

Committee of Adjustment AGENDA

CofA 07/2022

July 5, 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**

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June 16, 2022

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

Re: Minor Variance Application A30/2021P
350 Canboro Road, Pelham
Part of Lot 6, Concession 8
Roll No. 2732 020 013 05600

The subject land is located on the south side of Canboro Road, lying west of Effingham Street, legally described above, and known locally as 350 Canboro Road in the Town of Pelham.

The subject land is zoned site-specific Agricultural-09 "A-09" in accordance with Pelham Zoning By-law 1136(1987), as amended. Application is made to construct an attached two car garage, and seeks for relief from:

- i. **Section 7.7(a) "Maximum (Accessory) Lot Coverage"** – to permit a maximum accessory lot coverage of 2% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%.

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

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan also identifies this area as having composite archaeological resource potential. Given the anticipated significant ground disturbance resulting from the proposed building, the applicant must conduct a Stage 1-2 Archaeological Assessment and receive Clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries as a condition of approval.

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 local Official Plan designates the subject land as 'Specialty Agricultural' as per Schedule 'A'.

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

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

The subject land is zoned site-specific Agricultural-09 "A-09" in accordance with Pelham Zoning By-law 1136(1987), as amended, which permits one single detached dwelling and accessory uses, buildings and structures. Under the regulations of the Zoning By-law, the minor variance application requests relief from:

- i. **Section 7.7(a) "Maximum (Accessory) Lot Coverage"** – to permit a maximum accessory lot coverage of 2% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%.

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	Test Response	Explanation
1. The variance is minor in nature.	Yes. The requested variance is considered to be minor in nature.	The requested increase of maximum lot coverage is not anticipated to have significant impacts on the overall massing and the streetscape as a result. The proposed building is located near the rear of the property where it will have minimal impact on adjacent lands. The building is quite significantly setback from street view and from the nearest adjacent building, resulting in minimal disruption on adjoining lands privacy, sunlight and openness. The proposed building complies with the yard setback and height requirement of the by-law, while the scale and massing have been designed to retain its use and status as secondary/incremental to the primary residential building.
2. The variance is desirable for the development or use of the land.	Yes. The requested variance is considered to be desirable for the appropriate development or use of the land.	The variance is requested to facilitate a proposed detached garage to accommodate for the homeowner's storage and recreational use. The requested increase in maximum lot coverage will have minimal impacts to the existing neighbourhood and abutting properties. The requested variance is not anticipated to have negative impacts on the streetscape give the placement of the building and significant on-site vegetation which serve to provide visual screen from neighbouring property and public view.
3. The variance maintains the general intent and purpose of the Zoning By-law.	Yes. The requested variance is considered to maintain the general intent and	The property is zoned "Agricultural-09" according to By-law 1136(1987), as amended. The variance relates to a requested increase of maximum lot coverage of 1 %. The intent of the by-law is to ensure that the built form and size

	purpose of the Zoning By-law.	<p>of buildings are appropriate to avoid overbuilding and that sufficient open space remains available. The increase is not anticipated to have a significant visual impact and adequate space remains.</p> <p>Staff are of the opinion that the proposed maximum lot coverage is appropriate and in keeping with the character of the surrounding area and compatible with adjacent residential, agricultural and rural uses.</p>
4. The variance maintains the general intent and purpose of the Official Plan.	Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan.	<p>The subject land is designated "Specialty Agricultural" in the Official Plan.</p> <p>The surrounding neighbourhood is generally characterized by one to two storey single detached dwellings. The proposed accessory building 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 should have no impact on the agricultural viability 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.</p> <p>Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan policies and will facilitate the development of an accessory building that is generally compatible with and in keeping with the rural village character of the neighbourhood.</p>

Agency & Public Comments

On May 25, 2022, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Division (May 5, 2022)
 - A building permit is required for the proposed accessory structure.
- Public Works Department (May 18, 2022)
 - No comments.
- Niagara Region Development Services Division (May 24, 2022)
 - No objections to the proposal provided there is no additional living space or fixture units located in the garage.

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

Planning Staff Comments

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

The subject property, municipally known as 350 Canboro Road, is on the south side of Canboro Road, lying west of Effingham Street. The property has a frontage of approximately 33.81 m on Canboro Road and a lot area of approximately 8230.96 m². The surrounding area can be characterized as a rural village residential neighbourhood comprised of generally one and two storey single detached dwellings, along with small scale agricultural farming operation. The subject property currently contains a two storey dwelling with an attached garage and has an approximate gross floor area of 202.67 m². The applicant is proposing to construct a 2 car, detached garage with the loft storey dedicated to studio and storage use. The area of the garage addition is approximately 59.6 m² and the height of the addition is approximately 6.71 m with a mid roof point height of 5.36 m.

Based on the analysis given in above sections, staff is of the opinion the proposal:

- makes efficient use of the land,
- will not result in overbuilding of the property,
- will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and
- should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff.

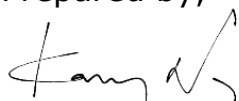
The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Planning staff recommend that minor variance file A30/2021P **be approved** subject to the following condition:

THAT the applicant

- Conduct a Stage 1-2 Archaeological Assessment and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries.
- Apply for and receive a building permit for the proposed accessory building prior to construction. No living accommodations or plumbing within the accessory building shall be permitted.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,



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

Memo

To: Sarah Leach, Deputy Clerk

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering; Taylor Boyle, Engineering Technologist; Jacqui Miller, Legislative and Committee Coordinator; Shannon Larocque, Senior Planner; Kenny Ng, Planner

From: Gimuel Ledesma, Engineering Technologist

Date: May 18, 2022

File #: A30/2021P

RE: 350 Canboro Road- Minor Variance

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application. The Applicant is seeking relief from the Section 7.7 Requirements for Buildings and Structures Accessory to Dwellings is requested as follows:

- Section 7.7 (a): Relief from the Maximum Lot Coverage of 1% to permit 2% for an accessory building.

Public Works has no comments

To: Sarah Leach

Cc: Kenny Ng,

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

Date: May 5th, 2022

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

Comment for Re: File A30/2021P – 350 Canboro Rd.

The building department offers the following comment,

- A building permit is required for the proposed accessory structure.

Kind Regards,

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

VIA E-MAIL ONLY

May 24, 2022

Sarah Leach

Deputy Clerk

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

Submission for Minor Variance Application

Location: 350 Canboro Road
In the Town of Pelham

Our File: MV-21-0046

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 350 Canboro Road in the Town of Pelham.

The documents were received by Regional staff on May 03, 2022. The submitted Minor Variance application is seeking permission permit to permit a maximum accessory lot coverage of 2% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%.

Private Sewage System

Regional Private Sewage System (PSS) staff have reviewed the application for 350 Canboro Road and conducted an on-site inspection on May 20, 2022. Regional staff searched our files for any previous records on this property and none were found. At the time of inspection a 2 chamber concrete septic tank was located north west of the existing dwelling in a garden area. The septic tank appeared to be at good working levels and showed no signs of defects at the time of inspection. There was also a tile bed identified in the front yard north west of the existing dwelling which appeared to be in good working order at the time of inspection. The proposed garage's location is south east of the existing dwelling and meets all the required setbacks as per the Ontario Building Code. Please note that if in the future there is any renovations that would add living space, fixture units, or bedrooms to the existing dwelling a new septic system would need to be installed. Therefore, Regional PSS staff have no concerns with the proposed minor variance provided there is no additional living space or fixture units located in the garage.

Conclusion

Based on the analysis and comments above, Regional staff offers no objections to the proposal provided there is no additional living space or fixture units located in the garage.

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. Katie Young, Development Planner, Niagara Region
Devon Haluka, Private Sewage System Inspector, Niagara Region

June 21, 2022

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

Re: Minor Variance Application A6/2022P
119 Lametti Drive, Pelham
Lot 28 on Plan 59M-434
Roll No. 2732 030 020 05130

The subject land is located on the north side of Port Robinson Road, lying east of Lametti Drive, legally described above and known municipally as 119 Lametti Drive, Pelham.

The subject land is zoned site-specific Residential 2-254 "R2-254" in accordance with Pelham Zoning By-law 1136(1987), as amended. Application is made to construct a rear deck, and seeks for relief from:

- i. **Section R2-254(f) "Minimum Rear Yard"** – to permit a minimum rear yard of 5.3m whereas the by-law requires a minimum rear yard of 7.5m.

Planning Act (Consolidated April 2022)

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

Provincial Policy Statement (PPS), 2020

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

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

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

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

The proposed development seeks to reduce the minimum rear yard setback in order to facilitate the removal and reconstruction of an existing rear yard deck. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form while meeting greenfield policy objectives.

Growth Plan for the Greater Golden Horseshoe (2020)

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 to 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 a ‘Designated Greenfield Area’ and is located within a ‘Settlement Area’ according to the Growth Plan. Designated greenfield areas are required to accommodate forecasted growth to this Plan’s horizon. 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.

The proposed minor variance seeks to reduce the rear yard setback to facilitate the removal and reconstruction of a rear yard deck. The zoning provisions do not directly facilitate intensification by definition; instead, they seek a particular building coverage and built form. Planning staff are of the opinion that the requested variance conforms to the Growth Plan policies and maintains an adequate landscaped rear amenity area.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Designated Greenfield 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.C.5 states Designated Greenfield Areas will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses.
- b) Where limited by scale or configuration, making a significant contribution to the growth of the respective Urban Area.
- c) Providing opportunities for integrated, mixed land uses.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

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.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No key natural heritage features (i.e. Significant Woodlands, Provincially Significant Wetlands or valleylands etc.) are located near the subject lands.

Policy A2.3.2 Urban Character – stated objectives of this Plan include (among others):

- To enhance the urban areas as diverse, livable, safe, accessible and attractive communities.
- To ensure that new development areas are integrated into the fabric of the existing community in conformity with approved Secondary Plans.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as 'EF – Low Density Residential'. Policy B1.7.7.3 outlines the permitted uses and intentions of this designation, which are supportive of the development of lower density residential uses as part of a complete community.

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

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

The subject land is zoned 'Residential 2 – 254' (R2-254) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Under the site-specific Zoning By-law Amendment No. 3705 (2016), the minor variance application requests relief from:

- Section RM1-254 (f) "Minimum Rear Yard"** to permit a minimum rear yard setback of 5.3m, whereas 7.5 m is required.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The reduced lot setback for the rear yard is minor in nature, as the impact on the subject property and adjacent properties is minimal given the lot context. The reduction maintains a functional rear yard amenity area, while providing adequate access from the existing dwelling to the rear yard. The proposed setback is in keeping with the general rear yard layouts and setbacks of neighbouring properties.
2. The variance is desirable for the development or use of the land.	Reducing the rear yard setback is desirable for the lands, as it will permit the legal reconstruction of the existing rear yard deck while maintaining adequate rear yard amenity areas.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance maintains the general purpose and intent of the Official Plan as it maintains land use compatibility and will not negatively impact neighbouring properties.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance maintains the general intent of the Zoning By-law because the requested setback will permit the reconstruction of an existing, illegal rear yard deck and maintains adequate outdoor amenity space.

Agency & Public Comments

On June 1, 2022, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Division (June 20, 2022)
 - A building permit is required for the proposed deck.
- Public Works Department (June 1, 2022)
 - No comments or concerns.

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

Planning Staff Comments

The subject lands are located on the north side of Port Robinson Road, on the east side of Lametti Drive. The property is currently surrounded by single detached residences on all sides.

The proposed minor variance application seeks zoning relief to reduce the minimum rear yard setback from 7.5 metres to 5.3 metres in order to facilitate the removal and reconstruction of the existing, illegally established rear yard deck.

Staff is of the opinion that although the minimum rear yard setback will be reduced, the impact on the subject property and adjacent properties is minimal. The required reduction will permit the legal construction of the rear yard deck, allowing for continued access from the dwelling to the outdoor, rear yard amenity area.

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

Planning staff recommend that minor variance file A6/2022P **be approved** subject to the following condition:

THAT the applicant

- Apply for and receive a building permit for the rear yard deck prior to construction.

Prepared by,



Lindsay Richardson, MCIP, RPP
Policy Planner

Approved by,



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

Memo

To: Sarah Leach, Deputy Clerk

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering; Taylor Boyle, Engineering Technologist; Lucas Smith, Engineering Technologist; Lindsay Richardson, Policy Planner; Shannon Larocque, Senior Planner

From: Gimuel Ledesma, Engineering Technologist

Date: June 1, 2022

File No.: A6/2022P

RE: Minor Variance – 119 Lametti Drive

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application. The Applicant seeks relief from site-specific exception R2-254 (f) Minimum Rear Yard. Rear yard: seeking 5.3 m, whereas 7.5 m is required.

Public Works offer the following comments:

- Public Works has no comments or concerns

To: Sarah Leach

Cc: Lindsay Richardson

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

Date: June 20th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – July 5th, 2022 Hearing

Comment for Re: File:A6/2022P 119 Lametti

The building department offers the following comment,

- Building permit required for the proposed deck.

Comment for Re: File:A7/2022P 904 Church St.

The building department offers the following comment,

- Building permit required for the proposed addition, building code compliance will be a requirement.

Comment for Re: File B6/2022P 631-645 Canboro Rd.

The building department offers the following comment,

- No comment.

Kind Regards,

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

June 21, 2022

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

Re: Minor Variance Application A7/2022P
904 Church Street, Pelham
Part of Lot 19, Plan 703
Roll No. 2732 010 016 13800

The subject land is located on the north side of Foss Road, lying west of Church Street, legally described above, and known locally as 904 Church Street in the Town of Pelham.

The subject land is zoned Residential Village 1 "RV 1" in accordance with Pelham Zoning By-law 1136(1987), as amended. Application is being made to construct an attached garage, and seeks for relief from:

- i. **Section 9.2(g) "Minimum Rear Yard"** – to permit a rear yard of 3.66 metres whereas the by-law requires a minimum rear yard of 7.5 metres.

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 suitable 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, which as stated in Policy 1.1.3.1 shall be the focus of growth and development.

Policy 1.1.3.2 states land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;
- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansions;
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) Prepare for the impacts of a changing climate;
- e) Support active transportation;
- f) Are transit-supportive, where transit is planned, exists or may be developed; and
- g) Are freight-supportive.

Land use pattern within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

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. However, given that the proposed garage and secondary unit will be attached to the existing dwelling where previous disturbances have occurred, no archeological assessment requirements are necessary.

The proposed development seeks relief from the rear yard setback to facilitate the construction of a new, 2-storey attached garage, and second dwelling unit. Planning Staff are of the opinion that the requested zoning relief is consistent with the PPS and promotes appropriate development standards, and more housing choices without causing adverse impacts on the use of the lands or the neighbourhood.

Greenbelt Plan (2017)

The Greenbelt Plan designates the subject lands as 'Town/Village'. These lands are included within the definition for 'Settlement Area' and are located within the Protected Countryside.

Policy 1.4.2 states that the policies of this Plan generally do not apply to Towns/Villages and Hamlets. Official Plans will continue to govern their land use based on policy direction of the Growth Plan.

Growth Plan for the Greater Golden Horseshoe (2020)

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 to 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 as a 'Delineated Built-up Area' in the GGH and is located within a 'Settlement Area'. Policy 2.2.1.2 a) states the vast majority of growth will be directed to settlement areas that:

- i. Have a delineated built boundary;
- ii. Have existing or planned municipal water and wastewater systems; and
- iii. Can support the achievement of complete communities.

Policy 2.2.6.1 states that Upper and Single-tier municipalities, in consultation with lower-tier municipalities, the Province and other appropriate stakeholders shall:

- a) Support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other

policies of this Plan by:

- i. Identifying a diverse range and mix of housing options and densities including additional residential units and affordable housing to meet projected needs of current and future residents;

The proposed development is reasonable in scale, and the addition of a second dwelling unit supports the housing policies of the Growth Plan. The proposed variance is required to facilitate this development and Planning Staff are of the opinion that the requested variance conforms to the Growth Plan policies and makes efficient use of the land available on the site.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan (ROP) designates the subject lands as 'Designated Urban Area (Built-Up Area)' and they are located within the Town's Urban Area Boundary.

Policy 4.G.6.2 states Built-Up Areas will be the focus of residential intensification and redevelopment.

The ROP directs development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. The Plan puts an emphasis on intensification and infill to foster the development of complete communities. A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

Pelham Official Plan (2014)

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

The local Official Plan designates the subject land as 'Urban Living Area/Built Boundary' according to Schedule 'A2'.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and

integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No key natural heritage features (i.e. Significant Woodlands, Provincially Significant Wetlands or valleylands etc.) are located near the subject lands.

Policy A2.3.2 Urban Character – stated objectives of this Plan include (among others):

- To enhance the urban areas as diverse, livable, safe, accessible and attractive communities.
- To ensure that new development areas are integrated into the fabric of the existing community in conformity with approved Secondary Plans.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance is to seek relief from the rear yard lot setback requirement and should not compromise drainage, privacy or sensitive natural heritage features and is in keeping with the residential character of the neighbourhood. The addition is proposed to be two storeys in height and will replace an existing, smaller detached accessory building. Based on the building form and sitting of the new construction, there should be no significant impacts on the surrounding properties.

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

The subject land is zoned Residential Village 1 “RV 1” in accordance with Pelham Zoning By-law 1136(1987), as amended, which permits one single detached dwelling and accessory uses, buildings and structures. Under the regulations of the Zoning By-law, the minor variance application requests relief from:

- Section 9.2 (g) “Minimum Rear Yard”** – to permit a minimum rear yard of 3.66 metres whereas the by-law requires a minimum rear yard of 7.5 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.	The reduced rear yard setback is minor in nature and the impact on the subject property and adjacent properties is minimal given the lot context. No negative impacts are anticipated on the adjacent properties as adequate distance separates the nearest residential neighbour from the location of the addition. All other yard setbacks will be maintained.
2. The variance is desirable for the development or use of the land.	The reduction of the minimum rear yard setback is desirable because it will permit the construction of a new attached 2-storey garage and second dwelling unit, which is in keeping with the housing and intensification policies of the Province, Region and Town. The proposed addition is also compatible with the existing dwelling and the built form, maintaining the residential character of the area.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance maintains the general purpose and intent of the Official Plan as it preserves land use compatibility, improves the streetscape and will facilitate intensification through the addition of a second dwelling unit.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance maintains the general intent of the Zoning By-law because the requested setback is minor and allows for the logical and appropriate placement of a new two storey garage. The placement maintains adequate rear amenity space and all other yard and zoning requirements have been met.

Agency & Public Comments

On June 8, 2022, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Division (June 20, 2022)
 - A building permit is required for the proposed addition, building code compliance will be a requirement
- Public Works Department (June 15, 2022)
 - No comments.

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

Planning Staff Comments

The subject lands are located north of Foss Road on the west side of Church Street. The property is currently surrounded by single detached residences on all sides.

A pre-consult meeting was held with the applicant(s) of the property and Staff from the Town, Niagara Peninsula Conservation Authority and Niagara Region Planning and Development Services on May 19, 2022 to discuss the subject application.

The proposed minor variance application seeks zoning relief to reduce the minimum rear yard setback requirement from 7.5 metres to 3.66 metres in order to accommodate the construction of an attached, two storey garage and second dwelling unit.

Staff is of the opinion that although the minimum rear yard setback will be reduced, the impact on the subject property and adjacent properties is minimal. It is noted that while the proposed garage addition maintains the same rear yard setback as the existing garage, the proposed garage addition is larger and higher than the existing garage and will also be closer to the street line than the existing garage. The greatest amount of impact will be on the public realm. The construction of the new attached garage will improve the streetscape of Church Street and provide gentle intensification within the urban area through the addition of a second dwelling unit. On the whole, the degree of impact on adjacent properties will be minimal.

Planning Staff are of the opinion that the proposed addition applies current planning and development principles and makes efficient use of the land. The proposal will not result in overbuilding of the property, will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff. It is noted that an updated lot grading and drainage plan will be required as part of the building permit process and will be reviewed and ultimately approved by Public Works Staff.

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

minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Planning staff recommend that minor variance file A30/2021P **be approved** subject to the following conditions:

THAT the applicant

- Apply for and receive a building permit for the proposed addition prior to construction.
- Be advised that construction of a new driveway or any modifications to existing entrance on Town property will require a Driveway Entrance and Culvert Permit. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.
- Provide an updated 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 or their designate.

Prepared by,



Lindsay Richardson, MCIP, RPP
Policy Planner

Approved by,



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

Memo

To: Sarah Leach, Deputy Clerk

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering; Taylor Boyle, Engineering Technologist; Lucas Smith, Engineering Technologist; Lindsay Richardson, Policy Planner; Shannon Larocque, Senior Planner

From: Gimuel Ledesma, Engineering Technologist

Date: June 14, 2022

File No.: A7/2022P

RE: Minor Variance – 904 Church Street

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application. Application is made for relief, to construct a garage and second dwelling unit, from Section 9.2(g) “Minimum Rear Yard” – to permit a minimum rear yard of 3.66m whereas the by-law requires a minimum rear yard of 7.5m.

Public Works offer the following comments:

- Public Works has no comments

Public Works request the following conditions:

- Please be advised that construction of a new driveway or any modifications to existing entrance on Town property will require a Driveway Entrance and Culvert Permit. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.
- Town staff request an updated lot grading and drainage plan to ensure that the addition will not negatively effect the neighboring properties.

To: Sarah Leach

Cc: Lindsay Richardson

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

Date: June 20th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – July 5th, 2022 Hearing

Comment for Re: File:A6/2022P 119 Lametti

The building department offers the following comment,

- Building permit required for the proposed deck.

Comment for Re: File:A7/2022P 904 Church St.

The building department offers the following comment,

- Building permit required for the proposed addition, building code compliance will be a requirement.

Comment for Re: File B6/2022P 631-645 Canboro Rd.

The building department offers the following comment,

- No comment.

Kind Regards,

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

June 28, 2022

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

Re: Consent Application B6/2022P
645 Canboro Road, Pelham
Part of Lot 12, Concession 9
Roll No. 2732 010 014 13100

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 9.69 metres on the north side of Canboro Road, lying west of Cream Street, being Part of Lot 12, Concession 9 in the Town of Pelham.

Application is made for consent to convey 0.22 hectares of land (Part 1) to be added to the abutting property to the east, shown as Part 3 on the attached sketch and known municipally as 631 Canboro Road, to rectify existing encroachments. Part 2 is to be retained for continued residential use of the dwelling known municipally known as 645 Canboro Road.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

- a) The development's effect on provincial matters of interest;
- 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.

The proposed boundary adjustment seeks to sever 0.22 hectares of land (Part 1) from the property at 654 Canboro Road (Part 2) and convey this to the abutting property to the east known municipally as 631 Canboro Road (Part 3).

Provincial Policy Statement (PPS) (2020)

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

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

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

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town’s Heritage Master Plan identifies this area as having high archaeological resource potential, however a boundary adjustment is not considered “development” under the PPS and therefore as there is no site alteration proposed, an archaeological assessment is not required. The applicant is however advised that any future *Planning Act* application involving the subject lands may require the completion of an archaeological assessment.

The proposed boundary adjustment is being made to recognize an existing encroachment and does not include any site alteration or construction. Planning staff are of the opinion the requested boundary adjustment is consistent with the PPS.

Greenbelt Plan (2017)

The Greenbelt Plan designates the subject lands as 'Town/Village'. These lands are included within the definition for 'Settlement Areas' and are located within the Protected Countryside. The Fonthill Kame Provincially Significant Wetland Complex is identified as a Key Hydrologic Feature and is subject to the natural heritage policies of the Greenbelt Plan.

Policy 1.4.2 states that the policies of this Plan generally do not apply to Towns/Villages and Hamlets. Official Plans will continue to govern their land use based on policy direction of the Growth Plan. Greenbelt policies require the completion of a Natural Heritage Evaluation when development or site alteration is proposed within 120 metres of a Key Hydrologic Feature and that a 30 metre Vegetation Protection Zone be established as natural self-sustaining vegetation.

Policy 4.6.1 e) states that lot creation is discouraged but minor lot adjustments or boundary additions may be permitted, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

Development is defined as the creation of a new lot, a change in land use, or the construction of buildings requiring approval under the Planning Act. The proposed consent facilitates a boundary adjustment and would not be considered development. Additionally, the reconfigured lot line ensures no increased fragmentation of any key natural heritage features. Staff are of the opinion that the proposed boundary adjustment is in keeping with the policies of the Greenbelt Plan.

Growth Plan for the Greater Golden Horseshoe (2020)

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 to 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 a designated greenfield area and is located within a 'Settlement Area' according to the Growth Plan. Designated greenfield areas are required to accommodate forecasted growth to this Plan's horizon. 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.

In the Designated Greenfield Area, the Growth Plan requires that new development be comprehensively planned to achieve a minimum density target of 50 people and jobs per hectare. The Town of Pelham is currently completing the East Fenwick Secondary Plan which will establish detailed policies for the development of this area in accordance with these Provincial and Regional policies.

Development is defined as the creation of a new lot, a change in land use, or the construction of buildings requiring approval under the Planning Act. The proposed conveyance facilitates a boundary adjustment and would not be considered development. Accordingly, Staff is of the opinion that the proposed boundary adjustment is in keeping with the policies of the Growth Plan.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject lands as 'Designated Urban Area (Built-Up Area)' and they are located within the Town's Urban Area

Boundary. The subject land also shares the following environmental designations on at least part of the property: Fonthill Kame Provincially Significant Wetland Complex (PSW) and Significant Woodland.

Regional Official Plan Policy 7.B.1.11 notes that an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 metres of a PSW and 50 metres of a Significant Woodland. The proposed boundary adjustment will be outside of the required setbacks and as such, an EIS is not required.

Regional Planning Staff are satisfied the proposed boundary adjustment conforms to Provincial policies, avoids fragmentation of key natural heritage features and meets Regional lot creation criteria.

Private Sewage System ("PSS") Inspection staff have reviewed the proposed application and is able to confirm that the existing sewage system at 631 Canboro Road (Part 3) is not being adversely affected by the proposed boundary adjustment. There appears to be sufficient useable area for any future septic system repair and/or replacement that may be required.

With respect to 645 Canboro Road, no record was found for the existing legal non-conforming private sewage system that services the property. PSS staff conducted a site visit of the property on June 22, 2022 and observed that the lids of the septic tank were not fully exposed, and therefore, staff were unable to inspect the levels inside. The septic tank is located north of the dwelling. The location of the in-ground leaching bed is unknown and given information on-site, may not exist. The Owner advised PSS staff that the septic tank is pumped out whenever the toilet stops flushing, which would indicate the system is failing as the leaching bed is no longer accepting effluent. A septic tank cannot be operated as a holding tank and the property contains enough room to support a Class 4 Sewage System.

Therefore, provided that there is no change to either existing dwelling, PSS staff does not object to the Consent (Boundary Adjustment) Application, subject to the Owner of 645 Canboro Road applying for a Septic Permit Application and installing a new Class 4 Sewage System to replace the failing sewage system servicing the property.

Pelham Official Plan (2014)

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

The local Official Plan designates the subject land as 'Urban Living Area/Built Boundary' with a 'Greenfield Overlay' according to Schedule 'A2'.

Policy A4.1.1 states that lands designated Urban Living Area are the site of existing and planned residential development and complementary uses on full municipal services, or planned to be connected to full municipal services all within the urban boundaries of the Fonthill and Fenwick Settlement Areas.

Additionally, Policy A4.1.6 states that lands designated as Greenfield Overlay are lands which have been identified in the Province of Ontario's Growth Plan for the Greater Golden Horseshoe as being generally undeveloped urban land located outside of the built boundary. In accordance with Provincial and Regional Policy such lands are, through new development, to achieve future population and employment densities of at least 50 jobs and people per hectare.

Policy B1.1.10 notes that further lot creation for residential use shall not be permitted in Fenwick outside of the built boundary until a Secondary Plan is approved. As the proposed boundary adjustment does not create any new lots, Staff is of the opinion that the proposal is in keeping with the appropriate policies of the Town's Official Plan.

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;
 - ✓ Unchanged.
- b) Will not cause a traffic hazard;
 - ✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Yes.

- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Unchanged – privately serviced.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ No impact.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Each land designation and zone are proposed to remain intact on their respective parcels.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ No negative impact.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
 - ✓ No objection from Region.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ N/A

Policy D5.2.2 states that the conveyance of a boundary adjustment for the purpose of enlarging an existing lot that does not provide a new building lot, may be permitted. 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.

The proposed severance would facilitate a boundary adjustment between two residential properties, each with an existing single detached residential dwelling. No new building lots will result from this boundary adjustment and Staff is of the opinion that the proposal is in keeping with the policies of the Town's Official Plan.

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

The subject lands are currently zoned 'Residential Village 1' (RV1).

Parts 2 and 3 will continue to comply with the RV1 zone requirements after parcel reconfiguration. Any future development on any of the subject lands will continue to need to comply with their respect zoning regulations and permitted uses.

Agency & Public Comments

On May 12, 2022, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Division (June 20, 2022)
 - No comment.
- Public Works Department (June 20, 2022)
 - The Applicant shall confirm no existing utilities crossed the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocation and/or removal.
- Niagara Region Development Services Division (June 28, 2022)
 - No objections to the proposal provided the owner at 645 Canboro Road applies to the Niagara region for a Septic Permit Application to service the existing dwelling on the property and installs the new system.

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

Planning Staff Comments

The subject application deals with the conveyance of 0.22 hectares (Part 1) to merge with the abutting lands to the east (Part 3) as a boundary adjustment to recognize an existing encroachment. The remaining lands (Part 2) will continue to be used for an existing single detached dwelling.

A pre-consult meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on June 17, 2021 to discuss the subject application.

The subject lands are located on the south side of Canboro Road, west of Cream Street in the Urban Settlement Area of Fenwick. The lands are surrounded by other residential uses and Staff visited the site and reviewed aerial photography to better understand the local context.

Planning staff is of the opinion that the proposed boundary adjustment maintains compliance with the Town's Zoning by-law and conforms to the policies in the Town's Official Plan as well as Provincial and Regional Policy documents. The proposed boundary adjustment does not create any additional building lots, and does not propose any new development, therefore it can be supported by Staff.

Given this analysis, Planning staff recommend that consent file B6-2022P **be approved** subject to the following conditions:

THAT the applicant:

- That the owner of 645 Canboro Road (Part 2) apply to and receive approval from the Niagara Region for a Septic Permit Application to install a new Class 4 Sewage System to service the existing dwelling on the Property to the satisfaction of the Region of Niagara.
- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.
- Ensure Part 1 merges in title with Part 3.
- 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,



Lindsay Richardson, MCIP, RPP
Policy Planner

Approved by,



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

Memo

To: Sarah Leach, Deputy Clerk

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering; Taylor Boyle, Engineering Technologist; Lucas Smith, Engineering Technologist; Shannon Larocque; Senior Planner

From: Gimuel Ledesma, Engineering Technologist

Date: June 17, 2022

File No.: B6/2022P

RE: Consent – 631-645 Canboro Road

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

Application is made for consent to convey 0.22 hectares of land (Part 1), to be added to the abutting property to the east (Part 3), to rectify existing encroachments. Part 2 is to be retained for continued residential use of the dwelling known municipally as 645 Canboro Road.

Public Works Staff offers the following comment:

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

To: Sarah Leach

Cc: Lindsay Richardson

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

Date: June 20th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – July 5th, 2022 Hearing

Comment for Re: File:A6/2022P 119 Lametti

The building department offers the following comment,

- Building permit required for the proposed deck.

Comment for Re: File:A7/2022P 904 Church St.

The building department offers the following comment,

- Building permit required for the proposed addition, building code compliance will be a requirement.

Comment for Re: File B6/2022P 631-645 Canboro Rd.

The building department offers the following comment,

- No comment.

Kind Regards,

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

Planning and Development Services

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

Via Email

June 28, 2022

Region File: D.06.06.CS-22-0043

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

Dear Ms. Willford:

**Re: Regional and Provincial Comments
Proposed Consent (Boundary Adjustment) Application
Town File: B6/2022P
Owners: [REDACTED]
Agent: [REDACTED]
631 & 645 Canboro Road
Town of Pelham**

Regional Planning and Development Services staff has reviewed the Consent Application for 645 Canboro Road located in the Town of Pelham. Staff received circulation from the Township on May 12, 2022. The Applicant is proposing to convey 0.22 hectares of land (Part 1) from 645 Canboro Road to be added to the abutting property, 631 Canboro Road (Part 3), to rectify existing encroachments. The remainder of 645 Canboro Road (Part 2) is to be retained for continued residential use.

A virtual pre-consultation meeting for this proposal was held on June 17, 2021 with the Agent, Town staff, and Regional staff in attendance. The following comments from a Provincial and Regional perspective are provided to assist the Committee in their consideration of the application.

Provincial and Regional Policies

The subject lands are located within the "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS"), and within the Town/Villages in the "Protected Countryside" of the *Greenbelt Plan, 2017*. Town/Villages are subject to the policies of the Growth Plan except for natural heritage features which continue to be subject to the Greenbelt Plan as discussed in the below section (Natural Heritage). With respect to 631 Canboro

Road, it is designated “Delineated ‘Built-Up’ Area” in the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”) and “Urban (Built-Up) Area” in the *Regional Official Plan* (“ROP”). With respect to 645 Canboro Road, it is “Designated Greenfield Area” within both the Growth Plan and ROP.

Provincial and Regional growth management policies for lands designated either Urban Built-Up Area or Designated Greenfield Area allow for a full range of residential uses subject to the availability of adequate municipal services and infrastructure and natural environment considerations.

In the Designated Greenfield Area, the Growth Plan and ROP requires that new development be comprehensively planned to achieve a minimum density target of 50 people and jobs combined per hectare. The Town of Pelham is currently completing the East Fenwick Secondary Plan, which will establish detailed policies for the comprehensive development of the area in accordance with these Provincial and Regional policies. Consideration of these policies will therefore occur as part of any future *Planning Act* applications on the subject lands. The boundary adjustment is being proposed to rectify existing encroachments, with no development proposed. As such, Regional staff is satisfied the proposed Consent (Boundary Adjustment) Application is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the below comments.

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 potential for the discovery of archaeological resources due to their proximity within 300m to six registered archeological sites (AgGu-174, AgGu-231, AgGu-232, AgGu-233, AgGu-234, and AgGu-235), as well as a natural watercourse feature.

A boundary adjustment is not defined as “development” under the PPS or the ROP. Therefore, given that no development is proposed, Regional staff does not offer any archeological assessment requirements for the application. The Applicant is advised that any future *Planning Act* Application involving the subject lands may require the completion of an archeological assessment based on Regional staff’s review of the application at that time.

Natural Heritage

The subject property is impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of the Fonthill Kame Provincially Significant Wetland Complex

("PSW"), and Significant Woodland. The property is within the Protected Countryside of the Greenbelt Plan, which identifies the PSW as a Key Hydrologic Feature ("KHF"), and is subject to the natural heritage policies of the Greenbelt Plan.

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

The Greenbelt Plan allows for minor lot adjustments and boundary additions, provided they do not create a separate lot for residential dwelling in prime agricultural areas and there is no increased fragmentation of a KHF. The proposed boundary adjustment satisfies these requirements. As such, Regional Environmental Planning staff offer no objection to the Consent.

Private Sewage System

Private Sewage System ("PSS") Inspection staff has reviewed the proposed application. PSS staff have tried to obtain and review an existing file for 631 Canboro Road; however due to an error with the off-site storage system, the file has yet to arrive. Should the file contain previously unknown information pertaining to the existing septic system, then PSS staff will provide updated comments. In the meantime, staff is able to confirm that the existing sewage system at 631 Canboro Road (Part 3) is not being adversely affected by the proposed boundary adjustment and there appears to be sufficient useable area for any future septic system repair and/or replacement that may be required.

With respect to 645 Canboro Road, no record was found for the existing legal non-conforming private sewage system that services the property. PSS staff conducted a site visit of the property on June 22, 2022 and observed that the lids of the septic tank were not fully exposed, and therefore, staff were unable to inspect the levels inside. The septic tank is located north of the dwelling. The location of the in-ground leaching bed is unknown and given information on-site, may not exist. The Owner advised PSS staff that the septic tank is pumped out whenever the toilet stops flushing, which would indicate the system is failing as the leaching bed is no longer accepting effluent. A septic tank cannot be operated as a holding tank and the property contains enough room to support a Class 4 Sewage System.

Therefore, provided that there is no change to either existing dwelling, PSS staff does not object to the Consent (Boundary Adjustment) Application, subject to the Owner of 645 Canboro Road applying for a Septic Permit Application and installing a new Class 4

June 28, 2022

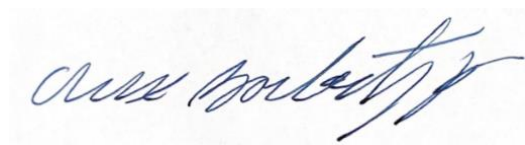
Sewage System to replace the failing sewage system servicing the property. An appropriate condition of consent approval is provided within the attached Appendix.

Conclusion

In conclusion, Regional staff do not object to the proposed Consent (Boundary Adjustment) Application, in principle, provided that the condition of the attached Appendix is fulfilled. Regional staff is satisfied that the application is consistent with the PPS and conforms to Provincial and Regional growth management policies. Local staff should be satisfied that any applicable local requirements and provisions are met.

If you have any questions or wish to discuss these comments, please contact the undersigned at Alex.Boekestyn@niagararegion.ca, or Katie Young, Development Planner at Katie.Young@niagararegion.ca. Please send a copy of the staff report and Committee's decision on this application.

Kind regards,



Alex Boekestyn
Development Planning Student, Niagara Region

cc: Katie Young, MSC (PI), Development Planner, Niagara Region
Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region
Devon Haluka, Private Sewage System Inspector, Niagara Region

Appendix: Niagara Region's Condition of Consent Approval

Appendix

Niagara Region's Condition of Consent Approval

631 Canboro Road and 645 Canboro Road, Town of Pelham

1. That the Owner of 645 Canboro Road apply to the Niagara Region for a Septic Permit Application to install a new Class 4 Sewage System to service the existing dwelling on the property.

From: [LANDUSEPLANNING](#)
To: [Jacquie Miller](#)
Subject: Pelham - 645 Canboro Road -B6-2022P
Date: Friday, May 27, 2022 9:51:56 AM
Attachments: [image002.png](#)

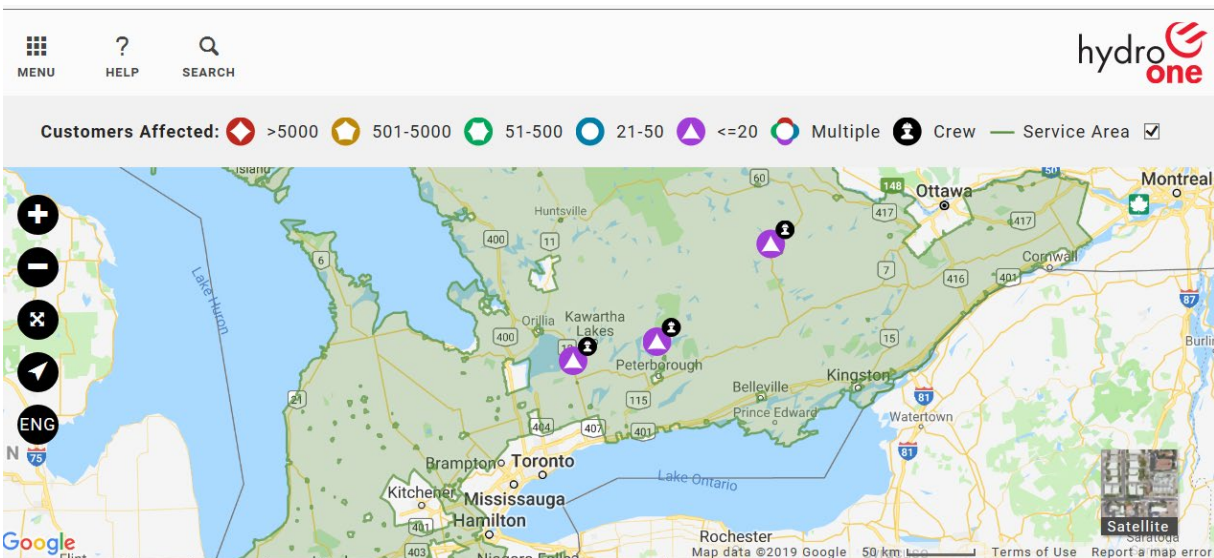
Hello,

We are in receipt of your Consent Application, B6/2022P dated May 12, 2022. 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,
Kitty Luk
Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.
185 Clegg Road

Email: landuseplanning@hydroone.com

From: Jacquie Miller <JMiller@pelham.ca>
Sent: Thursday, May 12, 2022 8:26 AM
To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; MunicipalPlanning@enbridge.com;
jim.sorley <jim.sorley@npei.ca>; ash.neville@rci.rogers.com
Subject: Committee of Adjustment Notice of Hearing - July 5, 2022

You don't often get email from jmiller@pelham.ca. [Learn why this is important](#)

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

Good morning:

Please find attached the Notice of Hearing for file B6/2022P – 631-645 Canboro Road.

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

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

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Committee of Adjustment**Minutes**

Meeting #: CofA 05/2022
Date: Wednesday, May 4, 2022
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
John Klassen
Bernie Law

Members Absent Sandra Marsh
Brenda Stan

Staff Present Holly Willford
Sarah Leach
Kenny Ng
Jacquie Miller
Derek Young

1. Attendance

Applicants, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

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

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

2.1 Land Recognition Statement

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

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

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

5. Applications for Minor Variance

5.1 A4/2022P - 1 Deerpark Crescent

Purpose of the Application

Application is made for relief, to construct an attached two car garage, from: Section 14.2(d) "Minimum Front Yard" – to permit a minimum front yard setback of 2.48 metres whereas the by-law requires a minimum front yard setback of 6.5 metres.

Representation

The Agent, Mr. Joel Rypstra was electronically present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Doug Gabourie

Applicants Comments

To address the public concern, Mr. Rypstra indicated that the height of the garage will be continued from the dwelling.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that the pre-registered member of the public, Mr. Doug Gabourie was not in attendance. The Committee acknowledged receipt of Mr. Gabourie's written comments.

Ms. Leach indicated she checked the clerks@pelham.ca email address at 4:16 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the

application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Bernie Law

Seconded By John Klassen

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member indicated they had no concern with the proposal.

A Member asked for clarification on the location of the proposed garage access. Mr. Rypstra stated that the existing concrete pad and entrance from Deerpark Crescent will be used to access the garage. He further stated that the garage will house the vehicles currently parked on the existing concrete pad. A Member commented that the public concerns may be mitigated by the installation of a stop bar and reduced on-street parking.

Moved By Bernie Law

Seconded By John Klassen

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the addition will not significantly impact the massing of the dwelling or create a sightline issue.**
- 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 facilitate a proposed garage additional to accommodate the homeowner's storage needs while not adversely impacting the existing neighbourhood and abutting property.**
- 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.

7. The Applicant is aware that driveway access is only permitted from Deerpark Crescent.

The above decision is subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official.
2. To the Satisfaction of the Director of Community Planning and Development
 1. Provide a landscaped buffer strip containing shrubs, hedges, plantings or other ground cover, along the frontage facing Spruceside Crescent, to the satisfaction of the Director of Community Planning & Development.

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works
 1. Submit an updated Lot Grading & Drainage Plan to demonstrate that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.
 2. Obtain a Driveway Entrance and Culvert Permit from the Town to accommodate any modification to the existing driveway. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to building permit issuance and the Applicant shall bear all costs associated with the works.

Carried

6. Minutes for Approval

Moved By Bernie Law

Seconded By Donald Cook

THAT the Committee of Adjustment minutes dated March 1, 2022, be approved.

Carried

8. Adjournment

The meeting was adjourned at 4:26 pm.

Moved By John Klassen

Seconded By Bernie Law

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for June 1, 2022 at 4:00 pm.

Carried

Don Cook, Chair

Sarah Leach, Assistant Secretary-Treasurer