

Committee of Adjustment AGENDA

CofA 12/2022

December 6, 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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1. Town of Pelham Planning
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3. Town of Pelham Building
4. Hydro One
5. Bell Canada
6. Hummel Properties Inc.

7. Minutes for Approval

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October 2, 2018 (Housekeeping)
October 30, 2018 (Housekeeping)
June 5, 2019 (Housekeeping)
October 4, 2022

8. Adjournment



**Community Planning and Development Department
Committee of Adjustment**

Tuesday, December 06, 2022

Minor Variance Application: A17-2022P

Municipal Address: 855 Twenty Road

Legal Description: Part of Lot 17, Concession 1, designated as Part 4 on Plan 59R-9933

Roll number: 2732 010 008 01700

Nature and Extent of Relief/ Permission Applied for:

The subject land is located on the north side of Twenty Road, legally described above, and known locally as 855 Twenty Road in the Town of Pelham.

The subject land is zoned Agricultural (A) in accordance with Pelham Zoning By-law 1136(1987), as amended. Application is made to construct a detached garage with loft on the property, and seeks for relief from:

- a. **Section 7.4 (c) "Maximum Lot Coverage":** requesting a maximum lot coverage of 14.33% whereas a maximum lot coverage of 10% is permitted.
- b. **Section 7.7 (c) "Maximum Lot Coverage":** requesting a maximum lot coverage of 3.79% for accessory structures whereas a maximum lot coverage of 1% is permitted for accessory structures.

The existing accessory building will be demolished and replaced with the proposed new detached garage.

Applicable Planning Policies:

Planning Act, R.S.O. 1990, c.P.13

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 (the "Four Tests").

Provincial Policy Statement (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.

The subject lands are within the Provincial Agricultural System, and are considered a "Specialty Crop Area." The permitted uses, among others, include agricultural/agricultural related uses, limited residential development and home occupations.

Policy 2.6.2 of the PPS does not permit development and site alteration on lands containing archaeological resources unless significant archaeological resources have been conserved. The lands are identified as displaying composite archaeological potential per the Town's Archaeological Master Plan. The proposed accessory structure will be constructed with a slab-on-grade foundation. As such, the Town will not require the completion of an archaeological assessment at this time. Any future Planning Act applications for the property may require an archaeological assessment.

Provincial and Regional policies aim to protect agricultural land for long-term agricultural use. Specifically, Section 2.3 "Agriculture" of the PPS sets the policy framework for prime agricultural areas. Policy 2.3.6.1 permits limited non-agricultural uses in prime agricultural areas. Planning staff note that the property is 3,201 m² in land area, is not farmed and is considered to be a rural residential lot at this time.

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.

Staff are of the opinion that the proposed variance is consistent with the Provincial Policy Statement.

Greenbelt Plan (2017)

The lands are located in the "Niagara Peninsula Tender Fruit and Grape Area" within the Protected Countryside Designation of the Greenbelt Plan.

Section 3.1.2 (Specialty Crop Area Policies) states that for lands falling within *specialty crop areas* of the *Protected Countryside* all types, sizes and intensities of agricultural uses and *normal farm practices* shall be promoted and protected.

The subject lands are within 120 metres of the Upper Sixteen Mile Creek Wetland Complex. Under Greenbelt policies, wetlands are considered Key Hydrological Feature (KHF). 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 Protected Countryside. Regional policies similarly require the completion

of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 m of LSW/Significant Woodland.

Further, Greenbelt policies also require that a minimum 30 m Vegetation Protection Zone (VPZ), measured from the outside boundary of a KHF, be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KHF or its VPZ.

The proposed garage is within the above-noted setback. However, the Greenbelt Plan offers exemptions for accessory structures provided that the use does not expand into KHF or VPZ, unless there is no alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure. The proposed garage meets these requirements, and as such there will be no requirements for an NHE.

Policy 4.5 states that all existing uses are permitted, including single dwellings on existing lots of record, provided they were zoned for such prior to the Greenbelt Plan coming into force. Expansions to existing buildings which bring the use more into conformity with this Plan are permitted so long as new municipal services are not required and the addition does not expand into key natural heritage / hydrologic features.

The proposed garage is located adjacent to the existing storage building which will be demolished. The garage is relatively small in scale and its location does not expand further into key natural heritage features, but rather is an improvement over the location of the existing storage building.

Planning staff are of the opinion the proposed accessory building does not conflict with Greenbelt Plan policy.

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 lands are within the Specialty Crop Area in the Provincial Agricultural System under the A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Prime agricultural areas, including speciality crop areas are intended to be protected for long term agricultural use.

The subject lands are within 120 metres of the Upper Sixteen Mile Creek Wetland Complex, which is identified as a key hydrologic feature. A vegetative protection zone of 30 metres is required to provide a buffer of sufficient width to protect key hydrologic features. Policy 4.2.3.4 states that development or site alteration is not permitted in the vegetation protection zone, with the exception of that described in

policy 4.2.3.1. Policy 4.2.3.1 allows for the expansion of accessory structures provided there is no alternative, and the expansion or alteration in the feature is minimized and, in the vegetation protection zone, is directed away from the feature to the maximum extent possible. The proposed garage meets these criteria.

The proposed garage is within the above-noted setback. However, the Greenbelt Plan offers exemptions for accessory structures provided that the use does not expand into a KHF or VPZ, unless there is no alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

The proposed variance does not conflict with the Growth Plan.

Regional Official Plan (Adopted 2022)

The Region's Official Plan designates the lands as within the Speciality Crop Area of the Region's Agricultural Land Base. Regional policies aim to protect agricultural land for the long-term.

The Agricultural System of the Regional Official Plan set out provisions on the types of development that can occur on the subject lands. Accessory structures are permitted within the Specialty Crop Area provided that new municipal services are not required and the use does not expand into a Key Natural Heritage Feature or Key Hydrologic Feature.

The environmental review and considerations of this application are subject to the Transition Policy 3.1.30.3.1 of the Regional Official Plan. Therefore, the comments of this section are based on the Regional Official Plan (ROP) policies that were in effect at the time of the pre-consultation meeting.

As per Region Official Plan Policy 7.B.1.8, Environmental Planning staff typically require the completion of a Constraints Analysis to determine if these features meet the criteria for identification as Core Natural Heritage System features. The property is within the Protected Countryside of the Greenbelt Plan (2007), which identifies wetlands as Key Hydrologic Features (KHF). Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 m of LSW/Significant Woodland. Although the proposed garage is within the setback, the Greenbelt Plan offers an exemption for accessory structures provided that the use does not expand into a KHF or VPZ, unless there is no alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure. As such, Regional staff did not request an EIS.

The Region did not object to the variance. As such, planning staff are of the opinion the proposed variance conforms with the Regional Official Plan.

Town of 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 natural heritage features.

The local Official Plan designates the subject lands 'Specialty Agricultural' according to Schedule 'A.' The purpose of the Specialty Agricultural designation is to implement the Greenbelt Plan and to recognize the importance of croplands. Single detached dwellings are a permitted use in the Specialty Agricultural designation.

Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record. Planning staff note that the property is 3,201 m² in land area, is not farmed and is considered to be a rural residential lot at this time.

Planning staff are of the opinion the proposed variance conforms with the Town of Pelham Official Plan.

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

The subject lands are zoned Agricultural (A) in accordance with Town of Pelham Zoning By-law 1136 (1987), as amended. Under the regulations of the Zoning By-law, the minor variance application requests relief from:

- a. **Section 7.4 (c) "Maximum Lot Coverage":** requesting a maximum lot coverage of 14.33% whereas a maximum lot coverage of 10% is permitted.
- b. **Section 7.7 (c) "Maximum Lot Coverage":** requesting a maximum lot coverage of 3.79% for accessory structures whereas a maximum lot coverage of 1% is permitted for accessory structures.

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
The variance is minor in nature.	<p>Yes. The requested variance is considered to be minor in nature. The increased coverage on the subject property and adjacent properties is minimal given the lot context.</p> <p>The increased coverage amounts to approximately 4.33% of the entirety of the lot. No negative impacts are anticipated on the adjacent properties as adequate distance separates the nearest residential neighbour from</p>

	<p>the location of the addition to the accessory structure. Yard setbacks will be maintained.</p> <p>The accessory structure is setback from street view and the scale and massing have been designed to retain its use and status as secondary/incremental to the primary residential building. The remaining lot area remains available to handle stormwater runoff, the existing septic system, and preserve a rear yard amenity area.</p> <p>Staff are of the opinion that the variance is minor in nature.</p>
The variance is desirable for the development or use of the land.	<p>Yes. The requested variance is considered to be desirable for the appropriate development or use of the land. The increase in lot coverage for the accessory building is desirable as it will permit design flexibility for an addition to an existing accessory structure while maintaining adequate rear yard amenity area.</p> <p>The new location of the structure will have a lesser impact on the floodplain and will be setback further from the locally significant wetland (LSW) than compared with the location of the existing accessory structure which is an overall site improvement from a hazard land and natural heritage perspective.</p> <p>The requested variance is not anticipated to have negative impacts on the streetscape given the placement of the building.</p> <p>Staff is of the opinion that the variance is desirable for the development of the land.</p>
The variance maintains the general intent and purpose of the Zoning By-law.	<p>Yes. The requested variance is considered to maintain the general intent and purpose of the Zoning By-law as the requested increase in coverage is minor and allows for the logical and appropriate placement of the accessory structure.</p> <p>The intent of the maximum lot coverage provision of the By-law is to maintain adequate space for landscaping, leisure, drainage, and to maintain neighbourhood streetscapes and compatibility.</p> <p>The increase in lot coverage for accessory structures is not anticipated to any a negative impact on space for landscaping, leisure, and drainage.</p> <p>Staff are of the opinion the general intent of the Zoning By-law is maintained.</p>

<p>The variance maintains the general intent and purpose of the Official Plan.</p>	<p>Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan.</p> <p>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>The proposal is generally consistent in built form, scale, and massing with existing development and the character of the area.</p> <p>Staff is of the opinion that the variance maintains the general intent and purpose of the Official Plan.</p>
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Agency and Public Comments:

On November 4, 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
 - A building permit is required for the proposed detached garage along with a demolition of the existing accessory structure.
- Public Works Department
 - Public Works has no comments.
- Niagara Region Planning and Development Services
 - Regional Planning and Development Services staff is not opposed to the proposed Minor Variance, provided that the accessory structure does not contain any additional fixture units or living space. Town staff should be satisfied that all local requirements and provisions are met.
- Niagara Peninsula Conservation Authority
 - NPCA Staff do not offer objection to the approval of this application.
 - The NPCA's Regulation Mapping illustrates that the subject lands contain Locally Significant Wetland (LSW) and 30 metre buffer associated with the Upper Sixteen Mile Creek Wetland Complex. NPCA Policy generally restricts development and site alteration within the wetland feature, and within the 30 meter setback buffer measured from the wetland edge. Provided the applicant does not locate the replacement structure closer to the wetland boundary, NPCA staff would have no objection to the approval of the minor variance application.
 - Please note that an NPCA Work Permit and an updated site plan noting the location of Erosion and Sediment Controls will be required prior to

commencement of works on site (this includes the demolition of the existing barn in addition to the construction of the new garage).

One (1) public comment was received at the time of writing this report, which is summarized below:

- Briar Kostaskey
 - Concerns with site plan lot lines compared to survey; recommends the completion of a survey and drainage plan.

Planning Staff Comments:

Planning staff note that the property is 3,201 m² in land area, is not farmed and is considered to be a rural residential lot. Adequate area and building setbacks are available to manage the drainage from the new garage on-site without adversely impacting adjacent properties. According to MPAC records the existing accessory structure that will be demolished is 1086sqft in area and the proposed garage will be 1187.88 sqft. The difference in the size of the proposed garage is not so significant to what exists and as such, drainage impacts can be managed on-site.

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
- minimizes the impact on the floodplain.

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 Recommendation:

Planning staff recommend that minor variance file A17/2022P **be approved** subject to the following condition(s):

THAT the applicant:

- Apply for and receive a Building/Demolition Permit for the proposed detached garage. No plumbing or additional living space be installed within the proposed garage.
- Apply and receive NPCA work permit for work in the floodplain and update the site plan drawing illustrating the location of erosion and sediment controls prior to any site works being undertaken.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

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

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;

From: Gimuel Ledesma, Engineering Technologist

Date: November 23, 2022

File No.: A17/2022P

RE: Minor Variance – 855 Twenty Road

The Public Works Department has reviewed the submitted documentation regarding the proposed minor variance of 855 Twenty Road. Application is made for relief, to construct a detached garage, from:

Section 7.4(c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 14.33% whereas the by-law allows 10%; and

Section 7.7(a) “Maximum Lot Coverage (Accessory Structure)” – to permit a maximum lot coverage of 3.79% whereas the by-law allows a maximum lot coverage of 1% provided the maximum lot coverage of all buildings does not exceed 10%.

Public Works has no comments

To: Sarah Leach

Cc: Andrew Edwards

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

Date: November 21st, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – December 6th, 2022 Hearing

Comment for Re: File A17/2022P – 855 Twenty Rd.

The building department offers the following comment,

- A building permit is required for the proposed detached garage.

Comment for Re: File A19/2022P – 13 Arsenault Cres.

The building department offers the following comment,

- A building permit is required for the proposed dwelling.

Comment for Re: File B13/2022P – 1399 Station St.

The building department offers the following comment,

- No comment.

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

November 21, 2022

Region File: D.17.06.MV-22-0115

Andrew Edwards
Planner
Town of Pelham
20 Pelham Town Square
Pelham, ON, L0S1E0

Dear Mr. Edwards:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Town File: A17/2022P
Owners: [REDACTED]
Agent: Salvatore DeRose
Address: 855 Twenty Road
Town of Pelham

Regional Planning and Development Services staff has reviewed the information circulated with the application for Minor Variance for 855 Twenty Road in the Town of Pelham. The Region received its circulation of the application from the Town on November 4, 2022.

The proposed Minor Variance has been submitted to request relief from the Zoning By-law to permit the construction of an accessory building. The Applicant is requesting relief to permit a maximum lot coverage of 14.33%, whereas the by-law allows 10%; and a maximum lot coverage for accessory structures of 3.79% whereas the by-law allows a maximum lot coverage of 1%, provided the maximum lot coverage of all buildings does not exceed 10%.

The Region provided pre-consultation comments for this proposal on April 13, 2022. Staff note that the new Niagara Official Plan (NOP) was approved by the Province on November 4, 2022 and is now in effect. The comments of this letter will reference the policies of the new NOP where appropriate, unless otherwise specified through transition policies. The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the proposed Minor Variance.

Provincial and Regional Policies

The subject land is identified as Prime Agricultural Area, and more specifically Specialty Crop Area, under the *Provincial Policy Statement, 2020* (PPS). The land is also within the Specialty Crop Area in the Provincial Agricultural System under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (Growth Plan) and within the Protected Countryside of the *Greenbelt Plan, 2017* (Greenbelt Plan) and more specifically within the Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area. The NOP also designates the land as within the Specialty Crop Area.

Provincial and Regional policies aim to protect agricultural land for long-term agricultural use. Specifically, Section 2.3 “Agriculture” of the PPS, Section 4.2.6 of the Growth Plan, Section 3.1 “Agricultural System” of the Greenbelt Plan, and Section 4.1 “The Agricultural System” of the NOP set out provisions on the types of development that can occur on the subject lands. Accessory structures are permitted within within the Specialty Crop Area provided that new municipal services are not required and the use does not expand into a Key Natural Heritage Feature or Key Hydrologic Feature. The matters are reviewed in greater detail below..

Natural Heritage

The environmental review and considerations of this application are subject to the Transition Policy 3.1.30.3.1 of the NOP. Therefore, the comments of this section are based on the Regional Official Plan (ROP) policies that were in effect at the time of the pre-consultation meeting.

The subject property is adjacent to the Region’s Core Natural Heritage System (CNHS), consisting of the Upper Sixteen Mile Creek Locally Significant Wetland Complex (LSW). Additionally, there is a wooded area adjacent along the rear of the subject property. As per Region Official Plan Policy 7.B.1.8, Environmental Planning staff typically require the completion of a Constraints Analysis to determine if these features meet the criteria for identification as Core Natural Heritage System features (Significant Woodland, Significant Wildlife Habitat, Habitat of Endangered or Threatened species, etc).

The property is within the Protected Countryside of the Greenbelt Plan (2007), which identifies wetlands as Key Hydrologic Features (KHF). KHF’s in the Protected Countryside are 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 Protected Countryside. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 m of LSW/Significant Woodland. Further, Greenbelt policies also require that a minimum 30 m Vegetation Protection Zone (VPZ), measured from the outside boundary of a KHF, be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KHF or its VPZ.

The proposed garage is within the above-noted setback. However, the Greenbelt Plan offers exemptions for accessory structures provided that the use does not expand into a KHF or VPZ, unless there is no alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure. The proposed garage meets this criteria, and as such there will be no requirements for an NHE.

Staff conducted a site visit on April 8, 2022. Based on that site visit and the scope, nature and location of the garage, staff requested the completion of a Tree Protection Plan (TPP), in lieu of a Constraints Analysis to assess the woodland. The TPP was required to indicate appropriate setbacks and mitigation measures to protect the adjacent wooded area along the rear of the property. However, the new location of the accessory structure is greater than 15 m from the wooded area at the rear of the property. Therefore, due to the scope, nature and location of the proposed development, staff are supportive of removing the requirement for a Tree Preservation Plan (TPP) and offer no requirements for the application.

Private Servicing

Regional Private Sewage System (PSS) staff has reviewed the Minor Variance application for the demolition of an existing accessory structure and construction of a new one. The Region does not have any records of septic at this location. Through contact with the owner, the location of the septic system was identified to the west of the dwelling, and an on-site inspection took place on November 10, 2022 to verify the location and functionality of the existing septic system.

At the time of inspection, a two chamber concrete septic tank was located to the west of the dwelling. The tanks appeared to be in good working order and showed no signs of defects. The existing leaching bed was identified to be west of the dwelling, and after a walk through it was determined there was no evidence that the system was not functioning properly. Therefore, the system in a whole was determined to be in good working order.

Due to the constraints of the lot, there were initial concerns with the addition of an accessory structure to the property. After review and further clarification from the on-site inspection, it was determined that the new location of the structure will be improving the site's building envelope for a new septic system should one ever be needed in the future, and to ensure long-term sustainable servicing of the lot. PSS staff would like to note that the area to the west of the proposed garage should be kept clear from any additional structures (including driveways) in case this space needs to be used for a new septic system. Therefore, Regional PSS staff does not object to the proposed Minor Variance provided the accessory structure does not contain any additional fixture units or living space.

Archaeological Potential

Based on Regional staff's review of the Province's Criteria for Evaluating Archaeological Potential, the property exhibits a high potential for the discovery of archaeological resources due to its proximity within 300 metres of multiple registered archaeological sites and natural watercourse features. Typically, the presence of these features triggers the need for any development that requires ground disturbance below top soil level to undertake an archaeological assessment. At the pre-consultation meeting, it was requested that the Applicant provide further details of the accessory structure's foundation to assist with determining whether an archaeological assessment would be required or not.

Regional staff has reviewed the submitted materials which indicates that the proposed accessory structure will be constructed with a slab-on-grade foundation. As such, Region staff does not require the completion of an archaeological assessment for the proposed application. The Applicant is advised that the property may not be free and clear of archaeological resources, and that any future Planning Act applications for the property may require archaeological assessment.

Regional staff defer to the Town staff with respect to ensuring that any requirements of the Town's Archaeological Master Plan are met.

Conclusion

Regional Planning and Development Services staff is not opposed to the proposed Minor Variance, provided that the accessory structure does not contain any additional fixture units or living space. Town staff should be satisfied that all local requirements and provisions are met.

Should you have any questions related to the above comments, please feel free to contact me at Nicholas.Godfrey@niagararegion.ca or Pat Busnello, Manager, Development Planning, at Pat.Busnello@niagararegion.ca.

Best regards,



Nicholas Godfrey, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Matteo Ramundo, Private Sewage Systems Inspector, Niagara Region
Alex Morrison, MCIP, RPP, Senior Planner, Niagara Region

November 23, 2022

Our File No.: PLMV202201344

BY E-MAIL ONLY

Committee of Adjustment
20 Pelham Town Square
Fonthill, ON, L0S 1E0

Attention: Holly Willford – Secretary Treasurer

Subject: Application for Minor Variance, (A17/2022P)

Owner: [REDACTED]
Agent: Salvatore A DeRose, P.Eng
855 Twenty Road
Pelham, ARN: 273201000801700

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject application for 855 Twenty Road, File Number **(A17/2022P)** for the proposed minor variance application. NPCA Staff do not offer objection to the approval of this application.

The NPCA's Regulation Mapping illustrates that the subject lands contain Locally Significant Wetland (LSW) and 30 metre buffer associated with the Upper Sixteen Mile Creek Wetland Complex. NPCA Policy generally restricts development and site alteration within the wetland feature, and within the 30 meter setback buffer measured from the wetland edge. Provided the applicant does not locate the replacement structure closer to the wetland boundary, NPCA staff would have no objection to the approval of the minor variance application.

Please note that an NPCA Work Permit and an updated site plan noting the location of Erosion and Sediment Controls will be required prior to commencement of works on site (this includes the demolition of the existing barn in addition to the construction of the new garage).

I trust the above will be of assistance to you. Please do not hesitate to contact me should you have any further questions on this matter.

Yours truly,



Mani Drummond,
Watershed Planner
(905) 788-3135, ext. 235

855 Twenty Road - Regulated Features Map



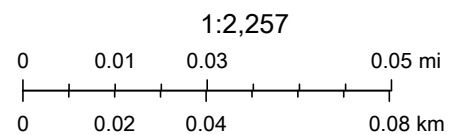
11/23/2022, 10:21:05 AM

Image

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Assessment Parcels
- NPCA APPROXIMATE REGULATION LANDS

Regulation Wetlands

- Evaluated-Other
- Wetland Allowance
- 2K HydroPoly
- 2K Hydrography
- Contours 2010



City of Welland, Haldimand County, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA, AAFC, NRCan, Regional Municipality of Niagara

Web AppBuilder for ArcGIS

From: Briar Kostaskey <[REDACTED]>

Sent: Friday, November 25, 2022 1:46 PM

To: Holly Willford <HWillford@pelham.ca>

Cc: clerks pelham <clerks@pelham.ca>

Subject: 855 Twenty Road public hearing

Hello

I am forwarding my comments for the hearing of 855 Twenty Road

My concerns are that our official survey indicates that that are more posts than indicated on the site plan of [855 Twenty Rd.](#) Part of Lot 17, Concession 1, designated as part 4 on plan 59R-9933.

Our property located at [REDACTED] [Twenty road](#) surrounds the said property on 3 sides.

I would just like to make sure that the lot lines are completely accurate and an official survey is completed by [855 Twenty Road](#) before committee approval and drainage plan is approved

Briar Kostaskey [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



**Community Planning and Development Department
Committee of Adjustment**

Tuesday, December 06, 2022

Minor Variance Application: A19-2022P

Municipal Address: 13 Arsenault Crescent

Legal Description: Part of Lot 171 and Lot 172, Town of Pelham

(Proposed Lot 10, 59M-XXXX)

Roll number: To be assigned

Nature and Extent of Relief/ Permission Applied for:

The subject land is an irregularly shaped parcel located on the west side of Klager Avenue, lying south of Port Robinson Road, being Part of Lot 171 and Lot 172 (Proposed Lot 10, 59M-XXX) in the Saffron Meadows Phase 3 Subdivision, in the Town of Pelham. The lot is proposed to be known locally as 13 Arsenault Crescent in the Town of Pelham.

The subject land is zoned Residential 2 Exception 290 (R2-290) in accordance with By-law No. 4138, as amended. Application is made to construct a single detached dwelling, and seeks for relief from:

- a. **Section 14.2(d) "Maximum Front Yard"**: seeking a maximum front yard setback of 8.5 metres to the dwelling front face, whereas a maximum of 5.5 metre setback is required.

Applicable Planning Policies:

Planning Act, R.S.O. 1990, c.P.13

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 (the "Four Tests").

Provincial Policy Statement (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. 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.

Staff are of the opinion that the proposed variance is consistent with the Provincial Policy Statement.

Greenbelt Plan (2017)

The lands are located outside of the Greenbelt Plan and thus the policies of the Greenbelt Plan do not apply.

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 lands are located within the Delineated Built Boundary.

The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Staff are of the opinion that the proposed variance conforms with the Growth Plan.

Regional Official Plan (Adopted 2022)

The Region of Niagara adopted a new Official Plan on June 23, 2022. It was approved by the Province in November 2022.

Policy 2.2.2.5 now requires that across the Region 60% of all residential units occurring annually are to be in the Build-Up Areas and in Pelham, this translates into an annual intensification rate of 25% of new residential units are to be within the Built-Up Area. The principle objective is to increase housing choice and housing affordability across the Region to meet future housing needs.

Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan (Note Pelham's intensification target is 25%);
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

Planning staff are of the opinion the proposed variance confirms with the Regional Official Plan.

Town of 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 natural heritage features.

The Official Plan designates the subject lands as East Fonthill Secondary Plan Area – 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. A single detached dwelling is a permitted use in the EF – Low Density Residential designation.

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 property is located within the Saffron Meadows Phase 3 subdivision. The proposed dwelling is aligned with the Urban Character objectives of the Official Plan.

Staff are of the opinion that the proposed variance conforms with the Town of Pelham Official Plan.

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

The subject lands are zoned Residential 2 Exception 290 (R2-290) in accordance with By-law No. 4138, as amended.

Under the regulations of the Zoning By-law, the minor variance application requests relief from:

- Section 14.2(d) "Maximum Front Yard": seeking a maximum front yard setback of 8.5 metres to the dwelling front face, whereas a maximum of 5.5 metre setback is permitted.

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
The variance is minor in nature.	<p>Yes. The requested variance is considered to be minor in nature.</p> <p>The variance seeks a maximum front yard setback of 8.5 metres to the dwelling front face, whereas a maximum of 5.5 metre setback is permitted. This represents an increased setback of 3.0 metres.</p> <p>The variance is considered minor as there will be no impacts on the streetscape, and there remains sufficient lot area to site the proposed dwelling on the lot. The variance is necessary due to the nature of the lot's irregular pie-shape. The standard zoning provisions of the subdivision's site-specific zoning do not enable the siting of the proposed dwelling on a pie-shaped lot, where the issue is not present on regular shaped rectangular lots.</p> <p>Staff are of the opinion that the requested variance is minor in nature.</p>
The variance is desirable for the development or use of the land.	<p>Yes. The requested variance is desirable for the development or use of the land.</p> <p>The requested variance seeks to increase the maximum front yard setback to the face of a dwelling. The standard zoning provisions of the subdivision's</p>

	<p>site-specific zoning do not enable the siting of the proposed dwelling to provide for a straight driveway. The variance is necessary to push the face of the dwelling further back to be able to provide for a straight driveway. The increased setback will maintained the original intent of the building design.</p> <p>Staff are of the opinion the variance is desirable for the development or use of the land.</p>
The variance maintains the general intent and purpose of the Zoning By-law.	<p>Yes. The variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The requested variance seeks to increase the maximum front yard setback to the face of a dwelling. The intent of the maximum front yard setback is to enhance the streetscape through encouraging shallower front yard setbacks. Shallow front yards are intended to facilitate compact built form, increase safety through traffic calming and framing of the street, provide for eyes-on-the-street, and facilitate a human-scaled development. Further, it is the intent of the maximum front yard setback to ensure the face of the dwelling projects past the garage.</p> <p>As the subject parcel is pie shaped, the maximum front yard setback poses challenges for the siting of the proposed dwelling and driveway. A larger setback is required for the appropriate function of the driveway and to ensure the garage is setback further than the dwelling face. The increased front yard setback will maintain adequate side yard setbacks.</p> <p>Staff are of the opinion that that intent and purpose of the zoning by-law is maintained.</p>
The variance maintains the general intent and purpose of the Official Plan.	<p>Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan.</p> <p>The Official Plan designates the subject lands as East Fonthill Secondary Plan Area – Low Density Residential. It is the intent of this designation to promote the development of complete communities through providing a range and mix of housing options, providing for access to neighbourhood retail services, and pedestrian-oriented street design. The proposed minor variance does not compromise these objectives – the intended streetscape of the Low Density designation is maintained.</p>

	Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan. Staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.
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Agency and Public Comments:

On November 9, 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
 - A building permit is required for the proposed dwelling.
- Public Works Department
 - Please be advised that no side yard walkways that impede side yard swales shall be permitted.

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

Planning Staff Comments:

The proposed variance seeks relief from the maximum front yard setback in the Residential 2 Exception 290 (R2-290) zone. The variance is necessary due to the nature of the lot as an irregular pie-shaped lot. Planning staff are of the opinion the increase in the front yard setback will not have any negative impact on the streetscape and that the intent of the building design will be maintained.

Based on the analysis given in above sections, including the Four Tests as outlined in Section 45(1) of the Planning Act, 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 Recommendation:

Planning staff recommend that minor variance file A19/2022P **be approved** subject to the following condition(s):

THAT the applicant:

- Apply for and receive a Building Permit for the proposed dwelling.
- Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

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

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; Lucas Smith, Engineering Technologist;

From: Gimuel Ledesma, Engineering Technologist

Date: November 23, 2022

File No.: A19/2022P

RE: Minor Variance – 13 Arsenault Crescent

The Public Works Department has reviewed the submitted documentation regarding the proposed minor variance of 13 Arsenault Crescent. Application is made for relief, to construct a single detached dwelling from:

Section 14.2(d) “Maximum Front Yard” – to permit a maximum front yard setback of 8.5m to the dwelling front face whereas the by-law requires a maximum of 5.5m to the dwelling front face.

Public Works offer the following comments:

- Please be advised that no sideyard walkways that impede sideyard swales shall be permitted

Public Works offer the following conditions:

- Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.

To: Sarah Leach

Cc: Andrew Edwards

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

Date: November 21st, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – December 6th, 2022 Hearing

Comment for Re: File A17/2022P – 855 Twenty Rd.

The building department offers the following comment,

- A building permit is required for the proposed detached garage.

Comment for Re: File A19/2022P – 13 Arsenault Cres.

The building department offers the following comment,

- A building permit is required for the proposed dwelling.

Comment for Re: File B13/2022P – 1399 Station St.

The building department offers the following comment,

- No comment.



Community Planning and Development Department
Committee of Adjustment
Tuesday, December 06, 2022

Consent Application: B7/2022P

Municipal Address: 1112 Line Avenue

Legal Description: Part of Lot 177, Formerly Township of Thorold now Town of Pelham, Part 1 and 2 on 59R-6922

Roll number: 2732 030 019 03200

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 3 and 4 on the attached sketch, is a parcel of land along Line Avenue south of Bacon Lane, being part of Lot 177, legally described above, in the Town of Pelham. Part 3 and 4 are subject to an easement to the benefit of the Town of Pelham (Instrument No. SN449927) in relation to drainage.

Application is made for consent to partial discharge of mortgage and consent to convey 2,242.3 square metres of land (Part 3), to be added to the abutting property to the west (Part 5), for future development (Tanner Extension lands). Part 4 is to be retained for continued residential use of the dwelling known municipally as 1112 Line Avenue.

The lands to the west, being Part 5, are currently subject to *Planning Act* applications for Draft Plan of Subdivision (Town File: 26T19-03-2021) and Zoning By-law Amendment (Town File: AM-12-2021) and are known as the Tanner Extension.

Please note application for consent B7/2022P was set to be heard at the August 2, 2022 Committee of Adjustment hearing. As a condition of approval for the application, Town staff had requested a 3.0 metre wide pedestrian connection from the future subdivision to Line Avenue through 1112 Line Avenue. The Owner of 1112 Line Avenue objected to the connection and as a result the applicant requested to reschedule the application until such time as a resolution for the pedestrian connection was reached. The application was deferred at the August 2 meeting and rescheduled for the December 2, 2022 Committee of Adjustment hearing.

Note that this application is being heard in conjunction with Consent File B8/2022P which was also deferred from the August 2, 2022 Committee of Adjustment hearing.

Applicable Planning Policies:

Planning Act (Consolidated April 2022)

Section 51(24) of the *Planning Act* 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 matters, including:

- 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 partial discharge of mortgage and consent to convey 2,242.3 square metres of land (Part 3), to be added to the abutting property to the west (Part 5), for future development.

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 lands are located in a "Settlement Area", the Fonthill Urban 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 archeological assessment is not required. The applicant is

advised that any future *Planning Act* application involving the subject lands may require the completion of an archaeological assessment.

The proposed parcel reconfiguration is being made to reconfigure existing lot lines 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 'Settlement Areas Outside the Greenbelt.' As such, the policies of the Greenbelt Plan do not apply to the subject lands.

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 Growth Plan contains various guiding principles which are intended to guide decisions of how land is developed. The guiding principles include building compact, vibrant, and complete communities, managing and encouraging development in appropriate locations, and optimizing the use of existing infrastructure.

The subject lands are designated 'Delineated Built-Up Area' according to the Growth Plan. The proposed conveyance facilitates a boundary adjustment and would not be considered development. Further, the proposed lot boundary adjustment will facilitate the development of the Tanner Extension lands to the west, resulting in a consolidated lot that will increase the flexibility of future development options and be able to help the Town to meet or exceed its *delineated built boundary* intensification targets. Accordingly, Staff is of the opinion that the proposed boundary adjustment is in keeping with the policies of the Growth Plan.

Niagara Region Official Plan (2022)

The Niagara Region adopted a new Official Plan in June of 2022. The Official Plan was forwarded to the Province and received approval in November of 2022. The Regional Official Plan (ROP) designates the subject lands as 'Delineated Built-Up Area' in the 'Urban Area' designation.

Policy 2.2.2.5 now requires that across the Region 60% of all residential units occurring annually are to be in the Built-Up Areas and in Pelham, this translates into an annual intensification rate of 25% of new residential units are to be within the Built-Up Area. The principle objective is to increase housing choice and housing affordability across the Region to meet future housing needs.

Policy Section 2.3.1 provides the policy direction with regards to a mix a housing options and specifically policy 2.3.1.1 states that the development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life. Policy 2.3.2.3 sets that target that 20% of all new rental housing is to be affordable and 10% of all new ownership housing is to be affordable.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

Regional staff did not object as the proposal does not conflict with Provincial or Regional interests and planning policy.

Town of 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' on Schedule 'A1' with the presence of a Highly Vulnerable Aquifer (HVA) per Schedule B1.

The subject lands are adjacent to an area identified as a Potential Intensification Area. The lands are also subject to a special set of policies under the Official Plan for the "Lot 177 Secondary Plan Area".

Per Section B1.1.3 of the Official Plan, residential intensification is generally encouraged in the Urban Living Area in order to provide for the efficient use of land and existing services.

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.

Section B1.1.11 of the Official Plan contains additional policy direction for the "Lot 177 Secondary Plan Area". The Lot 177 area is located in the 'Urban Living Area' designation and represents one of the most substantial infill areas within the Fonthill settlement area. Lot 177 is characterized by extensive under developed areas and/or vacant land. The intent of the special policy area is to implement a coordinated

approach to the orderly infill development of the area. The proposed boundary adjustment will enhance the viability of the future development of the lands to the west through the proposed lot consolidation.

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 that is maintained on a year round basis;
 - ✓ Unchanged. Future access to lands will be accessed from the Tanner Extension subdivision.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ 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;
 - ✓ Yes. Serviced via municipal infrastructure.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Yes. 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.
- f) Will not affect the develop ability 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 Policy Plan; and,
 - ✓ No objection from Region Development Services Division.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ N/A.

Policy D5.2.2 sets the policy basis for boundary adjustments. The policy states: 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.

The viability of the both the benefiting and retained lands will be maintained. Upon completion of the boundary adjustment, the existing single detached dwelling on the retained lands (Part 4) will retain a large lot area and rear yard. The viability of the

retained lands for residential use remains intact. The viability of the benefiting lands is enhanced through a larger lot area for future residential development.

Town Planning staff are of the opinion the proposed lot boundary adjustment conforms to the local Official Plan.

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

The subject lands are currently zoned 'Residential 1' (R1) per Schedule 'A5.'

Part 3 will continue to comply with the provisions of the R1 zone after parcel reconfiguration. Any future development of the subject lands will continue to need to comply with their respective zoning regulations and permitted uses.

Agency and Public Comments:

On July 6th, 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. On November 9th, 2022 a revised notice of public hearing was circulated.

To date, the following comments have been received:

- Building Division (July 18, 2022)
 - No comment.
- Public Works Department (July 20, 2022)
 - Please note part 2 of 59R6922 is subject to right-of-way. As per town standard, no structures can be built on Town ROW.
 - Please note a 3m Easement dedicated to the Town for future pedestrian walkway connection to Line Avenue.
 - 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, to the satisfaction of the Director of Public Works or his designate.
- Niagara Region Development Services Division (July 20, 2022)
 - The properties are adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Staff offer no objection to the proposed consent applications and confirm that no environmental studies are required in support of it.
 - Consistent with Regional Official Plan (ROP) policy 7.B.1.11, an Environmental Impact Study (EIS) will likely be required in support of any future site alteration and/or subdivision application proposed on the subject lands to demonstrate that there will be no significant negative impact on the feature or its ecological function.

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

Planning Staff Comments:

Application is made for consent to partial discharge of mortgage and consent to convey 2,242.3 square metres of land (Part 3), to be added to the abutting property to the west (Part 5), for future residential development. Part 4 is to be retained for continued residential use of the dwelling known municipally as 1112 Line Avenue.

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning & Development Services on May 19, 2022 to discuss the subject application. In addition, a consent sketch and planning justification brief was provided in support of the proposed development.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposed boundary lot adjustment is consistent with the PPS and conforms to Provincial, Regional, and local plans. The resulting parcels comply with applicable Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with respect to traffic, privacy, and stormwater management.

As noted above, a condition of approval for the application as presented at the August 2, 2022 Committee of Adjustment hearing, was a 3.0 metre wide pedestrian connection from the future subdivision to Line Avenue through 1112 Line Avenue as requested by the Town Public Works Department. This condition has been removed as part of the application at this time as the alignment of the walkway would be better on a future development application on the remnant lands.

The removal of the condition does not preclude the provision of the pedestrian connection as the Town has the opportunity to establish the pedestrian connection through future development applications when they are brought forward. The Town maintains the ability to require the pedestrian connection in the future as the build-out of the neighbourhood will require additional lands and additional development applications. The Town will continue to retain the right-of-way on the property on the remnant parcel to protect this interest. The applicant is aware although the connection is not being reviewed as a condition of approval at this time, it will still be required through future development of the remnant lands.

The proposed boundary adjustment provides for land consolidation needed for future residential development and, therefore it can be supported by Staff.

Planning Staff Recommendation:

Planning staff recommend that consent file B7/2022P **be approved** subject to the following condition(s):

THAT the applicant:

- Ensure Part 3 merges on title with Part 5.
- Town staff will require a comprehensive lot grading and drainage plan for Part 4 demonstrating that storm water runoff will not negatively impact nor rely

upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.

- 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.

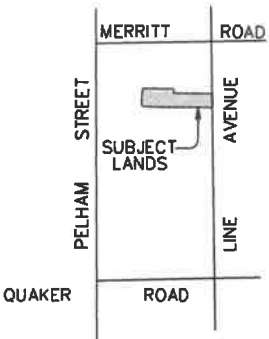
Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

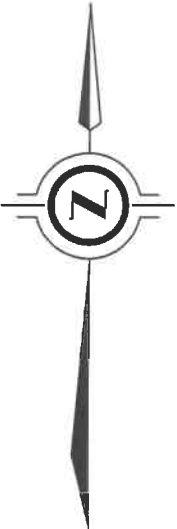
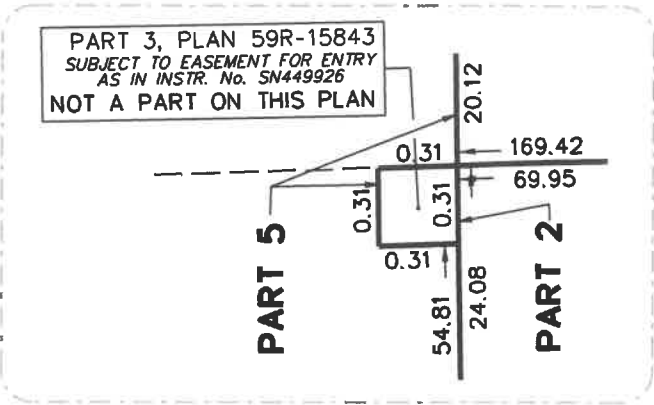
Barbara Wiens, MCIP, RPP
Director of Community Planning and Development Department

KEY PLAN (not to scale)



TOWN OF PELHAM

DETAIL (not to scale)



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

1112 & 1114 LINE AVENUE
TOWN OF PELHAM

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 1000

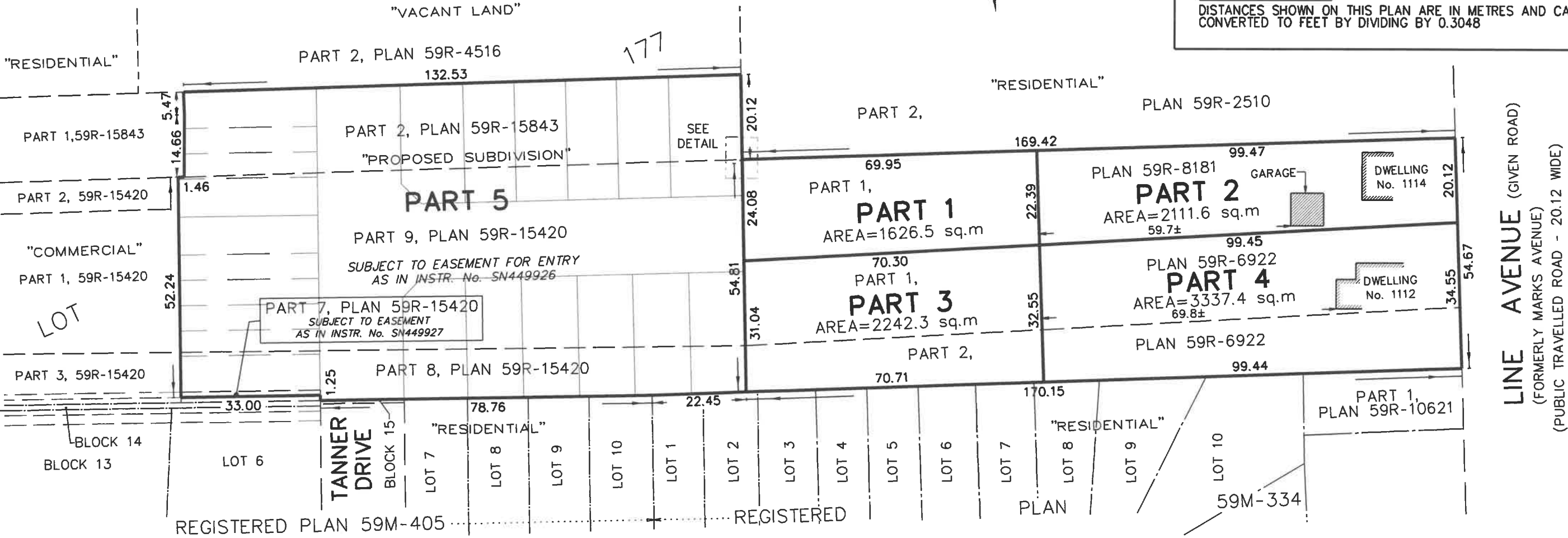


J.D. BARNES LIMITED

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METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



LEGAL DESCRIPTION

PART OF LOT 177, GEOGRAPHIC TOWNSHIP OF THOROLD, TOWN OF PELHAM

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY.

SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

CAUTION

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- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

June 23, 2022
DATE

ALLAN J. HEYWOOD
ONTARIO LAND SURVEYOR



J.D. BARNES
LIMITED

LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING
MAPPING
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CN/TS DRAWN
CHECKED
DATED:
JUN. 22/22
Ref. No.
21-16-222-01

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: July 20, 2022

File No.: B7/2022P

RE: Consent – 1112 Line Avenue

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 partial discharge of mortgage and consent to convey 2242.3 square metres of land (Part 3), to be added to the abutting property to the west (Part 5), for future development. Part 4 is to be retained for continued residential use of the dwelling known municipally as 1112 Line Avenue.

Public Works offer the following comments:

- Please note part 2 of 59R6922 is subject to right-of-way. As per town standard, no structures can be built on Town ROW.
- Please note a 3m Easement dedicated to the Town for future pedestrian walkway

Public Works request the following conditions:

- 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, to the satisfaction of the Director of Public Works or his designate.

To: Sarah Leach

Cc: Andrew Edwards

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

Date: July 18th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – August 2nd, 2022 Hearing

Comment for Re: File B7/2022P & B8/2022P

The building department offers the following comment,

- No comment

Kind Regards,

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

Sarah Leach

To: Godfrey, Nicholas
Subject: RE: Comments for B7/2022P & B8/2022P

From: Godfrey, Nicholas <Nicholas.Godfrey@niagararegion.ca>
Sent: Wednesday, July 20, 2022 1:37 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Andrew Edwards <AEdwards@pelham.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>
Subject: RE: Comments for B7/2022P & B8/2022P

Good afternoon Sarah,

The properties are adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Staff offer no objection to the proposed consent applications and confirm that no environmental studies are required in support of it.

Consistent with Regional Official Plan (ROP) policy 7.B.1.11, an Environmental Impact Study (EIS) will likely be required in support of any future site alteration and/or development proposed on the subject lands to demonstrate that there will be no significant negative impact on the feature or its ecological function.

Please let me know if you have any questions.

Best,

Nicholas Godfrey, MA
Development Planner
Planning and Development Services
Niagara Region
Phone: 905-980-6000 ext. 3264 Toll-free: 1-800-263-7215
www.niagararegion.ca



**Community Planning and Development Department
Committee of Adjustment**

~~Thursday, December 01, 2022~~ Tuesday, December 06, 2022

Consent Application: B8/2022P

Municipal Address: 1114 Line Avenue

Legal Description: PT TWP LOT 177 59R 8181 PART 1

Roll number: 2732 030 019 03100

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 1 and 2 on the attached sketch, is a parcel of land along Line Avenue south of Bacon Lane, being part of Lot 177, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 1,626.5 square metres of land (Part 1), to be added to the abutting property to the west (Part 5), for future development. Part 2 is to be retained for continued residential use of the dwelling known municipally as 1114 Line Avenue.

The lands to the west, being Part 5, are currently subject to *Planning Act* applications for Draft Plan of Subdivision (Town File: 26T19-03-2021) and Zoning By-law Amendment (Town File: AM-12-2021) and are known as the Tanner Extension.

Please note application for consent B8/2022P was set to be heard at the August 2, 2022 Committee of Adjustment hearing. The application was deferred at the August 2 meeting and rescheduled for the December 2, 2022 Committee of Adjustment hearing due to ongoing discussions related to concurrent consent file B7/2022P.

This application is being considered concurrently with Consent File B7/2022P which was also deferred from the August 2, 2022 Committee of Adjustment hearing.

Applicable Planning Policies:

Planning Act (Consolidated April 2022)

Section 51(24) of the *Planning Act* 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 matters, including:

- 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 partial discharge of mortgage and consent to convey 1,626.5 square metres of land (Part 1), to be added to the abutting property to the west (Part 5), for future development.

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 lands are located in a “Settlement Area”, the Fonthill Urban 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 archeological assessment is not required. The applicant is advised that any future *Planning Act* application involving the subject lands may require the completion of an archaeological assessment.

The proposed parcel reconfiguration is being made to reconfigure existing lot lines 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 'Settlement Areas Outside the Greenbelt.' As such, the policies of the Greenbelt Plan do not apply to the subject lands.

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 Growth Plan contains various guiding principles which are intended to guide decisions of how land is developed. The guiding principles include building compact, vibrant, and complete communities, managing and encouraging development in appropriate locations, and optimizing the use of existing infrastructure.

The subject lands are designated 'Delineated Built-Up Area' according to the Growth Plan. The proposed conveyance facilitates a boundary adjustment and would not be considered development. Further, the proposed lot boundary adjustment will facilitate the development of the Tanner Extension lands to the west, resulting in a consolidated lot that will increase the flexibility of future development options and be able to help the Town to meet or exceed its *delineated built boundary* intensification targets. Accordingly, Staff is of the opinion that the proposed boundary adjustment is in keeping with the policies of the Growth Plan.

Niagara Region Official Plan (2022)

The Niagara Region adopted a new Official Plan in June of 2022. The Official Plan was forwarded to the Province and received approval in November of 2022. The Regional Official Plan (ROP) designates the subject lands as 'Delineated Built-Up Area' in the 'Urban Area' designation.

Policy 2.2.2.5 now requires that across the Region 60% of all residential units occurring annually are to be in the Built-Up Areas and in Pelham, this translates into an annual intensification rate of 25% of new residential units are to be within the Built-Up Area. The principle objective is to increase housing choice and housing affordability across the Region to meet future housing needs.

Policy Section 2.3.1 provides the policy direction with regards to a mix a housing options and specifically policy 2.3.1.1 states that the development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life. Policy 2.3.2.3 sets that target that 20% of all new rental housing is to be affordable and 10% of all new ownership housing is to be affordable.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

Regional staff did not object as the proposal does not conflict with Provincial or Regional interests and planning policy.

Town of 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' on Schedule 'A1' with the presence of a Highly Vulnerable Aquifer (HVA) per Schedule B1. The subject lands are adjacent to an area identified as a Potential Intensification Area. The lands are also subject to a special set of policies under the Official Plan for the "Lot 177 Secondary Plan Area".

Per Section B1.1.3 of the Official Plan, residential intensification is generally encouraged in the Urban Living Area in order to provide for the efficient use of land and existing services.

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.

Section B1.1.11 of the Official Plan contains additional policy direction for the "Lot 177 Secondary Plan Area". The Lot 177 area is located in the 'Urban Living Area' designation and represents one of the most substantial infill areas within the Fonthill settlement area. Lot 177 is characterized by extensive under developed areas and/or vacant land. The intent of the special policy area is to implement a coordinated approach to the orderly infill development of the area. The proposed boundary adjustment will enhance the viability of the future development of the lands to the west through the proposed lot consolidation.

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 that is maintained on a year round basis;

- ✓ Unchanged. Future access to lands will be accessed from the Tanner Extension subdivision.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ 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;
 - ✓ Yes. Serviced via municipal infrastructure.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Yes. 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.
- f) Will not affect the develop ability 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 Policy Plan; and,
 - ✓ No objection from Region Development Services Division.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ N/A.

Policy D5.2.2 sets the policy basis for boundary adjustments. The policy states: 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.

The viability of the both the benefiting and retained lands will be maintained. Upon completion of the boundary adjustment, the existing single detached dwelling on the retained lands (Part 4) will retain a large lot area and rear yard. The viability of the retained lands for residential use remains intact. The viability of the benefiting lands is enhanced through a larger lot area for future residential development. Town Planning staff are of the opinion the proposed lot boundary adjustment conforms to the local Official Plan.

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

The subject lands are currently zoned 'Residential 1' (R1) per Schedule 'A5.'

Part 2 will continue to comply with the provisions of the R1 zone after parcel reconfiguration. Any future development of the subject lands (Part 1) will continue to need to comply with their respective zoning regulations and permitted uses or be subject to a separate zoning by-law amendment and development application process.

Agency and Public Comments:

On July 6, 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 (July 18, 2022)
 - No comment.
- Public Works Department (July 20, 2022)
 - Public Works has no comments
 - 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, to the satisfaction of the Director of Public Works or his designate.
- Niagara Region Development Services Division (July 20, 2022)
 - The properties are adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Staff offer no objection to the proposed consent applications and confirm that no environmental studies are required in support of it.
 - Consistent with Regional Official Plan (ROP) policy 7.B.1.11, an Environmental Impact Study (EIS) will likely be required in support of any future site alteration and/or development proposed on the subject lands to demonstrate that there will be no significant negative impact on the feature or its ecological function.

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

Planning Staff Comments:

Application is made for consent to partial discharge of mortgage and consent to convey 1,626.5 square metres of land (Part 1), to be added to the abutting property to the west (Part 5), for future residential development. Part 2 is to be retained for continued residential use of the dwelling known municipally as 1114 Line Avenue.

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning & Development Services on May 19, 2022 to discuss the subject application. In addition, a consent sketch and planning justification brief was provided in support of the proposed development.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposed boundary lot adjustment is consistent with the PPS and conforms to Provincial, Regional, and local plans. The resulting parcels comply with applicable Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with respect to traffic, privacy, and stormwater management. The proposed boundary adjustment helps facilitate land consolidation with Part 5 and will be subject to future development applications. This land consolidation is the first step in the future development approval process and, therefore it can be supported by Staff.

Planning Staff Recommendation:

Planning staff recommend that consent file B8/2022P **be approved** subject to the following condition(s):

THAT the applicant:

- Ensure Part 1 merges on title with Part 5.
- Town staff will require a comprehensive lot grading and drainage plan for Part 1 demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.
- 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 (Note: costs may be increasing January 1st, 2023). All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Prepared and Recommended by:

Andrew Edwards, Planner

Prepared and Submitted by:

Barbara Wiens, Director of Community Planning and Development Department

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: July 20, 2022

File No.: B8/2022P

RE: Consent – 1114 Line Avenue

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 partial discharge of mortgage and consent to convey 1626.5 square metres of land (Part 1), to be added to the abutting property to the west (Part 5), for future development. Part 2 is to be retained for continued residential use of the dwelling known municipally as 1114 Line Avenue.

Public Works offer the following comments:

- Public Works has no comments

Public Works request the following conditions:

- 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, to the satisfaction of the Director of Public Works or his designate.

To: Sarah Leach

Cc: Andrew Edwards

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

Date: July 18th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – August 2nd, 2022 Hearing

Comment for Re: File B7/2022P & B8/2022P

The building department offers the following comment,

- No comment

Kind Regards,

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

Sarah Leach

To: Godfrey, Nicholas
Subject: RE: Comments for B7/2022P & B8/2022P

From: Godfrey, Nicholas <Nicholas.Godfrey@niagararegion.ca>
Sent: Wednesday, July 20, 2022 1:37 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Andrew Edwards <AEdwards@pelham.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>
Subject: RE: Comments for B7/2022P & B8/2022P

Good afternoon Sarah,

The properties are adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Staff offer no objection to the proposed consent applications and confirm that no environmental studies are required in support of it.

Consistent with Regional Official Plan (ROP) policy 7.B.1.11, an Environmental Impact Study (EIS) will likely be required in support of any future site alteration and/or development proposed on the subject lands to demonstrate that there will be no significant negative impact on the feature or its ecological function.

Please let me know if you have any questions.

Best,

Nicholas Godfrey, MA
Development Planner
Planning and Development Services
Niagara Region
Phone: 905-980-6000 ext. 3264 Toll-free: 1-800-263-7215
www.niagararegion.ca

**Community Planning and Development Department
Committee of Adjustment**

Tuesday, December 06, 2022

Consent Application: B13-2022P**Municipal Address: 1399 Station Street****Legal Description: Part of Lots 14 and 15, Plan 717, designated as Part 1 on 59R-8459****Roll number: 2732 030 004 03100**

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 2 on the attached sketch, is an interior parcel of land situated 57.50 metres east of Station Street, lying south of Summersides Boulevard being Part of Lots 14 and 15, Plan 717, designated as Part 1 on 59R-8459 in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 1,938 square metres of land (Part 2), to be added to the abutting property to the south (Parts 4 and 5), for a future residential development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1399 Station Street. Part 3 is proposed to be retained as a residential building.

Note: the boundary adjustment will facilitate a future residential development.

Applicable Planning Policies:Planning Act

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;
 - Refer to PPS and Growth Plan analysis in sections below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - The application is not considered premature and is able to uphold public interest as it is within the Urban Area Boundary and will facilitate a future residential development.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any;
 - See Official Plan discussion below.
- d) The suitability of the land for such purposes;
 - Refer to analysis in Planning Analysis sections below.

- f) The dimensions and shapes of the proposed lots;
 - The dimensions and shapes of the lots following the boundary adjustment are appropriate.
- h) Conservation of natural resources and flood control;
 - There are no natural heritage features located on the subject lands.
- i) The adequacy of utilities and municipal services;
 - No issues with capacity are anticipated.
- j) The adequacy of school sites;
 - Available nearby. School Boards did not comment on application.

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 lands are located in a “Settlement Area”, the Fonthill Urban Settlement Area, according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

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

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 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. The proposed development will contribute to meeting this target.

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.

Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, and avoids adverse impacts to provincial interest, public health, safety and the quality of the human environment. 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 and *intensification*.

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 archeological assessment is not required. The applicant is advised that any future *Planning Act* application involving the subject lands may require the completion of an archaeological assessment.

Planning staff are of the opinion the requested application for consent is consistent with the PPS.

Greenbelt Plan (2017)

The Greenbelt Plan designates the subject lands as 'Settlement Areas Outside the Greenbelt.' As such, the policies of the Greenbelt Plan do not apply to the subject lands.

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 Growth Plan contains various guiding principles which are intended to guide decisions of how land is developed. The guiding principles include building compact, vibrant, and complete communities, managing and encouraging development in appropriate locations, and optimizing the use of existing infrastructure. The subject lands are designated 'Delineated Built-Up Area' according to the Growth Plan.

Section 2.2.1 of the Growth Plan directs growth to settlement areas that have a delineated built boundary, have existing municipal services, and can support the achievement of complete communities. The Growth Plan states municipalities will support the achievement of complete communities by planning to accommodate forecasted growth, planning to achievement the minimum intensification and density

targets of the Plan, considering the range and mix of housing options and densities of existing housing stock, and planning diversify overall housing stock.

Niagara Region Official Plan (2022)

The Region of Niagara adopted a new Official Plan on June 23, 2022 and was approved by the MMAH on November 4, 2022. The subject lands are within the Built Up Area of the Urban Area.

The ROP directs development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. Provincial and Regional policy place an emphasis on intensification and infill to foster the development of complete communities, including a mix of diverse land uses and housing choices, expanding access to many forms of transportation, and providing spaces that are vibrant and resilient in design. The principle objective is to increase housing choice and housing affordability across the Region to meet future housing needs.

Policy Section 2.3.1 provides the policy direction with regards to a mix a housing options and specifically policy 2.3.1.1 states that the development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs.

A full range of residential uses are permitted generally within the Urban Area designation, subject to adequate municipal servicing and infrastructure and other policies relative to land use compatibility and environmental conservation.

Regional staff did not object as the proposal does not conflict with Provincial or Regional interests and planning policy.

Town of 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 and Medium Density Residential in the East Fonthill Secondary Plan Area per Schedules A1 and A5 of the Official Plan. The lands are also subject to Section B1.1.4.

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 that is maintained on a year-round basis;

- ✓ Satisfied. Both the severed and retained parcels will have direct access from a public road.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ No traffic hazards are anticipated.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Satisfied.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Satisfied. Both the severed and retained lot will have an appropriate water supply and means of sewage disposal.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ A lot grading / drainage plan will be required as a condition of approval.
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Satisfied. The proposed consent will facilitate a future residential development.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ There are no environmental features identified on the subject lands.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
 - ✓ Satisfied. Regional staff did not object as the proposal does not conflict with Provincial or Regional interests and planning policy.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ Not applicable.

Policy D5.2.2 sets the policy basis for boundary adjustments. The policy states: 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.

The viability of the both the benefiting and retained lands will be maintained. The viability of the benefiting lands is enhanced through a larger lot area for future residential development.

Town Planning staff are of the opinion the proposed lot boundary adjustment conforms to the local Official Plan.

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

The subject lands are currently zoned Residential 2 (R2) and Agricultural (A).

Any future development of the subject lands will continue to need to comply with their respective zoning regulations and permitted uses.

Agency and Public Comments:

On November 7, 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
 - No comments.
- Public Works Department
 - That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal
 - Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.
 - Tree preservation plan will be required (include trees on lot grading plan).
- Hydro One
 - No comments or concerns at this time.
- Bell Canada
 - Subsequent to review of the Consent Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands to protect existing aerial facilities, supply service to the properties, and to maintain service in the area. According to our records, Bell's aerial cable runs through Parts 1 3 and 4 as identified in the sketch provided.
 - Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable, then to extend from the pole to a minimum of 1.0m past any anchor installation to be measured 0.5m on either side of the guy, as can be accommodated, would satisfy our needs.
 - Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

One (1) public comment was received at the time of writing this report which is summarized below.

- Rainer Hummel (Hummel Properties Inc.)
 - Supports the consent; Expressed support for the consent facilitating a development that will complement and complete the East Fonthill Area.

Planning Staff Comments:

Application is made for consent to partial discharge of mortgage and consent to convey 1,938 square metres of land (Part 2), to be added to the abutting property to the south (Parts 4 and 5), for a future residential development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1399 Station Street. Part 3 is proposed to be retained as a residential building.

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning & Development Services on May 6, 2021 to discuss the subject application. In addition, a consent sketch and planning justification brief was provided in support of the proposed development.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposed boundary lot adjustment is consistent with the PPS and conforms to Provincial, Regional, and local plans. The resulting parcels comply with applicable Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with respect to traffic, privacy, and stormwater management. The proposed boundary adjustment provides for land consolidation need for future residential development and, therefore it can be supported by Staff.

Planning Staff Recommendation:

Planning staff recommend that minor variance file B13/2022P **be approved** subject to the following condition(s):

THAT the applicant:

- Ensure Part 2 merges on title with Parts 4 and 5.
- That the applicant agree to transfer a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial Bell cable, then to extend from the pole to a minimum of 1.0m past any anchor installation to be measured 0.5m on either side of the guy to Bell Canada.
- That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
- That the existing sheds on Parts 2 and crossing into Part 1 will be removed.
- That the applicant prepare a tree preservation plan to the satisfaction of the Director of Community Planning and Development.
- 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.
- That the final certification fee of \$411 (Note: the fees may increase January 1st, 2023.), 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 and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

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

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;

From: Gimuel Ledesma, Engineering Technologist

Date: November 23, 2022

File No.: B13/2022P

RE: Consent – 1395 Station 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 consent to partial discharge of mortgage and consent to convey 1938 square metres of land (Part 2), to be added to the abutting property to the south (Part 5), for future development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1399 Station Street.

Public Works offer the following conditions:

- That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
- Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.
- Tree preservation plan will be required (include trees on lot grading plan)

To: Sarah Leach

Cc: Andrew Edwards

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

Date: November 21st, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – December 6th, 2022 Hearing

Comment for Re: File A17/2022P – 855 Twenty Rd.

The building department offers the following comment,

- A building permit is required for the proposed detached garage.

Comment for Re: File A19/2022P – 13 Arsenault Cres.

The building department offers the following comment,

- A building permit is required for the proposed dwelling.

Comment for Re: File B13/2022P – 1399 Station St.

The building department offers the following comment,

- No comment.

From: [LANDUSEPLANNING](#)
To: [Jacquie Miller](#)
Subject: Pelham - B13-2022P and B10-2022P - Consent
Date: Monday, November 14, 2022 1:38:27 PM
Attachments: [image002.png](#)

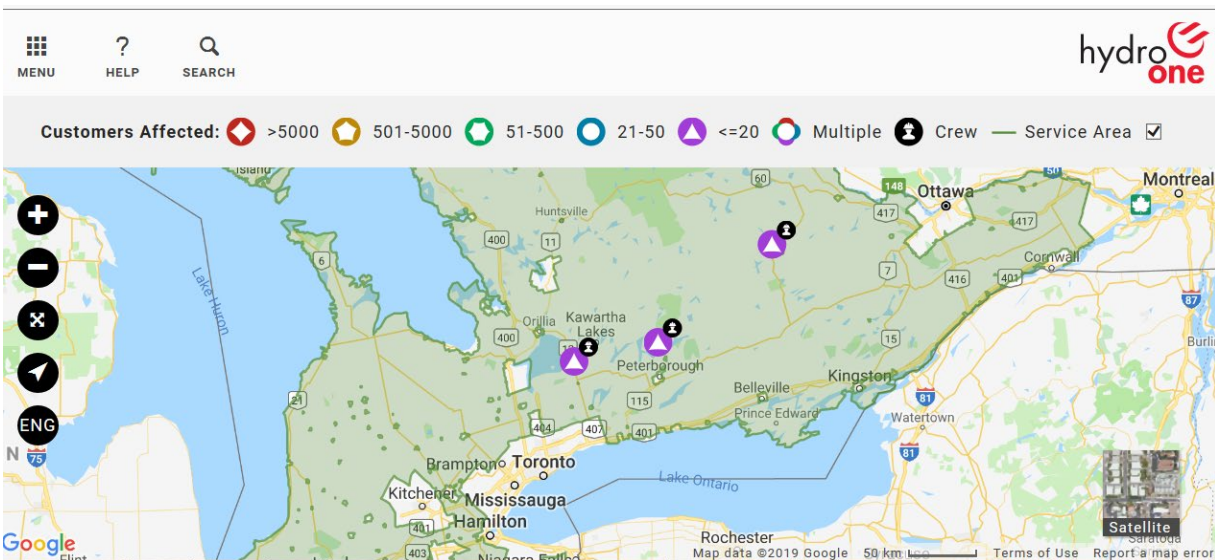
Hello,

We are in receipt of your Consent Applications, B13-2022P and B10-2022P dated November 7, 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:

[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

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
Records Administrator | Land Use Planning

Hydro One Networks Inc.

185 Clegg Road
Markham, ON | L6G 1B7

Email: landuseplanning@hydroone.com

From: Jacquie Miller <JMiller@pelham.ca>
Sent: Monday, November 7, 2022 10:26 AM
To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; MunicipalPlanning@enbridge.com;
jim.sorley <jim.sorley@npei.ca>; ash.neville@rci.rogers.com
Subject: Committee of Adjustment Notices of Hearing - December 6, 2022

*** 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 files:

- B13/2022P – 1399 Station Street; and
- B10/2022P – 105 Welland 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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Bell Canada
FI-2, 140 Bayfield St.
Barrie, Ontario
L4M 3B1

Fax: 705-722-2263
Tel: 705-722-2244
E-mail: carrie.gordon@bell.ca



November 23, 2022

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

Attention: Jacquie Miller
Email only: JMiller@pelham.ca

Dear Madam:

Subject: Application for Consent
1399 Station Street, Pelham, Part of Lots 14 and 15, Plan 717,
designated as Part 1 on 59R-8459
CofA File: B13/2022P **Bell File: 905-22-542**

Subsequent to review of the Consent Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands to protect existing aerial facilities, supply service to the properties, and to maintain service in the area. According to our records, Bell's aerial cable runs through Parts 1 3 and 4 as identified in the sketch provided.

Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable, then to extend from the pole to a minimum of 1.0m past any anchor installation to be measured 0.5m on either side of the guy, as can be accommodated, would satisfy our needs.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement and LTTS documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.

Yours truly,

A handwritten signature in blue ink that reads "Carrie Gordon".

Carrie Gordon
Right of Way Associate
(Encl.)

November 22nd 2022

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

Attention: Secretary Treasurer of the Committee of Adjustment

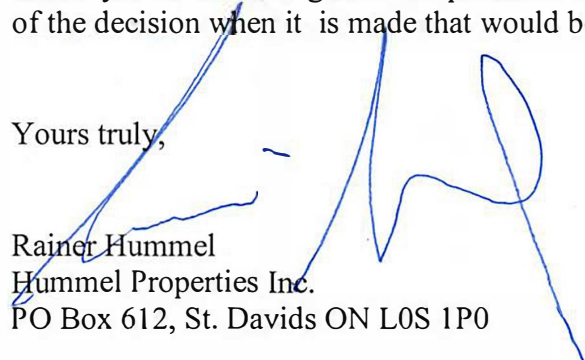
Re: 1399 Station Street, Pelham
File Number B13/2022P - Proposed Consent

Our company, Hummel Properties Inc., owns the lands of the draft plan approved subdivision, Summersides Village, which neighbours 1399 Station Street, Pelham. We received the Notice of Public Hearing in relation to the above noted development application, and we wish to extend our support.

We have reviewed the proposal, and trust that this consent will lead to a development that will complement our draft plan approved Summersides Village subdivision. We are delighted to see it move forward, as it will complete the East Fonthill Area and coincide with the surrounding lands appropriately.

Thank you for including us in the public notice circulation. If you could please send us a copy of the decision when it is made that would be greatly appreciated.

Yours truly,


Rainer Hummel
Hummel Properties Inc.
PO Box 612, St. Davids ON L0S 1P0

Meeting #: 10/2018
Date: Tuesday, October 2, 2018
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present James Federico
Wayne Lockey
John Klassen
Members Absent Brian DiMartile
Donald Cook
Staff Present Nancy Bozzato
Holly Willford
Others Present Applicants and interested parties.

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

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

- 3. Disclosure of Pecuniary Interest and General Nature Thereof**

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

- 4. Requests for Withdrawal or Adjournment**

Nancy Bozzato advised the Committee that the applicants for item 5.2 (File A21/2018P - Neil D. Gennings and Joanne Gennings) have requested to have their matter postponed in order to work with the Public Health Department to determine the location of the septic tank.

Neil Gennings, applicant, advised the Committee that the excavation required has been completed, however the Health Department has not had the opportunity to visit the site.

The Committee discussed the deferment and it was determined the application would be adjourned without waiving the rescheduling.

Moved By James Federico

Seconded By John Klassen

BE IT RESOLVED THAT application A21/2018P - Neil D. Gennings and Joanne Gennings be deferred; and

AND THAT the rescheduling fee not be waived at this time.

Carried

5. Applications for Minor Variance

5.1 File A20/2018P - Larry Young, Ghislaine Young, Troy Young, and Tammy Young

Purpose of Application

Application is made to seek relief from Section 7.7(d) to permit a building height of 4.9 metres to the mid point of the pitched roof, whereas the bylaw permits a maximum height of 3.7 metres, for the construction of a detached accessory building.

Representation

Applicant and authorized agent, Larry Young along with Mark Young were present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Fire Department
3. Town of Pelham Public Works Department
4. Town of Pelham Building Department
5. Region of Niagara Planning and Development Services

Applicant's Comments

Larry Young indicated the minor variance is being requested to match the roof and style of the accessory building to the existing house. Mark Young added, the variance will allow for the accessory building to have a similar pitch to the roof as the existing house.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments from any of the members present.

Moved By James Federico

Seconded By John Klassen

Application for relief of Section 7.7(d) to permit a building height of 4.9 metres to the mid point of the pitched roof, whereas the bylaw permits a maximum height of 3.7 metres, for the construction of a detached accessory building is required, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the rural context.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it allows for enhanced storage and use of the facility and the accessory building can also be more easily adapted to serve an agricultural function in the future if desires change.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. That all necessary building permits are required prior to construction commencing for the new addition, to the satisfaction of the Chief Building Official.**
- 2. That no plumbing or living space be included within the accessory building.**

Carried

5.2 File A22/2018P - Susan Antoinette Pratt

Purpose of Application

Application is made to seek relief from: Section 19.3(a) "Not More than 50% of the Gross Floor Area Shall Be Used for Dwelling Units" to permit 85% residential, Section 19.3(b) "Dwelling Units Shall Only Be Permitted above the Ground Floor of any Commercial Use" to permit a residential dwelling unit in the basement, and Section 19.3(c) "A Minimum Landscaped Amenity Area of 55 m² (592.03 ft²) Shall Be Provided For Each Dwelling Unit" to permit 8.3m² for each dwelling unit.

Representation

Applicant Susan Pratt was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Fire Department
3. Town of Pelham Public Works Department
4. Town of Pelham Building Department

Applicant's Comments

There were no comments made by the applicant.

Public Comments

There were no comments received from the public.

Members Comments

James Federico, Member, stated he believes this type of development is good for the Fonthill area and that he is supportive of the application.

Moved By John Klassen

Seconded By James Federico

Application for relief of Section 19.3(a) "Not More than 50% of the Gross Floor Area Shall Be Used for Dwelling Units" to permit 85% residential, is hereby: GRANTED.

Section 19.3(b) "Dwelling Units Shall Only Be Permitted above the Ground Floor of any Commercial Use" to permit a residential dwelling unit in the basement, is hereby: GRANTED.

Section 19.3(c) “A Minimum Landscaped Amenity Area of 55 m² (592.03 ft²) Shall Be Provided For Each Dwelling Unit” to permit 8.3m² for each dwelling unit, is hereby: GRANTED.

The above decisions are based on the following reasons:

- 1. The variance is minor in nature.**
- 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 provides enduring resiliency in terms of managing rental income and vacancies.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. That all necessary building permits are required prior to construction commencing for the new addition, to the satisfaction of the Chief Building Official.**

Carried

6. Applications for Consent

6.1 File B6/2018P - Domenico Simonetti & Elena Simone-Simonetti

Purpose of Application

Application is made to seek consent to convey 919.6 square metres of land, shown as Part 2 on the drawing submitted, being part of Lot 5, Plan 703, in the Town of Pelham.

Representation

Owner, Domenico Simonetti was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Bell Canada
5. Niagara Peninsula Conservation Authority

Applicant's Comments

Mr. Simonetti requested clarification regarding the condition to conduct an archaeological assessment. The Members clarified the requirement and provided historical context to explain the requirement of the said condition. Mr. Simonetti was satisfied with the explanation.

Public Comments

There were no comments received from the public.

Members Comments

John Klassen, Member asked Mr. Simonetti if he has already received his demolition permit. Mr. Simonetti responded that he has already received the said permit.

Moved By James Federico

Seconded By John Klassen

Application for consent to convey 919.6 square metres of land (Part 2) for single family residential use. 1,142.7 square metres of land (Part 1) is to be retained for continued single family residential use, is hereby: GRANTED

The above decision is subject to the following conditions:

- 1. Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**
- 2. 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.**
- 3. Relocate or remove the existing accessory building to the satisfaction of the Chief Building Official. A demolition permit will be required prior to its removal.**
- 4. To the satisfaction of the Director of Public Works, the following**

conditions:

- i. Disconnect all existing services at the property line prior to the issuance of any demolition permit and written confirmation of the disconnection must be provided.**
- ii. Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel.**
- iii. Confirm that no existing utilities cross the proposed lot line. Should any services cross the proposed lot line, the applicant shall bear responsibility for costs associated with their relocation and / or removal.**
- iv. Ensure both lots are serviced with individual 20mmØ copper water services and 125mmØ sanitary sewer laterals in accordance with Town standards. Installation of any missing services will require authorization obtained and approved by the Public Works Department through a Temporary Works Permit, at the applicant's expense. The provision of all such services shall be completed prior to receiving Final Certificate of Consent.**
- v. Submit locate cards for both parcels indicating the location of individual water / sanitary sewer service laterals confirming that no services branch from, or through the proposed lot line. Locate cards shall be submitted following the service installations.**
- vi. Obtain approval for a Driveway Entrance & Culvert Permit issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.**
- 5. 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.**
- 6. Provide the final certification fee of \$380, 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.**

Carried

7. Minutes for Approval

7.1 CofA Minutes July 10 2018

Moved By James Federico

Seconded By Wayne Lockey

That the minutes of the July 10, 2018, Committee of Adjustment Hearing be approved.

Carried

7.2 CofA Minutes Aug 14 2018

Moved By John Klassen

Seconded By Wayne Lockey

That the minutes of the August 14, 2018, Committee of Adjustment Hearing be approved.

8. Adjournment

Moved By James Federico

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 November 6, 2018, 2018 at 4:00 pm.

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato

Meeting #: 10(b)-2018
Date: Tuesday, October 30, 2018
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present	Wayne Lockey Brian DiMartile John Klassen
Members Absent	James Federico Donald Cook
Staff Present	Nancy Bozzato Holly Willford
Others Present	Applicant and interested parties

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

Noting that a quorum was present, Chair Lockey called the meeting to order at approximately 3:58 pm.

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**

None.

5. **Applications for Minor Variance**

None.

6. Applications for Consent

6.1 B5/2018P - Brian V. Sullivan

Purpose of Application

Application is made for consent for a partial discharge of mortgage and to convey 2,826 square metres of land, shown as Part 2 to be added to the abutting property to the south (Part 3) on the drawing submitted, being Part of Lot 7, Registered Plan 717, in the Town of Pelham.

Representation

Stephen Kaiser, the applicant's authorized agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works & Engineering
4. Upper Canada Consultants

Applicant's Comments

Stephen Kaiser, thanked the Committee for the deferment and indicated he no longer had concerns regarding the application's conditions. Mr. Kaiser advised the dollar figure was removed from the Front-end Financing condition and he was therefore satisfied.

Members Comments

John Klassen, Member, asked for clarification regarding the removal of the dollar figure, asking if the amount of money payable will be negotiated between the Town and the applicant. Mr. Kaiser confirmed the amount of money will be determined through discussion with the Town and that he felt not stipulating the dollar amount would allow for more flexibility.

Public Comments

None.

Moved By John Klassen

Seconded By Brian DiMartile

Application is made for consent for a partial discharge of mortgage and to convey 2,826 square metres of land, shown as Part 2 to be added to the abutting property to the south (Part 3) on the drawing

submitted, being Part of Lot 7, Registered Plan 717, in the Town of Pelham, is hereby: **GRANTED**

This decision is based on the following reasons:

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.

- 1. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 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.**

The above decision is based on the following conditions:

- 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 south, 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.**
- 2. Submits an overall comprehensive Lot Grading & Drainage Plan for both parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.**
- 3. Confirm no existing utilities cross the proposed new lot line. Should any services cross the new lot line, the applicant will be responsible for costs associated with their relocation and / or removal.**

4. The existing outlet for the road cross-culvert that was previously filled in must be reinstated, free and clear of all encumbrances.
5. That the applicant provides a written acknowledgment that the Owner will be responsible for payment of the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing.
6. 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.
7. That the final certification fee of \$380, 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.

Carried

7. Minutes for Approval

None.

8. Adjournment

Moved By Brian DiMartile

Seconded By John Klassen

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for December 4, 2018 at 4:00 pm.

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato

Meeting #: CofA-06/2018
Date: Tuesday, June 5, 2018
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
 20 Pelham Town Square, Fonthill

Members Present Wayne Lockey
 Donald Cook
 John Klassen

Members Absent James Federico
 Brian DiMartile
 Nancy Bozzato

Others Present Applicants and/or Applicant Agents
 Interested Citizens

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

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

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

There were no requests for withdrawal or adjournment received.

5. Applications for Minor Variance

5.1 File A8/2018P - Daniel & Melanie Thompson

Purpose of Application

Application is made to seek relief from Section 7.4(c) "Maximum Lot Coverage" - to permit an overall lot coverage of 18% whereas 10% is permitted to facilitate construction of a one-storey residential addition.

Representation

Clayton Hartwell, C.J. Hartwell Enterprises, authorized agent, appeared on behalf of this application, in company with Melanie Thompson, applicant.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham Fire Department

Applicant's Comments

Mr. Hartwell added no additional comments.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments from any of the members present.

Moved By Donald Cook

Seconded By John Klassen

Application for relief from Section 7.4(c) "Maximum Lot Coverage" - to permit an overall lot coverage of 18% whereas 10% is permitted to facilitate construction of a one-storey residential addition is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that adequate amenity area and open space for septic purposes remains available.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that sufficient amounts of open space, amenity area and land for private services is maintained.**
- 3. The intent of the Official Plan is maintained in that there are no impacts due to the existing site enclosure of public roadways/facilities.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will improve the living space and enhance the property value.**

5. The Town is in receipt of written Initial Approval of the septic permit regarding this proposal.
6. This application is granted without prejudice to any other application in the Town of Pelham.
7. No objections were received from commenting agencies or abutting property owners.
8. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits must be obtained prior to any further construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

5.2 File A9/2018P - David Judge and Deborah Judge

Purpose of Application

Application is made to seek relief from:

Section 7.7(a) "Maximum Lot Coverage"- to permit a 1.5% overall coverage whereas 1% is permitted to facilitate construction of a one-storey accessory building; and

Section 7.7(d) "Maximum Building Height" - to permit 6.5 metres whereas 3.7 metres is permitted, to facilitate construction of a one-storey accessory building.

Representation

David Judge, applicant, appeared on behalf of this application.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham Fire Department

5. Niagara Region

6. NPCA

Applicant's Comments

Mr. Judge suggested that the zoning provisions should be reviewed, suggesting that the 1% factor is not reasonable in the rural area. Further, he suggested that the Region's review costs are too high and he voiced objection to this fee, which he found offensive.

He asked what the purpose of the demolition permit, Mrs. Bozzato advising that this is under the Building Code Act. Member Cook added that this may relate to any impacts on a well or cistern on the property.

Public Comments

There were no comments received from the public.

Members Comments

There were no further comments from any of the members present.

Moved By John Klassen

Seconded By Donald Cook

Application for relief from Section 7.7(a) "Maximum Lot Coverage" – seeking 1.5% overall coverage whereas 1% is permitted, to facilitate construction of a one-storey accessory building, is hereby: Granted.

Application for relief from Section 7.7(d) "Maximum Building Height" – seeking 6.5 metres whereas 3.7 metres is permitted, to facilitate construction of a one-storey accessory building, is hereby: Granted.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that no negative impacts are anticipated by the neighbors.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that adequate open space remains and will not adversely impact the rural residential nature of the lot.**
- 3. The intent of the Official Plan is maintained in that no negative impacts are anticipated.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that the relief will offer more flexibility for property usage and no adverse impacts are anticipated.**
- 5. This application is granted without prejudice to any other**

application in the Town of Pelham.

6. No objections were received from commenting agencies or abutting property owners.

7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary permits for demolition of the existing accessory building must be obtained, to the satisfaction of the Town of Pelham Chief Building Official.

2. That all necessary building permits must be obtained prior to any further construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

7. Minutes for Approval

Moved By Donald Cook

Seconded By John Klassen

That the minutes of the May 1, 2018, Committee of Adjustment Hearing be approved, as presented.

Carried

8. Adjournment

Moved By Donald Cook

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 July 10, 2018 at 4:00 pm.

Carried

6. Applications for Consent

There were no Consent Applications received.

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato

Committee of Adjustment**Minutes**

Meeting #: CofA 10/2022
Date: Tuesday, October 4, 2022
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present John Klassen
Sandra Marsh
Brenda Stan

Members Absent Donald Cook
Bernie Law

Staff Present Sarah Leach
Jacquie Miller
Andrew Edwards
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 Klassen called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

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

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

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 A12/2022P - 674 Canboro Road

Purpose of the Application

Application is made for relief, to construct a two-storey garage addition, from Section 9.2(e) “Minimum Interior Side Yard” – to permit a minimum interior side yard setback of 1 m whereas the by-law requires a minimum interior side yard of 3 m.

Representation

The Applicants, Alana and Matthew Kohut were 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

Applicants Comments

A Member stated the addition would look nice on the home. The Member indicated they are in favor of the proposal as long as access to the property is maintained on the other side yard without the need to encroach on the neighboring property.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer stated there were no pre-registered speakers. Ms. Leach stated she checked the clerks@pelham.ca email address at 4:15 pm and confirmed no e-mails have 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.

Member Comments

The Members offered no additional comments or questions.

Moved By Sandra Marsh

Seconded By Brenda Stan

Application A12/2022P for relief of Section 9.2(e) “Minimum Interior Side Yard” to permit a minimum interior side yard setback of 1 m whereas the by-law requires a minimum interior side yard of 3 m, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impacts are anticipated on the streetscape and the proposal is keeping with the setback of the existing carport.**
- 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 an addition to the dwelling for the purpose of a double car garage.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. That all necessary building permits are acquired prior to construction commencing, to the satisfaction of the Chief Building Official.**

Prior to Building Permit:

1. **To the Satisfaction of the Director of Public Works**
 - a. **Submit an updated Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**
2. **To the Satisfaction of the Niagara Region**
 - a. **That all necessary Septic Permits are acquired prior to building permit issuance, to the satisfaction of the Niagara Region.**

Carried

6. Applications for Consent

6.1 B9/2022P - 664 Metler Road

Chair Klassen stated consent application B9/2022P shall be heard prior to its companion application for minor variance A13/2022P. The Committee unanimously agreed to re-order the agenda to hear B9/2022P prior to A13/2022P.

Purpose of the Application

Application is made for consent to convey 1355.6 square metres of land (Part 2), to be added to the abutting property to the west (Part 1), for continued use of the metal sided-shop. Part 3 is to be retained for continued residential use of the dwelling known municipally as 664 Metler Road.

Representation

The Agent, Stephen Bedford and the Applicant, Ted Ebert were electronically present.

Correspondence Received

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

4. Niagara Region
5. NPCA

Applicants Comments

The Agent, Mr. Stephen Bedford stated that all policy requirements are met with the proposal aside from the frontage deficiency on Part 3. Mr. Bedford expressed support of staff's recommendation and requested that the Committee consider approving the proposal as presented.

A Member asked if the metal shop would form part of Part 1 if approved. Mr. Bedford confirmed and clarified that the metal shop is a residential workshop as opposed to a business. The Member asked why the proposal was brought forward. Mr. Bedford explained the familial relationship between the owner of Part 1 and the owner of the land to the south. Mr. Bedford stated that the Applicant is responsible for disposing the neighboring land and wished to retain use of the metal workshop. Mr. Bedford further explained that the boundary adjustment would allow the driveway to remain in its current location and not further disturb the existing watercourse.

A Member asked if Part 3 would have room for a septic bed. Mr. Bedford confirmed that both properties have septic fields which have been reviewed by the Niagara Region.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer stated there were no pre-registered speakers. Ms. Leach stated she checked the clerks@pelham.ca email address at 4:25 pm and confirmed no e-mails have 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.

Member Comments

The Members offered no additional comments or questions.

Moved By Brenda Stan

Seconded By Sandra Marsh

Application B9/2022P made for consent to convey 1355.6 square metres of land (Part 2), to be added to the abutting property to the west (Part 1), for continued use of the metal sided-shop. Part 3 is to

be retained for continued residential use of the dwelling known municipally as 664 Metler Road; is hereby: **GRANTED**;

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

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

To the Satisfaction of the Secretary-Treasurer

1. That all necessary zoning approvals be obtained for Part 3.
2. 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 1 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.
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 \$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.

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. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**
- 5. The applicant is aware that any future development in or around the watercourse or within the 15 metre watercourse buffer may require an NPCA Works Permit and additional studies.**

Carried

7. A13/2022P - 664 Metler Road

Purpose of the Application

Application is made for relief, to rectify zoning deficiencies as a result of a consent application B9/2022P, from Section 9.2(b) "Minimum Lot Frontage" – to permit a minimum lot frontage 26.84m whereas the by-law requires a minimum lot frontage of 36m.

Representation

The Agent, Stephen Bedford and the Applicant, Ted Ebert were electronically present.

Correspondence Received

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

Applicants Comments

The Agent, Mr. Stephen Bedford stated the proposal does not affect the streetscape and meets the four minor variance *Planning Act* tests.

A Member asked for confirmation that the variance is triggered as a result of consent application B9/2022P. Mr. Bedford confirmed, stating if the variance was not granted, the boundary adjustment could not comply. Mr. Bedford reiterated the proposal was triggered by the intent to keep the driveway in its existing location. Mr. Bedford stated it is the intent of the Applicant to not further impact the creek.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer stated there were no pre-registered speakers. Ms. Leach stated she checked the clerks@pelham.ca email address at 4:35 pm and confirmed no e-mails have 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.

Member Comments

The Members offered no additional comments or questions.

Moved By Sandra Marsh

Seconded By Brenda Stan

Application A13/2022P for relief of Section 9.2(b) “Minimum Lot Frontage” to permit a minimum lot frontage 26.84m whereas the by-law requires a minimum lot frontage of 36m; is hereby: GRANTED;

The above decision is based on the following reasons:

1. **The variance is minor in nature as no adverse impacts are anticipated on the streetscape or surrounding residential properties. Additionally, the reduction in frontage will continue to provide adequate space for front amenity area and parking for vehicles.**
2. **The general purpose and intent of the Zoning By-Law is maintained.**

3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because it will facilitate a boundary adjustment that is compatible with the surrounding neighbourhood.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. No objections were received from commenting agencies or abutting property owners.
7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.
8. The applicant is aware that any future development in or around the watercourse or within the 15 metre watercourse buffer may require an NPCA Works Permit and additional studies.

The above decision is subject to the following condition:

1. That the final approval of minor variance A13/2022P is subject to Consent File B9/2022P obtaining final certification.

Carried

8. Minutes for Approval

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT the Committee of Adjustment Hearing minutes of September 7, 2022, be approved.

Carried

9. Adjournment

The meeting was adjourned at 4:38 pm.

Moved By Sandra Marsh
Seconded By Brenda Stan

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

Carried

Chair, John Klassen

Assistant Secretary-Treasurer, Sarah Leach