated to the Town of Pelham as a public roadway (Moody Street extension). Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

Note: This application is being considered concurrently with Consent Files B1/2022P and B2/2022P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

- a) The development's effect on Provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

- The consent applications will dedicate Parts 2 and 3 as shown on the Severance Sketch, to the Town as public rights of way. Part 2 is to be used as an extension of a local collector road (rear laneway) and is 7.50 meters in width, 15.55 meters in depth and 109 square meters in area. Part 3 is to be dedicated as an extension of the Moody Street road allowance and is 18 meters in width, 30.58 meters in depth and 659 square meters in area. The dedication of these lands will facilitate the connection of the laneway to Moody Street and the extension of Moody Street itself.
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
- 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.

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 facilitating in the creation of a lot within the settlement area, and in 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 public roadway extension is consistent with existing road width.

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.

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 designated 'Delineated Built-Up Area' according to the Growth Plan. Guiding principles regarding how land is developed:

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

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

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

The proposed consent to dedicate the parcel to the Town of Pelham as a public roadway will ensure enhanced east-west mobility is maintained and that it is consistent with the planned road

network with regards to interconnectivity and ease of access. Planning staff are of the opinion the proposed development conforms to the Growth Plan.

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.

Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests. The subject lands are also 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 must be addressed as a condition of approval.

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 ‘East Fonthill Secondary Plan Area’ according to Schedule ‘A1’. The East Fonthill Land Use Plan (Schedule A5) more specifically designates the subject lands as ‘EF-Medium Density Residential’.

Policy B1.7.3.1 (East Fonthill Development Objectives) – states the following development objectives will be implemented by the mechanisms set out in this Plan.

- b. To ensure a well-designed, attractive, pedestrian & bicycle-friendly community;
- c. To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;

- d. To create a *complete community* with a safe, healthy and functional environment;
- j. To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces;
- k. To develop a land use pattern and transportation system that supports vehicle traffic, transit, bicyclists and pedestrians.
- l. To provide a hierarchy of collector and local roads that is based on a connected modified grid network.

The proposed severance would facilitate the extension of the public roadway, namely Moody Street, ensuring a through pathway to the lands to the west which will be further developed in the future. The application largely follows the existing Neighbourhood Master and will be able to uphold development standards.

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;
 - ✓ Not applicable as the parcel will be dedicated as a public roadway.
- b) Will not cause a traffic hazard;
 - ✓ The public roadway will serve as a connection to extend Moody Street for through access to the lands to the west and no traffic hazard was identified.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Any zoning deficiency resulting from the consent applications will be addressed through a Zoning By-law Amendment application.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Not applicable as the parcel will be dedicated as a public roadway.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration will be required in subsequent Planning Act application.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ The continuation of the public roadway should have no effect to 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 features and functions of environmental feature in the area.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
 - ✓ No objection from Region provided archaeological potential is addressed.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ Not applicable.

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 the satisfaction of the conditions of approval.

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

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

- a) Agricultural uses including greenhouses;
- b) Seasonal or permanent farm help houses on farms larger than 10 hectares;
- c) One single detached dwelling on one lot;
- d) Home occupations;
- e) Kennels;
- f) Animal hospitals;
- g) Uses, buildings and structures accessory to the foregoing permitted uses;
- h) Forestry and conservation uses.

A Zoning By-law Amendment will be required as a condition of approval to this consent, to address any zoning regulation deficiency resulting from this application.

Agency & Public Comments

On December 24, 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 Department (January 19, 2021)
 - No comment.
- Public Works Department (January 19, 2021)
 - That the applicant confirm that no existing utilities cross the proposed new property lines. Should any services cross this new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.
 - If a new driveway or alterations to an existing driveway is proposed, the Applicant shall obtain a Driveway Access and Culvert Permit from the Town. 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.

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

Planning Staff Comments

The subject application is made for consent to partial discharge of mortgage and consent to convey 659 square metres of land (Part 3), to be dedicated to the Town of Pelham as a public roadway (Moody Street extension). Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

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 Planning Justification Report was provided in support of the proposed development.

The subject lands are located on the north side of Port Robinson Road, between Rice Road and Station Street and are situated in a quickly evolving secondary plan growth area.

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.

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

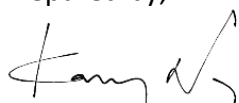
Given this analysis, Planning staff recommend that consent file B3-2022P **be approved** subject to the following conditions:

THAT the applicant

- Gratuitously grant part 3 to the Town of Pelham. The requested conveyance is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. 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 Director of Community Planning and Development and Secretary-Treasurer of the Committee of Adjustment for approval.
- Receive Final Certification of consent files B1/2022P and B2/2022P concurrently.

- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$411, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Prepared by,



Kenny Ng, B.ES
Planner

Director of Community Planning and
Development

Approved by,



Barbara Wiens, MCIP, RPP

To: Sarah Leach

Cc: Kenny Ng,

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

Date: January 19th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 1st, 2022 Hearing

Comment for Re: File A2/2022P 368 Canboro Rd.

The building department offers the following comment,

- Demolition permit is required for the proposed structures to be removed.
- Building permit required for the proposed dwelling.

Comment for Re: File B1, B2 & B3/2022P And 147 Port Robinson B4/2022P 1621 Haist St.

The building department offers the following comment,

- No comment.

Kind Regards,

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

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: 19th January 2022

File No.: B3/2021P

RE: Consent – 147 Port Robinson, Pelham

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application.

This application is made for consent to partial discharge of mortgage and consent to convey 659 square metres of land (Part 3), to be dedicated to the Town of Pelham as a public roadway (Moody Street extension). Part 4 is to be retained for continued residential use of the dwelling known municipally as 147 Port Robinson Road.

Public Works Staff suggests the following conditions:

That the applicant confirm that no existing utilities cross the proposed new property lines. Should any services cross this new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.

If a new driveway or alterations to an existing driveway is proposed, the Applicant shall obtain a Driveway Access and Culvert Permit from the Town. 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.

From: [Gordon, Carrie](#)
To: [Jacquie Miller](#)
Subject: RE: Committee of Adjustment Notices of Hearing - February 1, 2022 - 905-22-021
Date: Friday, January 7, 2022 8:31:04 AM

Hello,

Re: B1/2022P, B2/2022P and B3/2022P

Subsequent to review of the abovementioned application at 147 Port Robinson Road, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: Jacquie Miller <JMiller@pelham.ca>
Sent: Friday, December 24, 2021 10:37 AM
To: ROWCC <rowcentre@bell.ca>
Subject: [EXT]Committee of Adjustment Notices of Hearing - February 1, 2022

Good morning:

Please find attached the Notices of Hearing for files:

- A2/2022P – 368 Canboro Road
- B1/2022P, B2/2022P and B3/2022P – 147 Port Robinson Road

Thank you,
Jacquie



Jacquie Miller
Legislative and Committee Coordinator, Clerks Department
Town of Pelham
D: 905-980-6664 | E: JMiller@pelham.ca
T: 905-892-2607 x322
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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

Sarah Leach

To: Holly Willford; Kenny Ng
Subject: RE: File B1,B2,B3/2022P Attention Secretary-Treasurer

From: Amy Zavitz [REDACTED]
Sent: Wednesday, January 19, 2022 9:50 AM
To: Holly Willford <HWillford@pelham.ca>
Subject: File B1,B2,B3/2022P Attention Secretary-Treasurer

Attention Secretary-Treasurer for the town of Pelham

Good morning Holly,

My name is Amy Zavitz and I reside at [REDACTED] Susan Drive, Pelham.

I do have a concern with the development of Part 1 of the application for plan 59R-2675.

1. I would like to inquire about the nature of the residential land use that is proposed-will it be joined with the abutting land that fronts on Susan Drive to create a building lot?
2. Will this be a single dwelling or condo/townhomes?
3. There is already so much congestion in this area, especially with the condos being built along Port Robinson and Moody.
4. The trees that line this property along the fence on the property line are mature pine trees and I would hate very much to see them cut down to build more houses.
5. These trees are home to many animals including Monarch butterflies-I have seen at least 50-100 of these butterflies fly out of these trees at a time when I cut my lawn in the summer, and I assure you it's an amazing sight.
6. It is sad to see so much of our nature in Pelham cut down and bulldozed away.

I know at the end, my comments will not make much of a difference. But, I did buy this property because of the trees next door. I came from a 10 acre property in North Pelham, I was content with this property because I only have neighbours on one side and I had a beautiful view of mature trees.

I thank you for your consideration in this matter. I can be contacted at [REDACTED]

Thank you and take care,

Amy Zavitz

Sent from [Mail](#) for Windows

January 26, 2022

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

Re: Consent Application B4-2022P
1620 Haist Street, Pelham

Part Lots 2 & 3, Concession 7; Part Road Allowance Between Lots 2 & 3, Concession 7
(Closed by By-law 176) Being Part 1 on 59R-14351 (Part 1 on Sketch)

Roll No. 2732 020 010 00268

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 8m on the east side of Haist Street, lying between Lookout Street and Haist Street being Part Lots 2 & 3, Concession 7; Part Road Allowance between Lots 2 & 3, Concession 7 (Closed by By-law 176) Being Part 1 on 59R-14351 (Part 1 on Sketch) in the Town of Pelham.

Application is made for consent to convey 0.117 hectares of land (Part 1 on sketch), to be added to the abutting property to the north, being 1636 Haist Street (Part 2) on sketch, for residential use. Part 3 is to be retained for future residential use.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

orderly development of the municipality.

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 ‘Prime Agricultural Area’ and more specifically within a ‘Specialty Crop Area’ according to the PPS. Policy 2.3.1 states that Prime agricultural areas shall be protected for long-term use for agriculture.

Policy 2.3.4.2 states that Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The proposed lot adjustment is of technical nature to facilitate a boundary adjustment.

Policy 2.6.2 states that Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

No further development or site alteration is proposed for both the retained and altered parcels, therefore Archaeological Assessment will not be required.

Niagara Escarpment Plan (2017)

The subject lands are situated within the ‘Niagara Escarpment Plan’ (NEP) area according to the Greenbelt Plan, where the policies of the NEP apply.

According to the NEP, the subject lands are designated within the ‘Escarpment Natural Area’. The subject lands are also identified as being part of the Provincial Natural Heritage System (PNHS) under the NEP.

Policy 1.3.4 states that provided no new building lot(s) is created, a severance may be permitted: for the purpose of correcting conveyances, provided the correction does not include the recreation of merged lots.

The NEP defines correcting a conveyance as the granting of a consent under the Planning Act for purposes, such as easements, correcting deeds, quit claims and minor boundary adjustments for legal or technical reasons that do not result in the creation of a new lot or the re-creation of a merged lot.

The subject application is made for a minor boundary adjustment for technical nature and therefore does not result in the creation of a new or the re-creation of a merged lot.

Niagara Escarpment Commission staff has reviewed the subject application and offered no objection to the proposed application.

Regional Official Plan (Consolidated August 2014)

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

Policy 5.B.8 of the ROP states that within the NEP area, the lot creation policies of the NEP prevail unless the Regional Official Plans policies are more restrictive.

Policy 5.B.8 (c) states that In the Unique Agricultural Areas, consents to convey may be permitted in accordance with the provision that the consent requested is for minor boundary adjustments or easements, complies with other policies in this Plan and does not create a separate lot for a residential dwelling and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

The subject lands are impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with 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 metres of Significant Woodland. The subject lands are also part of the Fonthill Kame Delta Provincially Significant Earth Science Area of Natural and Scientific Interest (ANSI).

The proposed boundary adjustment will not create a new lot, and will not result in increased fragmentation of the existing environmental features. The applicant and owner are advised that any proposed future development and/or alterations of the property (i.e. a future NEC development permit application) may be subject to additional environmental studies, and may be required through these studies to demonstrate no negative impact to the Significant

Woodland and/or Earth Science ANSI.

The proposed boundary adjustment conforms to consent and environmental policies as set out by the Niagara Escarpment and Regional Official Plan.

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 'Niagara Escarpment Plan Area'.

Schedule 'B' - Environmental Features of the Town of Pelham Official Plan indicates that the property is also designated as a *Provincial Earth Science Area of Natural and Scientific Interest (ANSI)*.

However, the policies in the Town Official Plan for the *Fonthill Kame-Delta Earth Science ANSI*, have been deferred and are not in force or effect. Therefore, Town Planning defer to Regional Planning staff to comment on their *Earth Science ANSI* designation policies found in Regional Official Plan policy 7.A.4.

Policy B3.1.1 states that many of the general policies of this Plan are intended to apply to the area of the Niagara Escarpment Plan. Notwithstanding, where there is a conflict with this Plan and the Niagara Escarpment Plan, the provisions of the Niagara Escarpment Plan prevail. Policies in this Plan that are more restrictive or rigorous than the Niagara Escarpment Plan would continue to apply in the consideration of development proposals.

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 severance conforms to the local Official Plan as the lot boundary adjustment is minor in nature, no new lots will be created and that the properties' existing use will be continued.

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

The provisions of the Town Zoning By-law are no longer in effect on the property as the lands are subject to NEC Development Permit Control which renders the Zoning By-law inoperable.

Agency & Public Comments

On December 24, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Hydro One (January 14, 2022)
 - No concerns or comments.
- Niagara Region Planning & Development Services Department (January 25, 2021)
 - No objection subject to satisfaction of any local considerations, as well as the requirements of Niagara Escarpment Commission staff, and provided that Part 1 is merged in title with Part 2 so that no new lot is created.

Several public comments were received from neighbouring property owners, which is included on the Committee's Agenda and summarized below:

- Public Comment (January 11, 2022)
 - No objection.
- Public Comment (January 11, 2022)
 - Support the application which can improve traffic safety.
- Public Comment (January 18 2022)
 - Would like to preserve nature and habitat of escarpment and avoid any further deforestation of escarpment.

Planning Staff Comments

The subject application is made for consent to convey 0.117 hectares of land (Part 1 on sketch), to be added to the abutting property to the north, being 1636 Haist Street (Part 2) on sketch, for residential use. Part 3 is to be retained for future residential use.

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, Septic System review and a Planning Justification Brief were also provided in support of the proposed development.

The subject lands are located on the west side of Haist Street, between Highway 20 West and

Metler Road and are surrounded by the following:

- North – Lookout Point Country Club
- East – Rural residential use
- South – Residential neighbourhood
- West – Rural residential use

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 consent development. The proposed lot boundary adjustment complies with applicable plans and regulations and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff.

The minor boundary adjustment will address the driveway encroachment and ensure that it is wholly contained on the applicant's lands as well as an encroachment of a gas line. It is noted that no trees will be removed and from the ground there will be no physical change contemplated by this boundary adjustment.

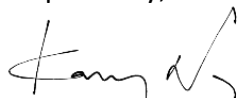
In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Given this analysis, Planning staff recommend that consent file B4-2022P **be approved** subject to the following conditions:

THAT the applicant

- Merge Part 1 with Part 2.
- 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 \$411, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,



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

To: Sarah Leach

Cc: Kenny Ng,

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

Date: January 19th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – February 1st, 2022 Hearing

Comment for Re: File A2/2022P 368 Canboro Rd.

The building department offers the following comment,

- Demolition permit is required for the proposed structures to be removed.
- Building permit required for the proposed dwelling.

Comment for Re: File B1, B2 & B3/2022P And 147 Port Robinson B4/2022P 1621 Haist St.

The building department offers the following comment,

- No comment.

Kind Regards,

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

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: 19th January 2022

File No.: B4/2021P

RE: Consent – 1620 Haist Street, Pelham

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application.

This application is made for consent to convey 0.117 hectares of land (Part 1 on sketch), to be added to the abutting property to the north, being 1636 Haist Street (Part 2) on sketch, for residential use. Part 3 is to be retained for future residential use.

Public Works staff have no comment or concern with this application.

Planning and Development Services

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

Via Email Only

January 25, 2022

File No.: D.06.06.CS-21-0106

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

Dear Ms. Willford:

**Re: Regional and Provincial Comments
Consent Application
Town File No.: B4/2022P
Agent: Peter Drury
Address: 1620 Haist Street
Town of Pelham**

Regional Planning and Development Services staff have reviewed the information circulated for the above-noted consent application, which proposes to convey 0.117 hectares of land (Part 1), to be added to the abutting property to the north, being 1636 Haist Street (Part 2), for continued residential use. Part 3 is to be retained for future residential use.

A pre-consultation meeting for this proposal was held on September 2, 2021. The following Provincial and Regional comments are provided to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The Provincial Policy Statement (PPS) designates the subject lands as being within a Prime Agricultural Area, and more specifically within a Specialty Crop Area. The PPS specifies that Prime Agricultural Areas are to be protected for long-term use for agriculture, with Specialty Crop Areas being given the highest priority for protection.

The Greenbelt Plan designates the subject lands as within the Niagara Escarpment Plan (NEP) area, where the policies of the NEP apply. The NEP designates the subject lands as Escarpment Natural Area. Under the NEP, the lands are subject to

development control. Niagara Escarpment Commission (NEC) staff will evaluate the proposal relative to the NEP policies to confirm whether it conforms to this plan. The Regional Official Plan (ROP) designates the subject lands as being within a Unique Agricultural Area.

Provincial and Regional policies emphasize the protection of lands within these designations for long-term agricultural use, and recognize that agricultural land is a valuable asset that must be managed and protected. Accordingly, Provincial and Regional policies restrict lot creation in these areas. Minor boundary adjustments are permitted, subject to specific criteria. The PPS permits lot adjustments for legal or technical reasons, which includes minor boundary adjustments that do not result in the creation of a new lot. The ROP permits minor lot adjustments or boundary additions, provided these do not create a separate lot for a residential dwelling, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature. For lands designated Unique Agricultural Area and located within the NEP area, the ROP states that the lot creation policies of the NEP shall prevail unless the policies in the ROP are more restrictive. Regional staff defer further consideration of the proposal's conformity with the NEP policies to NEC staff.

The application proposes a boundary adjustment to sever Part 1 from Part 3, and merge it with Part 2, in order to correct an existing driveway encroachment on Part 1. It will therefore not create a separate lot, or, as detailed below, result in increased fragmentation of a key natural heritage or key hydrologic feature. Accordingly, Regional staff are satisfied that the proposed boundary adjustment conforms to Provincial and Regional policies for lot boundary adjustments in agricultural areas.

Core Natural Heritage System

The subject lands are impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with 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 metres of Significant Woodland. The subject lands are also part of the Fonthill Kame Delta Provincially Significant Earth Science Area of Natural and Scientific Interest (ANSI).

The proposed boundary adjustment does not constitute "development" or "site alteration", as defined in the PPS or ROP, as it will not result in the creation of a new lot, a change in land use, the construction of buildings and structures requiring approval under the *Planning Act*, or involve activities that will change the landform and natural vegetative characteristics of the site. Further, as the extent of the Significant Woodland and ANSI currently extends across the entirety of the boundary between Parts 1, 2 and 3, and the proposed boundary adjustment will not create a new lot, the proposed boundary adjustment will not result in increased fragmentation of these features. Accordingly, Regional Environmental Planning staff offer no objections to the proposal from a Provincial and Regional environmental policy perspective.

The applicant and owner are advised that any proposed future development and/or alterations of the property (i.e. a future NEC development permit application) may be subject to additional environmental studies, and may be required through these studies to demonstrate no negative impact to the Significant Woodland and/or Earth Science ANSI.

Archaeological Potential

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

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for discovery of archeological resources due to their proximity (within 300 metres) to several past and present watercourses and a registered archeological assessment. However, a boundary adjustment is not considered "development" under the PPS or ROP, and no site alteration is proposed as part of the current application; therefore an archeological assessment is not required at this time. The applicant and owner are advised that any proposed future development and/or alterations of the property (i.e. a future NEC development permit application) may require the completion of an archaeological assessment.

Private Servicing

At the time of Regional Private Sewage System (PSS) staff's inspection, the septic tanks servicing the existing dwelling at 1636 Haist Street (Part 2) were not exposed. There is no private septic system on 1620 Haist Street (Part 3). Adding land to 1636 Haist Street will have no effect on the existing private sewage system servicing this property. Therefore, Regional PSS staff have no objection to the consent application as submitted.

Conclusion

In conclusion, Regional staff is satisfied that the proposed consent application meets the intent of Provincial and Regional policies for lot creation in agricultural areas, subject to the satisfaction of any local considerations, as well as the requirements of Niagara Escarpment Commission staff, and provided that Part 1 is merged in title with Part 2 so that no new lot is created.

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

Please send notice of the Committee's decision on this application.

If you have any questions related to the above comments, please contact me at Amy.Shanks@niagararegion.ca, or Aimee Alderman, MCIP, RPP, Senior Development Planner at Aimee.Alderman@niagararegion.ca.

Kind regards,

A handwritten signature in black ink, appearing to read "Amy Shanks". The signature is fluid and cursive, with the first name "Amy" clearly legible and the last name "Shanks" written in a more stylized, flowing script.

Amy Shanks
Development Planner

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

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Friday, January 7, 2022 8:34 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: RE: Committee of Adjustment Notice of Hearing - B4/2022P - 905-22-022

Hi Sarah,

Re: B4/2022P

Subsequent to review of the abovementioned application at 1620 Haist Street , Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Kind regards,

Carrie Gordon



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

From: Sarah Leach <SLeach@pelham.ca>
Sent: Friday, December 24, 2021 10:00 AM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>;
Amy.Shanks@niagararegion.ca; ROWCC <rowcentre@bell.ca>
Subject: [EXT]RE: Committee of Adjustment Notice of Hearing - B4/2022P



Sarah Leach, BA.
Deputy Clerk
Town of Pelham
D: 905-980-6662 | E: sleach@pelham.ca
T: 905-892-2607 x 320
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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From: Sarah Leach

Sent: Friday, December 24, 2021 9:58 AM

To: 'Development Planning Applications' ; 'Amy.Shanks@niagararegion.ca' ; 'rowcentre@bell.ca' **Subject:** Committee of Adjustment Notice of Hearing - B4/2022P

Good morning,

Attached, please find the notice of hearing for file(s)

- B4/2022P – 1620 Haist Street

Thank you,
Sarah



Sarah Leach, BA.

Deputy Clerk

Town of Pelham

D: 905-980-6662 | E: sleach@pelham.ca

T: 905-892-2607 x320

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

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

From: SHETTY Dolly <Dolly.Shetty@HydroOne.com> **On Behalf Of** LANDUSEPLANNING
Sent: Friday, January 14, 2022 11:16 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: Pelham - 1620 Haist Street - B4/2022P

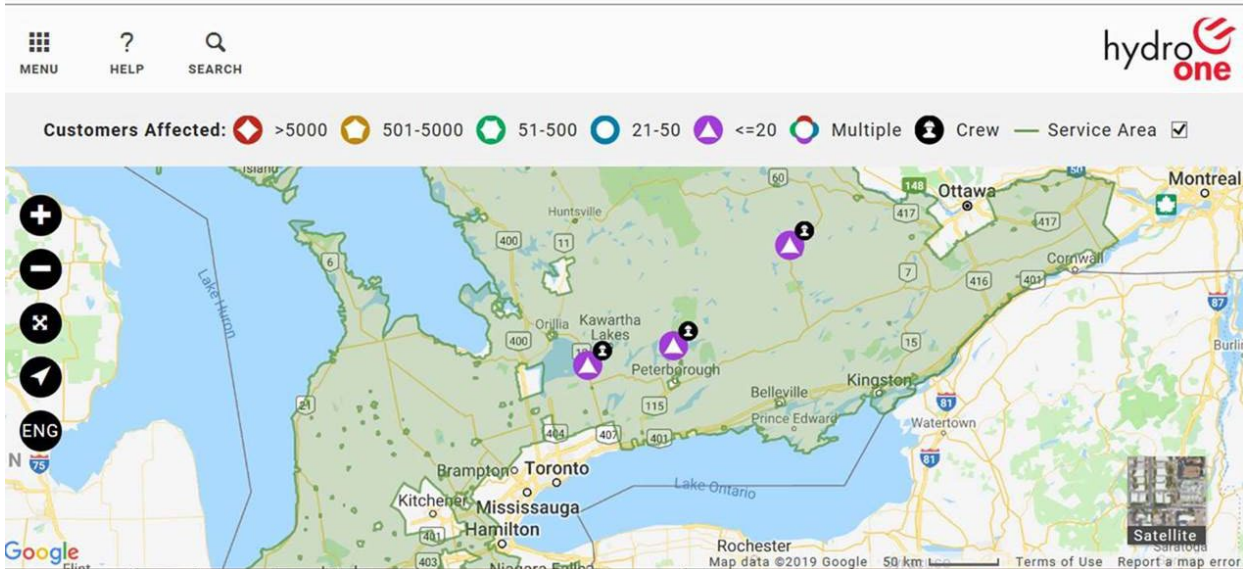
Hello,

We are in receipt of Application B4/2022P dated December 24, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. [Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.](#)

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

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

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



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

Thank you,

Best Wishes,

Dolly Shetty
Real Estate Assistant | Land Use Planning

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



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From: Sarah Leach <SLeach@pelham.ca>
Sent: Friday, December 24, 2021 9:56 AM
To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; Enbridge- Municipal Planning - Enbridge (MunicipalPlanning@enbridge.com) <MunicipalPlanning@enbridge.com>; jim.sorley@npei.ca; ash.neville@rci.rogers.com

Subject: Committee of Adjustment Notice of Hearing - B4/2022P

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

Good morning,

Attached, please find the notice of hearing for file(s)
• B4/2022P – 1620 Haist Street

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

Thank you,
Sarah



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

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Sarah Leach

To: Holly Willford
Subject: RE: B4/2022P

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, January 11, 2022 9:14 AM
To: Holly Willford <HWillford@pelham.ca>
Subject: Re:

We have no objections to the addition to lot 1623 on Haist St.as per file#B4#2022P.We are the residents of [REDACTED] Haist.G.R.Hubbard and D.Hubbard.Thank you for the information sent cocerning the above.

B4/2022P

TOWN OF PELHAM

JAN 13 2022

RECEIVED

Jan. 11, 2022

Secretary Treasurer of the
Committee of Adjustment

Re: Committee of Adjustment Hearing
Tuesday, Feb. 1, 2022

To: Committee Members:

My name is Oscar Weiland and I am the owner of the farm right across the two properties applying for consent to convey a small parcel of land shown as ("Part 1" on sketch).

Since purchasing the property shown as "Part 2", the new owners have had difficulties entering and leaving their property safely.

A narrow steep driveway with a limited sight-line both ways - north & south and a much busier amount of traffic on Haist Street creates a serious safety problem when entering and exiting the property - especially in winter.

In order to improve this situation I would like to express my support concerning this application and recommend its approval.

Sincerely,

Oscar Weiland



Oscar & Janet Weiland

2201120919

3806 WAL

Committee of Adjustment

Town of Pelham, P.O. Box 400

Sarah Leach

To: Holly Willford
Cc: Kenny Ng
Subject: RE: 1620 Haist street ,Pelham (File # B4-2022P)

On Jan 18, 2022, at 5:27 PM, Iqbal Khan [REDACTED] wrote:

I would like to comment on above application.

I am resident of [REDACTED] Philmori Blvd , Fonthill and back of my property is adjacent to property for which variance is applied to allow part road between Lot 2&3.

When we purchased lot 115 (lookout)in 2013 and built house ,our impression was that escarpment on rear of our house is conservation land. We were provided with very stict set of rules to preserve precious trees and habitat on escarpment .No structure (including shed was allowed to be built in our backyard within 13.5 M of escarpment edge.We ,and all other reisdents backing to escarpment strictly followed these rules.

To our surprise ,about 3 years ago single reidential building was allowed on this very land in heart of escarpment (on rear of my house). It lead to brutal deforestation of very precious mature trees on large area to accomodate building bungalow and it is very obvious on escarpment from all directions.

Now , variance is applied for part road allowance between Lot 2&3 , and this is road to futher deforeastation of escarpment . It will open door to further construction on escarpment land ,sacrificing mature trees and habitat . Needless to say , that how precious is this habitat and home to wild life which has already shrunken significantly over recent years.

we should assume our collective resposibility to preserve nature and habitat of escarpment and avoid any further deforestation of escarpment.

Thanks ,

Iqbal Khan

[REDACTED] Philmori Blvd

Fonthill

Pelham Committee of Adjustment Public Hearing – 1st February 2022

Regarding File Number: B4/2022P

Subject Lands: 1620 Haist Street

Submitted by:

Dale Nicholson

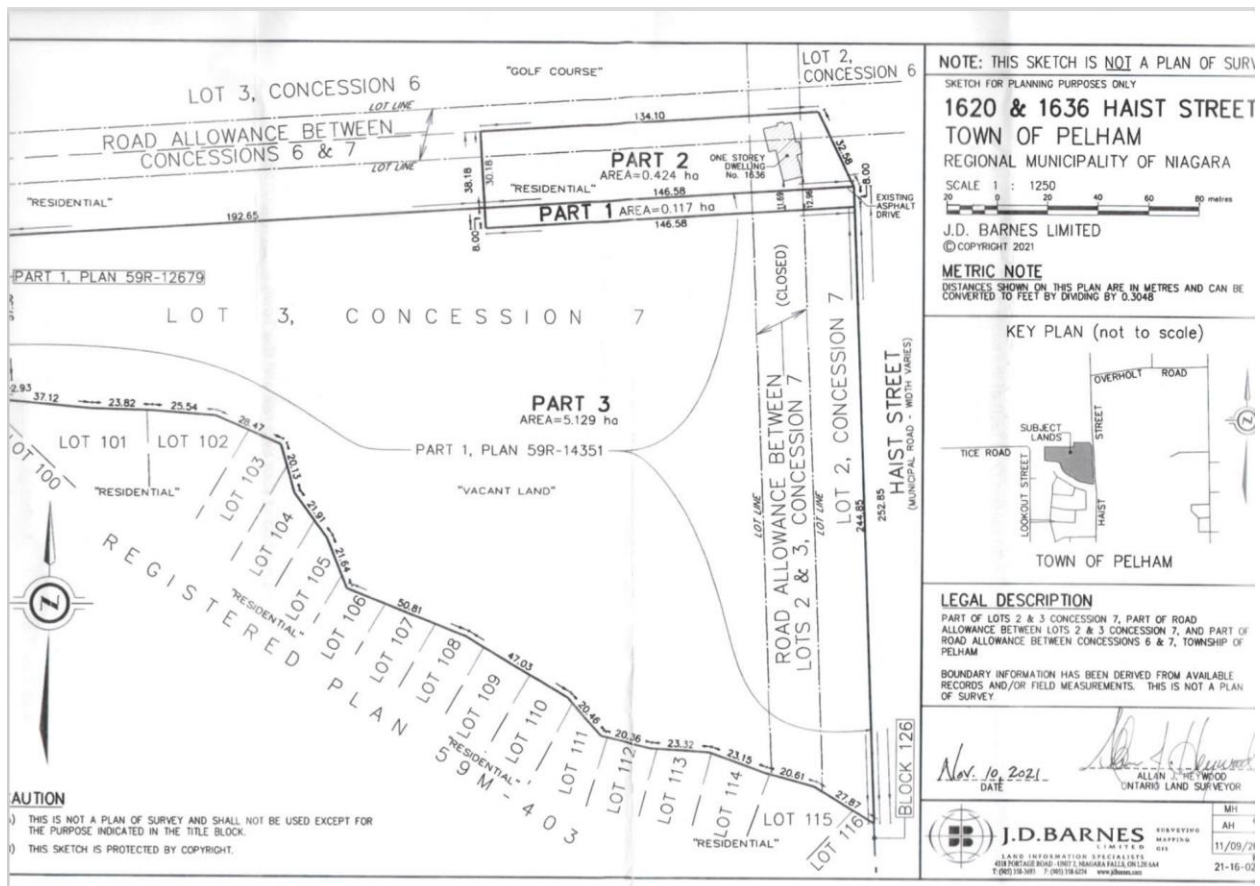
■ Philmori Blvd (Lot ■ on Sketch “1620 & 1636 Haist Street”)

Fonthill, ON

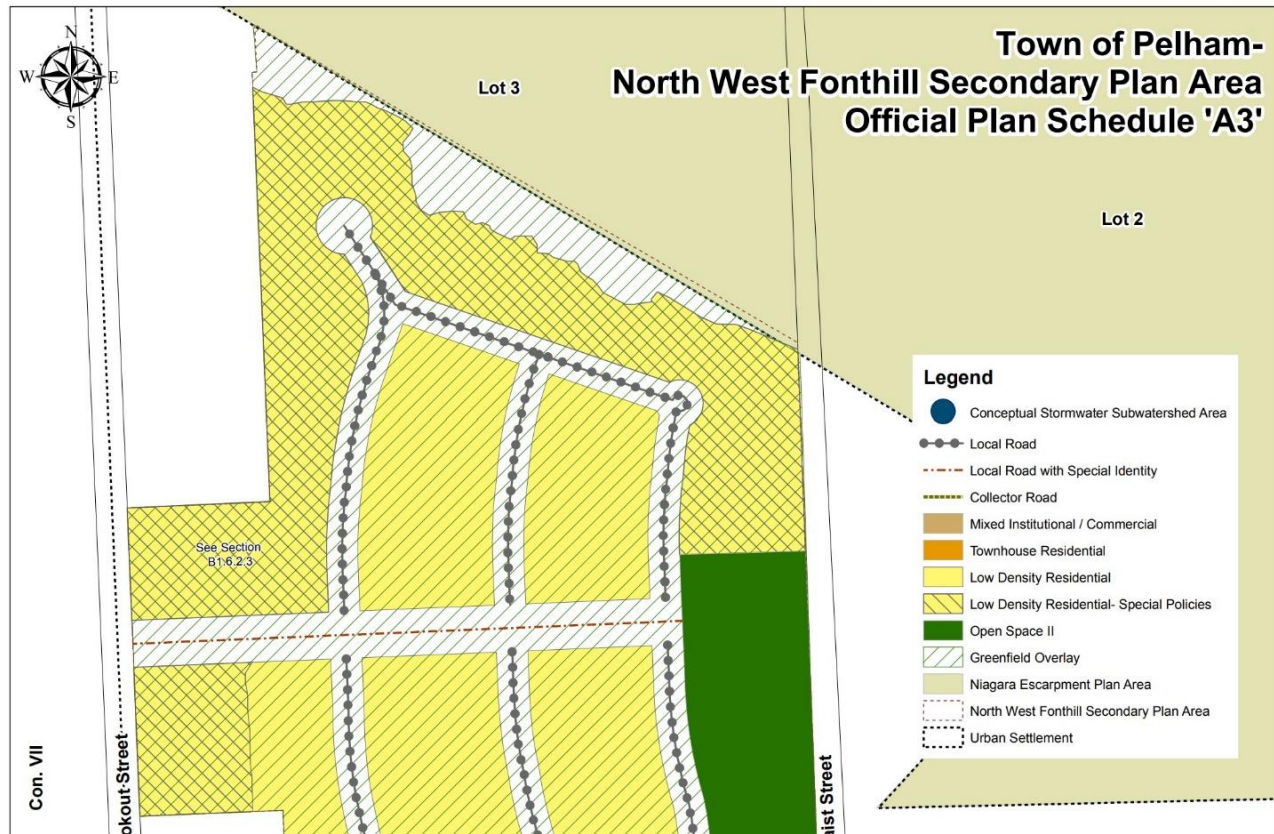
L0S 1E5

Hello Committee Members,

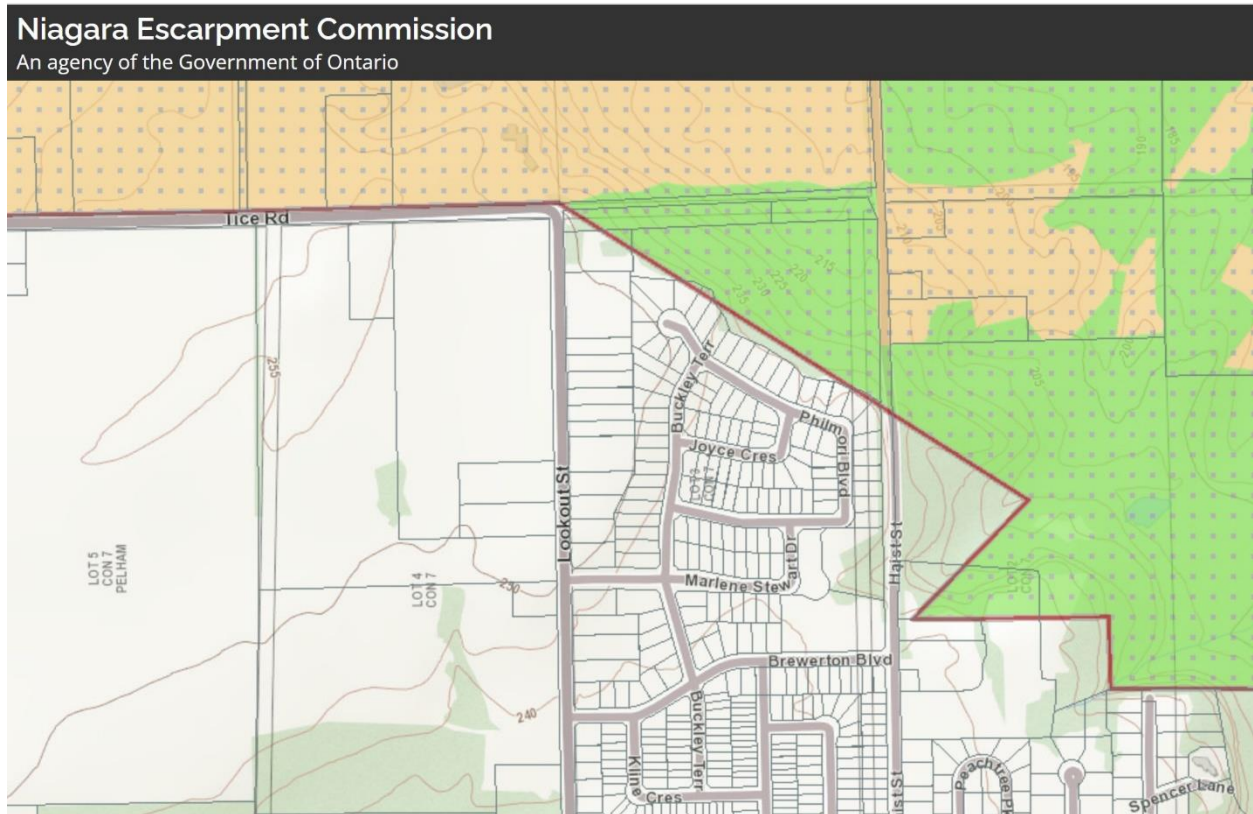
I am seeking clarification of an implied development plan for Lot 3, Concession 7 shown as “Part 3” on the Sketch entitled “1620 & 1636 Haist Street” (see below) provided in advance of the 1st February 2022 Public Hearing of the Committee of Adjustment.



I note that the Pelham North West Fonthill Secondary Plan Area Schedule 'A3' identifies this same land as "Niagara Escarpment Plan Area" as shown below.



I also note that the Niagara Escarpment Commission describes this land as “Escarpment Natural Area.” Please see the excerpt below from the NEC Interactive Map, including definitions for your convenience.



NEC Definitions – Land Use Categories

The three land use categories that provide the greatest level of protection are Escarpment Natural Area, Escarpment Protection Area, and Escarpment Rural Area.

- **GREEN Escarpment Natural Area:** This designation is assigned to features such as stream valleys, wetlands and forests (including Provincially Significant Life Science ANSIs) that are either "relatively undisturbed" or in a "relatively natural state." These areas are considered to represent the most significant natural and scenic areas of the Escarpment. This designation provides the highest level of Greenlands protection and the associated policies of the Plan are intended to maintain these natural areas.

- **BROWN Escarpment Protection Area:** Although the name of this designation suggests that a higher degree of protection is accorded to these areas than Escarpment Natural Areas, this is not the case. Escarpment Protection Areas include features that have been significantly modified by land-use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance (e.g., Regionally Significant Life Science ANSIs). The policies in the Plan are aimed at maintaining the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity.
-

While I expect you are abundantly aware of all this information, the description provided in advance of the 1st February 2022 meeting on this matter indicates: “Part 3 is to be retained for future residential use.”

Has there been a change to the designation of the area referred to as Part 3 in the Sketch? According to the policies of the Niagara Escarpment Commission, an Application for a Development Permit, including a consultation process with appeal rights, is required before this type of change could be made. Has that process occurred? Can you provide additional information regarding the long-term plan for the area indicated as “Part 3”?

I look forward to your clarification of this matter.

Thank you,

Dale Nicholson

[REDACTED]
[REDACTED]

Sarah Leach

To: Holly Willford
Cc: Kenny Ng
Subject: RE: Follow Up: Re: B4/2022P Clarification Request

From: Kathy Shaw [REDACTED]
Subject: B4/2022P Clarification Request
Date: January 13, 2022 at 7:56:36 PM EST
To: hwillford@pelham.coa
Cc: Kathy Shaw [REDACTED]

Hello Holly Willford

Hope this email finds you well.

I am hoping you can provide clarification in regards to the proposal sent Dec 24 2021, File B4/2022P.

There are two areas of concern:

- 1). The language in the "Location of the lands and purpose of this application" notes that PART 3 is to be retained for future residential use.
- 2). On the supplied Sketch an indication of a road between the golf course and the PART 3.

The proposal doesn't address these items in detail. On this basis I would not support the changes requested for the 8m property line change until these two items can be removed from this documentation.

We would not support a road or residential in the Part 3 area.

Sincerely,

Kathy and Alan Shaw
[REDACTED] Philmori Blvd
Fonthill

Sarah Leach

To: Kenny Ng; Warren A. Fine
Cc: clerks pelham
Subject: RE: Participation in file B4/2022P

From: Warren A. Fine [REDACTED]
Sent: Wednesday, January 26, 2022 12:30 PM
To: clerks pelham <clerks@pelham.ca>
Cc: Kenny Ng <KNg@pelham.ca>; Sarah Leach <SLeach@pelham.ca>
Subject: RE: Participation in file B4/2022P

The question I have about part 3 is as follows.

- 1 What is currently the details around to be retained for “future residential use” in part 3
2. is the “future residential use” being changed or is there a request for the “future residential use” to be changed in part 3
- 3 if the “future residential use” is not being changed or requested to be changed why was it added to the “purpose of this application section”.

Thanks
Warren

Sarah Leach

To: TJ Eansor; clerks pelham
Cc: [REDACTED]
Subject: RE: File B4/2022P Request to put in a road on NEC protected property of Haist Street " Paved paradise put up a parking lot "

From: TJ Eansor [REDACTED]
Sent: Thursday, January 27, 2022 12:36 PM
To: clerks pelham <clerks@pelham.ca>
Cc: [REDACTED]
Subject: File B4/2022P Request to put in a road on NEC protected property of Haist Street " Paved paradise put up a parking lot "

Dear Planning Department

The property in question is Niagara Escarpment Commission protected property .
The home owners that live on Philmori Blvd that abut this area must go through an extensive process just to get permission (variance) to put a pool on their property within 15 meters of the NEC protected property .

I consider this request File B 4/2022P to be not a minor variance .
This is a major event planned by a developer or someone who wants in the future to sell to a developer
Please protect the property and reject the request (Part 1) to develop this 14 hectare area . (Part 3)

Regards

Tom Eansor

Committee of Adjustment**Minutes**

Meeting #: CofA 12/2021
Date: Tuesday, December 7, 2021
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
John Klassen
Brenda Stan

Members Absent Sandra Marsh
Bernie Law

Staff Present Holly Willford
Kenny Ng
Jacquie Miller
Derek Young

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. Holly Willford, Secretary-Treasurer, recited the land recognition statement.

Noting that a quorum was present, Chair Cook called the meeting to order at approximately 4:04 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. Willford stated there have been no requests for withdrawal or adjournment.

The Committee unanimously agreed to hear application A38/2021P first.

Moved By Sandra Marsh

Seconded By John Klassen

THAT the agenda be amended to hear minor variance file A38/2021P first.

Carried

6.1 A38/2021P - 58 Bergenstein Crescent

Purpose of Application

Application is made for relief, to construct a rear deck, from 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.

Representation

The Agent, Mr. Kevin Beamer and Applicants, Ralph and Barbara Connelly were electronically present.

Correspondence

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

Applicants Comments

Mr. Kevin Beamer, Agent, indicated that the proposal is a reasonably sized deck.

Public Comments

Ms. Holly Willford, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:18 pm and confirmed no e-mails have been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting.

Member Comments

The Members indicated they had no comments.

Moved By John Klassen

Seconded By Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Moved By John Klassen

Seconded By Brenda Stan

THAT application for relief of Section R2-254 (f) “Minimum Rear Yard” – to permit a minimum rear yard of 4.91m whereas the by-law requires 7.5m, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the proposed addition is reasonably sized, would not substantially remove outdoor amenity space and is unlikely to have any shadowing projection onto the adjacent properties.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will provide for a deck that will improve the outdoor amenity space for the residents while still maintaining adequate amenity space on the ground.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. That the Applicant apply for and receive a building permit for the proposed uncovered deck, to the Satisfaction of the Chief Building Official.**

Carried

Applications for Consent

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

Purpose of the Application

Application B31/2021P 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. Application B32/2021P 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. Application B33/2021P 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). Part 1 is to be retained for the future construction of a single detached dwelling.

Representation

The Agent, Craig Rohe of Upper Canada Consultants was electronically present.

Correspondence Received

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

Pre-Registered Members of the Public

1. Linda Stokes and Larry Moote
2. Daniel Peat

Applicants Comments

Mr. Craig Rohe, Agent, stated support of the staff report, recommendation and proposed conditions.

Public Comments

Ms. Linda Stokes and Mr. Larry Moote jointly entered the electronic meeting. Ms. Stokes asked what Part 4 will be used for. Ms. Stokes further inquired if servicing will need to be added for the three lots. Additionally, Ms. Stokes asked for the capacity and location of the sewer easements for the lots. Mr. Moote expressed concern that the ravine located to the south side of the subject land would be negatively impacted by residential growth. Mr. Moote indicated that the ravine is both visually appealing as well as provides a sound barrier for traffic on Canboro Road.

Mr. Craig Rohe, Agent, responded that Part 4 is a lot addition to provide additional yard space to 204 Canboro Road. Mr. Rohe stated that servicing will be added from Canboro Road. Mr. Rohe further stated that water service will be extended off the hydrant in front of 190 Canboro Road. Mr. Rohe stated that the easements located on Part 8 are existing and related to the development at 190 Canboro Road. He stated that catch basins are not required on these properties as they all rely on overland flow. With respect to the ravine, Mr. Rohe indicated that the development will have no negative environmental impact. Mr. Moote was satisfied with Mr. Rohe's response.

Mr. Daniel Peat stated that he is the owner of the property across from the subject land. Mr. Peat stated that the addition of two driveways on the crest of the hill would interfere with the deceleration lane on Canboro Road for eastbound traffic entering 190 Canboro Road. Mr. Peat further stated that the proposed driveways would be on an angle providing for poor site lines. Mr. Peat suggested the entrance be relocated through 190 Canboro Road and Part 4 which would provide safer traffic access. Mr. Peat further indicated dissatisfaction with the planning process, noting that that conditions pertaining to driveway access and culvert permits should be considered at the beginning of the process. Mr. Peat stated his concern

with respect to drainage, noting that he hopes the conditions will adequately safeguard the land from drainage issues.

Ms. Angela MacRae and Mr. Brian Young jointly entered the electronic meeting. Mr. Young expressed concern with respect to water runoff. Mr. Young suggested the requirement of a drainage plan to address the additional water, indicating that the easement in the valley is in poor condition. Mr. Young expressed concern with the safety of the lots. He stated that the angle of driveways will create a dangerous situation, referencing the busy traffic and high speed along Canboro Road. A Committee Member agreed with Mr. Young's comments that the easement is in poor condition.

Ms. Holly Willford, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address and stated that two emails had been received with regard to the subject application. Ms. Willford stated that Mr. Brian Young submitted comments by email, however, he was able to join the meeting and commented live. Ms. Willford read into the record a further comment of Mr. Peat, stating that he would like the report to address a financial contribution in lieu of parkland.

Ms. Willford indicated that no further emails had been received at 4:57 pm and the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting to deliberate.

Member Comments

A Committee Member asked Mr. Rohe to confirm that the Applicant is not responsible for existing drainage issues as it resulted from a previous application. Mr. Rohe stated that he understands the proposed condition requiring the submission of elevation drawings and a storm water management brief. Mr. Rohe confirmed that matters associated with the existing easement are related to a separate, approved file. In response, the Member reaffirmed to the public participants that drainage is being reviewed by qualified people.

A Committee Member asked what is being proposed with respect to servicing. In response, Mr. Rohe indicated that the lots will require a connection to the local sanitary sewer and the water line will require a connection off of the fire hydrant. The Member indicated that taking a water line off of a hydrant to service three homes is unacceptable from a water quality standpoint. The Member expressed concern with the sanitary sewer. Mr. Derek Young, Manager of Engineering, stated that there is an

existing force main that runs up Canboro Road with an existing service connection to the current property. Mr. Young stated that two additional force mains are required. Mr. Young confirmed that 204 Canboro has its own service connection.

The Committee Member suggested adding a condition that the three homes be serviced from separate connections to the regional water main. The Member further expressed concern related to the driveway connection. The Member stated that a majority of frontages on Canboro Road appear to be greater than 17 metres. The Member disagreed with the defined neighborhood within the Planning Justification Report and stated that creating three lots with a frontage of less than 18 metres is inconsistent with the surrounding neighborhood adjacent to Canboro Road.

The Committee Member stated that he is unable to support the application due to concern surrounding the sanitary sewer, neighborhood compatibility and strip development. Mr. Rohe responded that with regard to the water connection, the direction was provided by the Niagara Region and Town Staff. He further responded that from a planning perspective, Oakridge Boulevard and Concord Street were considered as a comparable neighborhood as they are zoned Residential 1. Mr. Rohe stated that strip development is appropriate as the subject land is within the urban area.

Moved By John Klassen

Seconded By Sandra Marsh

THAT the public portion of the meeting be closed.

Carried

Moved By Brenda Stan

Seconded By John Klassen

Application B31/2021P 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; is hereby: GRANTED;

Application B32/2021P 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, is hereby: GRANTED;

Application B33/2021P 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). Part 1 is to be retained for the future construction of a single detached dwelling; is hereby: GRANTED.

The above decisions with respect to file numbers B31/2021P and B32/2021P are subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. 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. 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.**
- 3. 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.**
- 4. 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. 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. 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. All costs associated with the transfer are at the sole expense of the applicant.**

To the Satisfaction of the Director of Community Planning & Development

- 1. Provide a copy of the acknowledgement letter from the Ministry of Heritage, Sport, Tourism & Culture Industries for the submitted Stage 1 and 2 Archaeological Assessment for 198 Canboro Road advising that the site has been cleared of archaeological resources to the satisfaction of Director of Community Planning and Development.**
- 2. That the applicant obtain approval for any deficient Zoning By-law regulations.**
- 3. 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., Said Elevation Plans shall be substantially unaltered from those at the time of building permit.**

4. **Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

To the Satisfaction of the Niagara Region

1. **Submit servicing drawings for review and approval prior to the site being serviced.**
2. **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.**

To the Satisfaction of the Secretary-Treasurer

1. **That application for consent, file B31/2021P receive final certification of the Secretary-Treasurer concurrently with applications B32/2021P and B33/2021P.**
2. **Provide the Secretary-Treasurer sufficient evidence indicating that the conveyance of road widening be deeded to the Town of Pelham. This transfer shall be completed to the satisfaction of the Director of Public Works, said lands shall be conveyed free and clear of any mortgages, liens or encumbrances. All costs associated with this conveyance are the responsibility of the applicant.**
3. **That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the**

deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

- 4. That the final certification fee of \$399, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

The above decision with respect to file number B33/2021P is subject to the following condition:

To the Satisfaction of the Director of Public Works

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

To the Satisfaction of the Secretary-Treasurer

- 1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the West (Part 8 on sketch), the subject parcel**

and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

2. That application for consent, file B33/2021P receive final certification of the Secretary-Treasurer concurrently with applications B31/2021P and B32/2021P.
3. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
4. That the final certification fee of \$399, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

This decision is based on the following reasons:

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

Carried

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

Application B32/2021P was heard concurrently with applications B31/2021P and B33/2021P. See application B31/2021P for minutes and decision.

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

Application B33/2021P was heard concurrently with applications B31/2021P and B32/2021P. See application B31/2021P for minutes and decision.

6. Applications for Minor Variance

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

Purpose of the Application

Application A39/2021P for relief of Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the by-law requires 19m. Application A40/2021P for relief of Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the by-law requires 19m. Application A41/2021P for relief of Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the by-law requires 19m.

Application A39/2021P for relief of Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the by-law requires 19m. Application A40/2021P for relief of Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the by-law requires 19m.

Application A41/2021P for relief of Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the by-law requires 19m.

Representation

The Agent, Craig Rohe of Upper Canada Consultants was electronically present.

Correspondence Received

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

4. Linda Stokes and Larry Moote

Pre-Registered Members of the Public

1. Linda Stokes and Larry Moote
2. Daniel Peat

Applicants Comments

Mr. Craig Rohe, Agent, stated support of the staff report, recommendation and proposed conditions.

Public Comments

Ms. Linda Stokes and Mr. Larry Moote did not provide additional comments. Mr. Daniel Peat did not provide additional comments.

Ms. Angela MacRae and Mr. Brian Young expressed concern with increased water run off due to an increase in hard surfaces on a compressed lot. Mr. Young stated that the variances negate the purpose of the Zoning By-law.

Ms. Holly Willford, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 5:27 pm and confirmed no e-mails had been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting.

Member Comments

A Member of the Committee re-established confidence in the Town to address related drainage and engineering matters at the time of condition approval. Ms. Willford assured the Committee that the certificate of consents will not be issued until approval is given from each applicable department.

Moved By John Klassen

Seconded By Sandra Marsh

THAT the public portion of the meeting be closed.

Carried

Moved By John Klassen
Seconded By Brenda Stan

Application A39/2021P for relief of Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the by-law requires 19m, is hereby: GRANTED;

Application A40/2021P for relief of Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the by-law requires 19m, is hereby: GRANTED;

Application A41/2021P for relief of Section 13.2(b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 17.7m whereas the by-law requires 19m, is hereby: GRANTED;

The above decisions are based on the following reasons:

- 1. The variance is minor in nature as the lot can still comfortably accommodate the proposed dwelling, outdoor amenity area, parking, drainage and provide adequate separation from adjacent lots and land uses.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will allow for 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.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decisions are subject to the following conditions:

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

1. **That the approval of the minor variance is subject to Consent Files B31/2021P, B32/2021P and B33/2021P obtaining final approval.**

Carried

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

Application A40/2021P was heard concurrently with applications A39/2021P and A41/2021P. See application A39/2021P for minutes and decision.

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

Application A41/2021P was heard concurrently with applications A39/2021P and A40/2021P. See application A39/2021P for minutes and decision.

7. Minutes for Approval

Moved By John Klassen

Seconded By Donald Cook

THAT the Committee of Adjustment minutes dated November 2, 2021 be approved.

Carried

8. Adjournment

Moved By Brenda Stan

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 January 11, 2022 at 4:00 pm.

Don Cook, Chair

Secretary-Treasurer, Holly Willford