

## Committee of Adjustment AGENDA

CofA 06/2023

June 5, 2023

4:00 pm

Meridian Community Centre - Accursi A and B

100 Meridian Way

Fonthill, ON

L0S 1E6

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, via Livestream: [www.youtube.com/townofpelham/live](https://www.youtube.com/townofpelham/live) and subsequent publication to the Town's website at [www.pelham.ca](http://www.pelham.ca).

Pages

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**
3. **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.
4. **Approval of Agenda**
5. **Disclosure of Pecuniary Interest and General Nature Thereof**
6. **Requests for Withdrawal or Adjournment**

**7. Applications for Minor Variance**

**8. Applications for Consent**

**8.1 Consent Cancellation - B3/2015P - 1161 Pelham Street 1**

1. Town of Pelham Planning

**8.2 B7/2023P - 1440 Pelham Street 3**

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

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4. Hydro One
5. Brad Whitelaw
6. Georgio Panici
7. Karen Goldhawk
8. Heather Carter
9. Lori Bonito
10. Ruth Dallas
11. Kathleen Doyle
12. Terry Harford
13. John Guzzi
14. Karen Lynne
15. Murray and Helen Downie
16. Marilyn Rogge
17. Ron & Melanie Patterson
18. Nancy Ostrander
19. Natalie Diduch
20. Darlene and Terry Proveau
21. John Caron
22. Roman Shapoval

Pre-Registered Members of the Public

1. Brad Whitelaw
2. Roman Shapoval

**9. Minutes for Approval**

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March 6, 2023

May 1, 2023

**10. Adjournment**



# Memo

**To: Town of Pelham Committee of Adjustment**

**From: Barbara Wiens, MCIP, RPP**  
**Director Community Planning and Development**

**Date: May 25, 2023**

**RE: B3-2015P – 1161 Pelham Street**  
**Certificate of Consent Cancellation**

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The subject lands were previously subject to an application for consent (B3-2015P) which was granted conditional approval by the Committee of Adjustment on June 5<sup>th</sup>, 2012. The application for consent was to convey 7,321 m<sup>2</sup> of vacant land for future residential use.

Applications for consent (B7-2022P and B8-2022P) were conditionally approved by the Committee of Adjustment on December 6, 2022. The approval is conditional on the lands merging in title with the adjacent lands that were subject to Committee of Adjustment file B3-2015P.

The applicant's request is being made to satisfy the merger requirements for applications B7/2022P and B8/2022P. Condition #1 of these applications states in part, *"once the subject parcel of land has been conveyed to the owner of the parcel abutting to the west (Part 5 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."*

However, Sections 50(3) and 50(5) of the *Planning Act* apply to restrict the ability for the severed lands to merge with abutting lands where they were the subject lands of a consent.

Section 53(45) of the *Planning Act* provides that a property owner, or the owner's agent may apply to the Committee of Adjustment for the issuance of a Certificate of Consent Cancellation which stipulates that subsection 50(12) does not apply in respect to the land was the subject of the consent and that subsection 50(3) or (5), whichever the case may be, applies to a subsequent conveyance or other transaction involving the land.

A Certificate of Consent Cancellation for B3/2015P is therefore required to complete the merger of these lands to fulfill the intent of applications B7/2022 and B8/2022. This is a technical cancellation that is required to allow for the merger of the lands.

It is recommended that the Committee of Adjustment approve the cancellation of consent for B3/2015P and the Secretary-Treasurer of the Committee of Adjustment issue the Certificate of Consent Cancellation.



**Community Planning and Development Department**  
**Committee of Adjustment**  
Monday, June 05, 2023

**Consent Application: B7-2023P**

**Municipal Address: 1440 Pelham Street**

**Legal Description: Part of Lot 2, Registered Plan 715**

**Roll number: 2732 030 005 03700**

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**Location of Lands and Purpose of Application:**

The subject parcel, shown as Part 1 on the attached sketch, is a parcel of land lying on the west side of Pelham Street, legally described above, in the Town of Pelham.

Application is made for consent to establish an easement for underground utilities in favour of Bell Canada. Bell Canada intends to service the existing building at 1450 Pelham Street from an existing conduit located at 1440 Pelham Street.

**Applicable Planning Policies:**

Planning Act (Consolidated April 2022)

Section 53 (1) states a landowner 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 Committee of Adjustment has delegated authority to approve consents.

Section 51(24) of the Planning Act sets out various criteria to be considered by an approval authority before granting consent to convey an interest in land.

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.

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.

The easement will facilitate the use of a portion of the lands to be used to service the adjacent property with communications infrastructure.

Planning staff are of the opinion the requested application for consent to establish an easement is consistent with the PPS.

#### Greenbelt Plan (2017)

The lands are outside of the Greenbelt Plan area, and accordingly 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 parcel is located within a 'Settlement Area' according to the Growth Plan.

Planning staff are of the opinion the proposed application for consent conforms with the Growth Plan.

#### Niagara Region Official Plan (2022)

Planning staff are of the opinion the proposed consent conforms to 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 our natural heritage features.

The OP designates the lands as Downtown, per Schedule 'A1.' Lands designated Downtown are the site of primarily commercial uses within the built-up area of the Fonthill and Fenwick Settlement Areas.

The Town's Official Plan policies related to consents do not explicitly speak to the granting of easements. Establishment of the easement does not offend any Official Plan policies.

As such, staff are of the opinion that the proposed easement conforms with the Official Plan.

## Town of Pelham Comprehensive Zoning By-law 4481 (2022)

The lands are zoned Downtown Corridor Exception 101 (DC-101) per Schedule C1 of the Town's Comprehensive Zoning By-law. No new zoning permissions are necessary to facilitate the application.

### **Agency and Public Comments:**

On May 9<sup>th</sup>, 2023, 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
  - No comments.

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

### **Planning Staff Comments:**

The proposed easement is to facilitate an underground utility easement in favour of Bell Canada. Bell Canada will be feeding the building at 1450 Pelham Street from an existing conduit at 1440 Pelham Street. The proposed easement is intended to include access for maintenance purposes of the below grade services and is intended to be in perpetuity. Easements for utility purposes are standard and appropriate to ensure the necessary access can be provided to the utility provider.

### **Planning Staff Recommendation:**

Planning staff recommend that consent file B7/2023P **be approved** subject to the following condition(s):

**THAT** the applicant:

- 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 \$423, 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; Nicholas Palomba, Engineering Technologist; Lucas Smith, Engineering Technologist

**From:** Gimuel Ledesma, Engineering Technologist

**Date:** April 17, 2023

**File No:** B7/2023P

**RE:** Consent– 1440 Pelham Street, Pelham

The Public Works Department has reviewed the submitted documentation regarding the proposed consent of 1440 Pelham Street, Pelham

The subject parcel, shown as Part 1 on the attached Reference Plan 59R-17025, has a frontage of 1.00m on the west side of Pelham Street, lying south of Highway 20 West, being Lot 2, Part of Lot 3 on Plan 715, being Part 1 on Plan 59R-16172 in the Town of Pelham.

Application is made for consent to convey an easement in perpetuity over Part 1 on Reference Plan 59R-17025, to the benefit of Bell Canada for use of the existing underground conduit and cables to service 1450 Pelham Street. Part 1 on Reference Plan 59R-16172 and Part 1 on Reference Plan 59R-17025 are to be retained for continued commercial use of the commercial building known municipally as 1440 Pelham Street.

**Public Works offer the following comments:**

- No Comments

**Public Works offer the following conditions:**

- No Comments

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: May 24th, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for  
114 Pelham Street, Pelham

**File Number: B7/2023P**

Comment:

- Building Department has no comment.

Respectfully,  
Alex Foisey



**From:** [SHILLAKU Paul](#)  
**To:** [Jodi Legros](#)  
**Subject:** Town of Pelham-1440 Pelham Street-87-2023P  
**Date:** Thursday, April 27, 2023 11:21:18 AM  
**Attachments:** [image001.png](#)

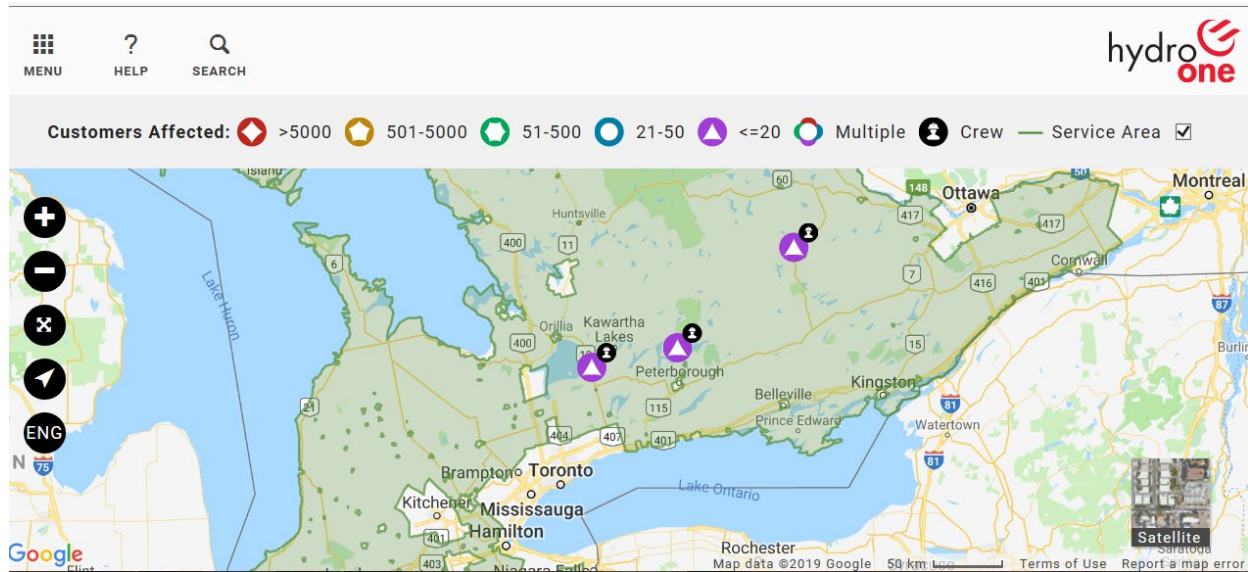
Hello,

We are in receipt of your Application for Consent, B7-2023P dated April 17,2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

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

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

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



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

Please let me know if you have any questions or concerns.

Thank you,

**Dennis De Rango**

Specialized Services Team Lead, Real Estate Department  
Hydro One Networks Inc.  
Tel: (905)946-6237

Email: [Dennis.DeRango@HydroOne.com](mailto:Dennis.DeRango@HydroOne.com)

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

Monday, June 05, 2023

**Consent Application:** B10-2022P

**Municipal Address: 105 Welland Road**  
**Legal Description: Part of Lot 1, Concession 10**  
**Roll number: 2732 030 012 05602**

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**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 on the northwest corner of Pelham Street and Welland Road, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 3,893.15 square metres of land (Part 2) for future residential use. Part 1 is to be retained for the continued use of Concordia Lutheran Church. The lands to be severed are proposed to have 44.51 metres of frontage along Welland Road, with a lot depth of approximately 86.5 metres.

The parcel is a corner lot with 8,462.47 m<sup>2</sup> in lot area. The parcel has 71.34 metres of frontage along Pelham Street and 83.90 metres of frontage along Welland Road.

Currently, access to the parcel is provided from a driveway located in the west portion of the parcel along Welland Road. An additional entrance and parking area is proposed to provide access to the lands to be retained, as the existing driveway is located on the lands to be severed.

The file was originally scheduled for December 6, 2022 Committee of Adjustment hearing but was deferred. No additional amendments have been made since such time.

Part 2 is currently subject to a *Planning Act* application for Zoning By-law Amendment (Town File: AM-07-2022).

**Applicable Planning Policies:**

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;
  - See 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 is seen as an appropriate form of gentle intensification.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any;
  - See Official Plan discussion below.
- d) The suitability of the land for such purposes;
  - The lands and surrounding neighbourhood are predominately low to medium density residential dwellings and commercial/institutional uses.
- f) The dimensions and shapes of the proposed lots;
  - The proposed lot will have a regular rectangular shape and adequate dimensions to site a future residential development.
- h) Conservation of natural resources and flood control;
  - No natural resources or flood concerns have been identified. A lot grading and drainage plan is a requirement.
- i) The adequacy of utilities and municipal services;
  - The retained parcel is connected to municipal infrastructure and has access to the full range of public services. Utilities and municipal services are available to service the severed parcel.
- j) The adequacy of school sites;
  - Available nearby. School Boards did not comment on application.

Section 53 (1) states a landowner 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 1.1.3.2 provides that land use patterns in settlement areas be based on densities and mix of land uses which efficiently use land, resources, and infrastructure, supports active transportation, is transit supportive and minimizes impacts to air quality and climate change and promote energy efficiency. Land use patterns shall be based on a range of uses and opportunities for intensification and redevelopment. The proposed consent will facilitate the future redevelopment of a portion of the site for future residential use providing for a more efficient use of land, resources and infrastructure.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated considering 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 25% for all lands within Pelham's Urban Settlement Areas. 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 application for consent is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Policy 1.4.1 and 1.4.2 speak to the need to provide an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents by permitting and facilitating all housing options and all types of residential intensification in accordance with the policies of the PPS. The proposed residential use on the severed parcel will address market-based housing needs.

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. A stage 1-2 archaeological assessment and Ministry clearance letter will be a condition of approval.

Planning staff are of the opinion the requested application for consent to facilitate future residential use of Part 2 is consistent with the PPS. It is noted that the

Committee of Adjustment is considering only the lot creation and not the proposed residential use at this time. The proposed consent will facilitate redevelopment of Part 2 providing for a efficient use of land and infrastructure, provide for additional type of housing choice in an area that is characterized by a range and mix of uses including institutional, commercial and residential uses and will contribute towards meeting the Town intensification targets. The proposal will also more efficiently use of land on Part 1 by accommodating the redesign of the parking area for the church on the proposed church property.

#### 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.

The additional residential lot will help the Town to meet its delineated built boundary intensification targets. The proposed lot will help contribute towards the municipal property tax base which helps financially support the maintenance of linear infrastructure and public service facilities. The existing water and sanitary sewer mains already extend along the frontage of the subject and are available to be utilized with additional building connections.

Planning staff are of the opinion the proposed application for consent conforms with the Growth Plan by contributing to building compact and complete communities, contributing to housing a mix of housing options within an existing built-up area, and

encouraging development in appropriate locations that can accommodate the proposed development and optimizing the use of existing infrastructure.

#### Niagara Region Official Plan (2022)

The Region of Niagara adopted a new Official Plan on June 23, 2022. Approval was granted by the Province on November 7, 2022. The new Region of Niagara Official Plan provides the policy guidance for future development across the Region.

The Regional Official Plan (ROP) designates the subject lands as 'Designated Urban Area (Built-Up 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.

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.

Policy 2.2.2.5 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.

Planning staff are of the opinion that the proposed consent conforms with the policies of the Niagara Region Official Plan and the proposal will support future residential development in areas where appropriate servicing and infrastructure exists and the proposed development will contribute to providing a mix of land uses and housing choice and will support the intensification target established for the Town.

#### 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.' The purpose of the Urban Living Area designation is to recognize existing residential areas and to promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential intensification, where appropriate. All types of residential uses are permitted in the 'Urban Living Area/Built Boundary' designation along with complementary uses such as home occupations, bed and breakfast establishments, private home daycare, residential care facilities, daycare centres, institutional uses, and convenience commercial uses.



Per Section B1.1.3 of the Official Plan, residential intensification is generally encouraged in the Urban Living Area 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.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the Urban Area specifically in proximity to the Downtown.

Section A2.3 speaks to the goals and objectives of the urban character across the Town. It is a goal of the Official Plan to protect and enhance the character of existing Urban Areas and to ensure development and redevelopment is compatible with the scale and density of existing development. The area is characterized by a mix of land uses including institutional, commercial, and low and medium density residential uses. Providing for redevelopment opportunities on Part 1 supports the mixed-use character of this neighbourhood and enhances the housing options available for future and existing residents at a scale and density that is compatible with the surrounding land uses.

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

Policy B1.1.3 states that in considering residential intensification proposals, the following criteria are applicable:

- a) Schedules A1 and A2 to this Plan identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration for other sites in the Urban Living Area designation provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with an arterial or collector road;
  - ✓ The Subject Lands have frontage along Welland Road which is identified as a Collector Road. Additionally, the lands are located less than 100 metres from an intersection with Pelham Road, which is identified as an Arterial Road. Intensification along arterial and collector roads is supported by the Town Official Plan.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed. Within the identified intensification areas identified on Schedules A1 and A2 the implementing Zoning By-law may establish minimum and maximum densities of between 10 and 25 units per hectare;
  - ✓ Not applicable to the application as the lands are not located in an identified intensification area. The intent of this policy is to ensure

compatibility and harmonious integration with the surrounding neighbourhood. Careful consideration of the proposed use will be given to the proposal as part of the concurrent Zoning By-law Amendment application.

- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
  - ✓ Not applicable as the proposal abuts a collector road and not a local road, therefore this policy does not apply to this proposal.
- d) Notwithstanding items (b) and (c), the creation of new freehold or vacant condominium infill lots through the consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the Urban Living Area designation;
  - ✓ Not applicable. Does not apply.
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification. The establishment of accessory apartments shall occur in accordance with Policy B1.1.4 and Council may reduce the application fee for such amendments under the Town's Tariff of Fees By-law;
  - ✓ Not applicable.
- f) The provision of affordable housing in intensification areas will be encouraged; and,
  - ✓ The new lot will contribute to the housing stock across the Town, however it is understood that the proposed housing units will not be affordable housing units.
- g) The Town will consider innovations for responsive processing of applications and amendments in the future including tools such as Conditional Zoning Amendments implementing a Development Permit system and the streamlining of processing concurrent development applications.
  - ✓ Not applicable.

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;
  - ✓ Future access to lands will be accessed from the public roadway system being Welland Road, a Collector Road which is maintained year round.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;



- ✓ A Traffic Impact Study was submitted in support of the associated Zoning By-law Amendment application which found the proposed driveway is not anticipated to create any traffic hazards. The Town's Public Works Department will require a driveway/entrance permit as a condition of approval.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Yes, the proposed lot area and frontage of both the severed and retained lots meet the standards of the Zoning By-law and therefore the lot creation is not in conflict with the Zoning By-law. The uses proposed on the severed and retained lots are also permitted by the Zoning By-law. With respect to the concurrent ZBA application, the requested site-specific provisions are with respect to the proposed residential development, not the lot creation. Careful consideration of the building's setbacks, height, compatibility and site design will be part of the analysis associated with the proposed Zoning By-law amendment applications and are separate from the consent application. The overarching goal of the proposed zoning by-law amendment application will be harmonious integration with the surrounding built environment given the policy context.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Yes. The lot can be serviced via municipal infrastructure. Detailed design to be reviewed at Zoning By-law Amendment/Site Plan approval stage.
- 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 developability of the remainder of the lands, if they are designated for development by this Plan;
  - ✓ The remainder of the lots will continue as an institutional use, however the parking area associated with the existing church will be required to be located on the retained lands and will be condition of the consent approval. The proposed severed lot will be developed independently for residential use and is subject to a concurrent Zoning By-law amendment application and future site plan application to address site design and layout matters.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
  - ✓ No negative impact. Lands do not contain any core natural heritage areas.
- 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.

## Town of Pelham Comprehensive Zoning By-law 4481 (2022)

The subject lands are currently zoned 'Institutional' (I) according to Schedule 'C' of the Town of Pelham Comprehensive Zoning By-law 4481 (2022)

Part 1 is intended to remain Institutional (I) for the continued use of the lands for the Concordia Lutheran Church. No site specific zoning provisions are required as a result of the severance. However, it is noted that the parking lot and entrance serving the church will be required to be located on the proposed church property. Site plan approval is required for the relocated parking lot and entrance and to address stormwater management and landscaping requirements.

Part 2 is currently subject to *Planning Act* application for Zoning By-law Amendment (Town File: AM-07-2022) to rezone a portion of the property to a site specific Residential Multiple 2 (RM2) zone. This application is currently under review and the applicant is addressing public comments received on the application. Council will make a decision on the Zoning By-law Amendment application following the consent application decision.

### **Agency and Public Comments:**

On May 9, 2023, 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
  - Request further information and clarification regarding stormwater management design. It is noted however that these details will be required as part of site plan approval and are not necessary for the lot creation.
  - Part 2 is to be individually serviced with water and sanitary sewer connections at the Owner's expense. Temporary Works permit approval is required from the Town Public Works Department.

Eighteen (18) public comments were received at the time of writing this report, which are summarized below under Planning Comments:

*Brad Whitelaw  
Karen Goldhawk  
Georgio Panici  
Heather Carter  
Loredana Bonito  
Ruth Dallas  
Kathleen Doyle*

*Terry Harford  
John Guzzi  
Karen Guzzi  
Murray & Helen Downie  
Marilyn Rogge  
Ron & Melanie Patterson  
Nancy Ostrander  
Natalie & Orest Diduch  
Darlene Proveau  
John Caron  
Roman Shapoval*

### **Planning Staff Comments:**

Planning staff have reviewed the Planning Justification Report submitted by Upper Canada Consultants dated May 2023, as well as reviewed all agency and public correspondence submitted to date and the policy context as it relates to this application.

Planning staff are of the opinion that the proposed consent is consistent with the PPS and conforms to the policy requirements of the Growth Plan for the Greater Golden Horseshoe, the Region of Niagara Official Plan and the Town Official Plan. The proposed consent will provide opportunities to make efficient use of land and infrastructure and ultimately the proposal will contribute towards increasing housing choice and contribute to the development of a complete community. Generally speaking, residential development adjacent to residential development is compatible from a land use perspective and the scale and residential density proposed can be integrated with the adjacent uses and impacts can be mitigated through the implementation of certain building design features, landscaping elements, building placement, minimizing surface parking, etc. to provide for compatible development. Those matters will be addressed through the other planning approvals that are not before the Committee of Adjustment, i.e., zoning by-law amendment and site plan approval processes.

The Town has received a number of public comments respecting the proposed application for consent. Staff note that some of the concerns raised by neighbouring residents are primarily associated with the proposed land use, density, and site-specific provisions proposed with the concurrent Zoning By-law Amendment application. Recognizing that although the two (2) applications are separate processes under the *Planning Act* and are to be reviewed on their own merits, a summary of the comments as well as a response is provided below.

Members of the public expressed concerns relating to traffic hazards and the potential for vehicular conflict with an additional entrance on Welland Road. Staff note a traffic impact study was submitted as part of the Zoning By-law Amendment application which found the proposed residential driveway will operate with reserve capacity and the existing roadway system has surplus capacity to accommodate the proposed growth. Additionally, the Public Works Department has reviewed the application and

has not raised any safety concerns with the proposed driveway location. Any construction of new or modified driveways requires a Driveway Entrance Permit through the Public Works Department.

Members of the public expressed concerns related to privacy. With respect to privacy, measures such as setbacks, landscaping buffers, and building orientation will be evaluated at the time the recommendation report for the Zoning By-law Amendment is brought forward for Council's consideration. It is noted that a number of the existing mature trees along the perimeter of the property will be maintained, and they provide a landscape buffer to the proposed development. In addition, additional landscaping components will be reviewed as part of the site plan approval process as well as other building design elements and setbacks to ensure privacy impacts are minimized.

Members of the public expressed concerns related to drainage and potential flooding issues. Adequate drainage is crucial for maintaining the integrity of the neighbourhood. As a condition of future site plan approval of the residential development proposed on Part 1, a detailed lot grading, drainage and stormwater management plan prepared by a professional engineer will be required and will require approval from the Town Public Works department prior to being implemented. The plan will include measures to control and direct stormwater runoff, ensuring it does not negatively impact neighbouring properties or local infrastructure. There are a number of engineering design solutions that are available to the developer to employ to satisfactorily address drainage issues. It is noted that grading and drainage matters are addressed as part of the site plan approval process that is still required.

Members of the public expressed concerns relating to the character of the neighbourhood. Staff note that the neighbourhood is comprised of a mix of low to medium density housing, as well as commercial and institutional development. Neighbourhood character does not necessitate that all land uses must be the same as what is existing. Embracing a diverse range of land uses can contribute positively to the overall character and vitality of a neighbourhood. A mix of land uses including varying densities of residential uses, commercial, and institutional can foster a lively neighbourhood that ensures the character of the neighbourhood is balanced and inclusive and contributes to building complete communities.

Although the subject application for consent is associated with concurrent Zoning By-law Amendment file AM-07-2022, the application for consent must be reviewed on its own merits. Based on the analysis in the sections above, Planning staff are of the opinion that the proposed consent is consistent with the PPS, and conforms to Provincial, Regional and the Town Official Plans. Planning staff note that an archaeological assessment is required for Part 2 and is proposed as a condition of consent approval. Further, because the entrance and parking area for the church is required to be relocated to accommodate the proposed consent, a condition of site plan approval for the relocated parking lot and entrance and associated drainage and landscaping requirements on Part 1 is also recommended as a condition of consent approval and is required to be implemented prior to the consent being finalized. The proposed residential development on Part 2 will still be subject to other development

review and approvals, i.e., zoning by-law amendment approval and site plan approval and the approval of the consent only provides for the creation of the lot and separation of the church use.

### **Planning Staff Recommendation:**

Planning staff recommend that consent file B10/2022P **be approved** subject to the following condition(s):

#### **THAT** the applicant:

- Obtain site plan approval for the relocated parking and entrance, grading and drainage and landscaping improvements/requirements on Part 1.
- Obtain a Driveway Entrance Permit approval through the Public Works Department. All associated costs with this permit are the responsibility of the owner.
- 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.
- Install sanitary and water service connections for Part 2 at the owner's expense, and obtain a Temporary Works Permit approval from the Public Works Department prior to commencing work.
- Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
- 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.
- 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 \$423, 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

**Engineering Department  
Committee of Adjustment Report**

**For**

**B10-2022P  
105 Welland Road  
Part of Lot 1, Concession 10 (Part 2 on Sketch)**

**May 17, 2023**

The Engineering Department received the following documentation for review as part of the consent application for:

**B10-2022P – 105 Welland Road**

Consent to partial discharge of mortgage and consent to convey 3893.15 square meters of land (Part 2), for future residential development. Part 1 is to be retained for continued institutional use of Concordia Lutheran Church.

The following information was submitted as part of the application for consideration:

- 2266-SP – 105 Welland Road Preliminary Site Plan prepared by Upper Canada Consultants, dated August 12, 2022;
- Planning Justification– Concordia Apartment- 105 Welland Road prepared by Upper Canada Consultants, dated August 17, 2022; and
- Niagara Innovative Living Proposed 6 Storey Residential Building prepared by Raimondo and Associates, dated August 19, 2022
- Landscape Plan Church prepared by adesso design inc, dated April 24, 2023,

These reports and additional content are from the Zoning By-law Application AM-0702922 – 105 Welland Road, which is on hold, as the information submitted is relevant to the consent application.



**Introduction:**

This application pertains to lands known municipally as 105 Welland Road (part 1) in the Town of Pelham, within the Regional Municipality of Niagara. The subject lands are currently home to the Concordia Lutheran Church.

The property has 83.9 meters of frontage on Welland Road and 71.34 meters of frontage on Pelham Street. It abuts single detached homes along Woodside Square to the north, townhouse dwelling units to the West, and a commercial gas station to the south.

Zoning By-Law application AM-07-2022 – 105 Welland Road submitted in 2022 is for proposed development at the western portion of the property (Part 2) with a 6-storey apartment building containing a total of 48 dwelling units. The development includes a total of 61 parking spaces, the majority of which are located in the 2-floor parking garage within the building, with the remaining spaces provided as surface parking.

This full report contains comments provided in conjunction with Zoning By-Law application AM-0702922 – 105 Welland Road and shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

**Analysis:****Stormwater Management**

Public Works staff request clarification on stormwater management for the entire developments.

The assumptions made in the Functioning Services Report (FSR), included as part of the Zoning By-law Application, provide limited details on the existing storm water sewer capacity fronting the development. The FSR has not taken into account identified future developments in the areas of Lot 177 and along Quaker Road based on increased density requirements.

The existing storm network was designed and installed over 25 years ago, the design requirements were significantly less 25 years ago than what they are today, also the density requirements for developments were less. The Town now considers potential Climate Change impacts in all developments that request a connection to the storm sewers. This is to ensure that consideration has been given to the rainfall intensities that have increased significantly over the last 10 years and that the downstream outlet locations can accommodate the increased storm water run-off.

This information is critical in determining the serviceability of the proposed development and determines the impact on the existing storm network and downstream retention pond.

The following Zoning By-law comments are provided for information:

Analysis of the entire stormwater system fronting 105 Welland Road (Part 1) should be included in the calculations as part of the proposed Part 2 development.

Town staff require the use of stormwater quantity controls on site to ensure post-development flows from the property are limited to the pre - development flow rate in accordance with Town standards. There will be a stormwater management quality controls in place to treat stormwater runoff to a normal standard prior to discharge from the site.

Please note that, as per The Town's Design Manual, Section 3.2.1 Minor and Major Systems, the major system shall convey the Town of Pelham's 100 year design storm overland within the right-of-way leading to the watersheds major outlet. Relief shall be provided in low points to prevent the depth of ponding at centre line from:

- 0.3m maximum on roads determined to be emergency access
- 0.2m maximum on local roads
- 0.15m maximum on collector roads
- 0.1m maximum on arterial roads
- An overall comprehensive detailed stormwater management report is required

- The town engineering standards should be used to calculate rainfall intensity as well as runoff coefficients.
- Pre-Development runoff values are required in the stormwater management report

An oil grit separator will be required in this development.

### **Site Servicing Plan**

Public Works note that the site (part 1) is currently serviced with 1 sanitary and 1 water service connection from Pelham Street.

Part 2 is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.

**Conclusion:****Public Works offer the following conditions:**

- Part 1 will require a new entrance to serve the property. A Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.
  - 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.
- ⌚ Part 2 is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: May 24th, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for  
105 Welland Road, Pelham

**File Number: B10/2022P**

Comment:

- Building Department has no comment.

Respectfully,  
Alex Foisey

**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](#)

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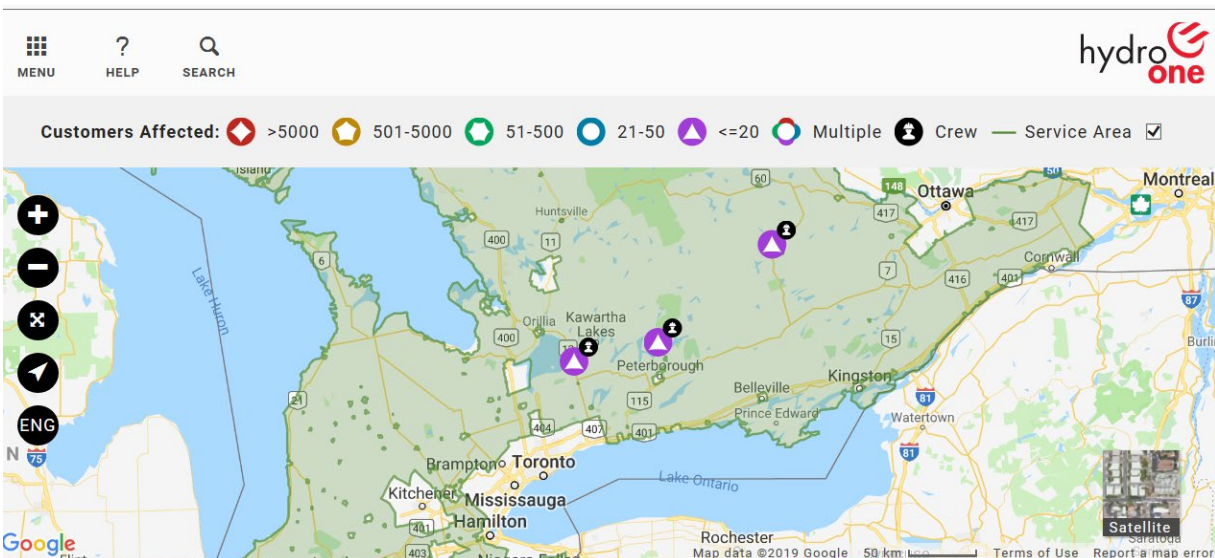
Hello,

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](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Thank you,

**Kitty Luk**  
**Records Administrator | Land Use Planning**

**Hydro One Networks Inc.**

May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

### **Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

### **Subsection D5.2, 'New Lots By Consent'**

#### **D5.2.1, 'General Criteria':**

#### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).





**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*



## Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### A2.3 URBAN CHARACTER

#### A2.3.1 Goal

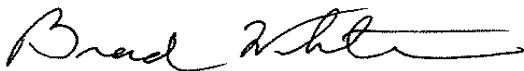
It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### A2.3.2 Objectives

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,



Brad Whitelaw  
■ Hunters Court  
Fonthill, ON L0S 1E4

May 23, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

**Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

**Section D5, 'Subdivision of Land'**

**Subsection D5.2, 'New Lots By Consent'**

**D5.2.1, 'General Criteria':**

- b) **Will not cause a traffic hazard as a result of its location on a curve or a hill;**
- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
  - With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).





**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*



## Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted:

### **A2.3 URBAN CHARACTER**

#### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1, R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,



Georgio Panici  
Michaela Crescent  
Fonthill, Ontario

May 22, 2003

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

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My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

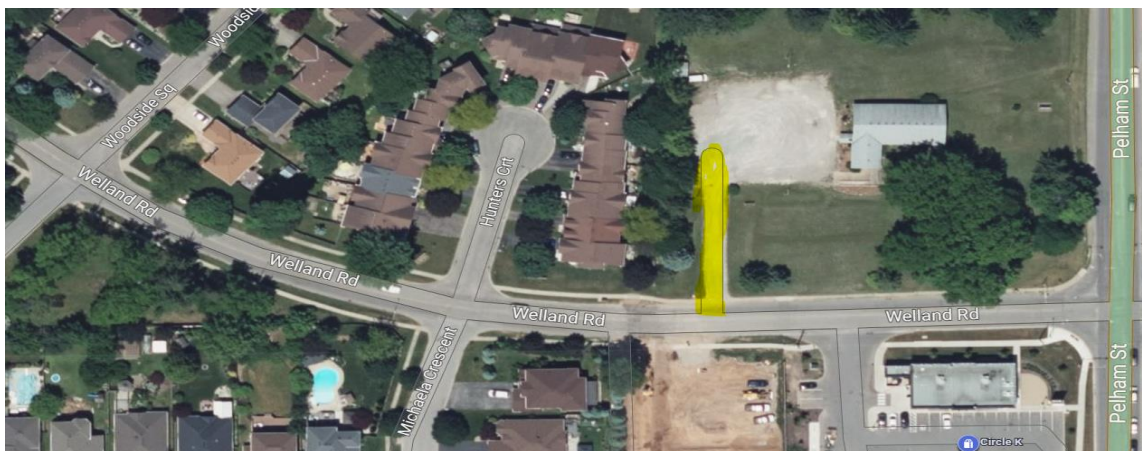
### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concern that the development of this lot could negatively impact the drainage patterns in the area.*



## **Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### **A2.3 URBAN CHARACTER**

#### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

Karen Goldhawk  
■ Woodside Square  
Fonthill, Ontario  
L0S 1E4

May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

### **Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).





**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

## **Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### **A2.3 URBAN CHARACTER**

#### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

Heather Carter

■ Woodside Square  
Fonthill, On L0S 1E4

**From:** [Lori Bonito](#)  
**To:** [Sarah Leach](#)  
**Subject:** Committee of Adjustment Public Meeting June 5, 2023  
**Date:** Monday, May 22, 2023 3:16:40 PM  
**Attachments:** [FC8E86BF-8756-47AE-9021-F329CF930C66.png](#)  
[17E81D39-C57A-489A-AE66-D8990FCFD726.png](#)  
[275E1C05-3620-4719-B9F9-B14D29C0BA69.png](#)

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May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

## **Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot,

there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

**Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**



As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

## **A2.3 URBAN CHARACTER**

### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.



- To encourage the intensification and use of the lands within the downtown core of Fonthill and to make every effort to improve the economic health of the core by encouraging redevelopment and the broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To 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, community facilities, small-scale commercial centres and public open spaces.
- To provide community facilities that are safe, visible and accessible to residents in each neighbourhood.
- To foster a sense of civic identity through a high standard of urban design in public and private development.
- To properly plan the entrances along Highway 20 into Fonthill to ensure that they serve as desirable gateways into the Urban Area.

## A2.3 URBAN CHARACTER

### A2.3.1 Goal

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

### A2.3.2 Objectives

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.




- To encourage the intensification and use of the lands within the downtown core of Fonthill and to make every effort to improve the economic health of the core by encouraging redevelopment and the broadest mix of compatible uses.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
  - To 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, community facilities, small-scale commercial centres and public open spaces.
  - To provide community facilities that are safe, visible and accessible to residents in each neighbourhood.
  - To foster a sense of civic identity through a high standard of urban design in public and private development.
  - To properly plan the entrances along Highway 20 into Fonthill to ensure that they serve as desirable gateways into the Urban Area.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given

favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

Loredana (Lori) Bonito  
 Woodside Square  
Fonthill ON L0S 1E4

Sent from my iPhone

May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

### **Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).





**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

## **Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### **A2.3 URBAN CHARACTER**

#### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

**From:** [Kathleen Doyle](#)  
**To:** [Sarah Leach](#)  
**Subject:** Notice of Public Hearing re. 105 Welland Road - June 5 at 4:00 p.m.  
**Date:** Tuesday, May 23, 2023 2:21:21 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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May 23, 2023

Sarah Leach,  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

### **Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

**Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

## A2.3 URBAN CHARACTER

### A2.3.1 Goal

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

### A2.3.2 Objectives

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,



K. Doyle  
Hunters Crt.



**From:** [Terry Harford](#)  
**To:** [Sarah Leach](#)  
**Subject:** <No Subject>  
**Date:** Monday, May 22, 2023 8:36:37 PM

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May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

### **Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?

- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

**Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and

Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

	?
	?

- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
- *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

Terry Harford  
Woodside Sq  
Fonthill  
L0S1E4



**From:** [johguz23@gmail.com](mailto:johguz23@gmail.com)  
**To:** [Sarah Leach](#)  
**Subject:** 105 Welland Rd., Pelham, File Number: B10/2022P  
**Date:** Monday, May 22, 2023 8:36:02 PM

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Sent from [Mail](#) for Windows

May 23, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

### **Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

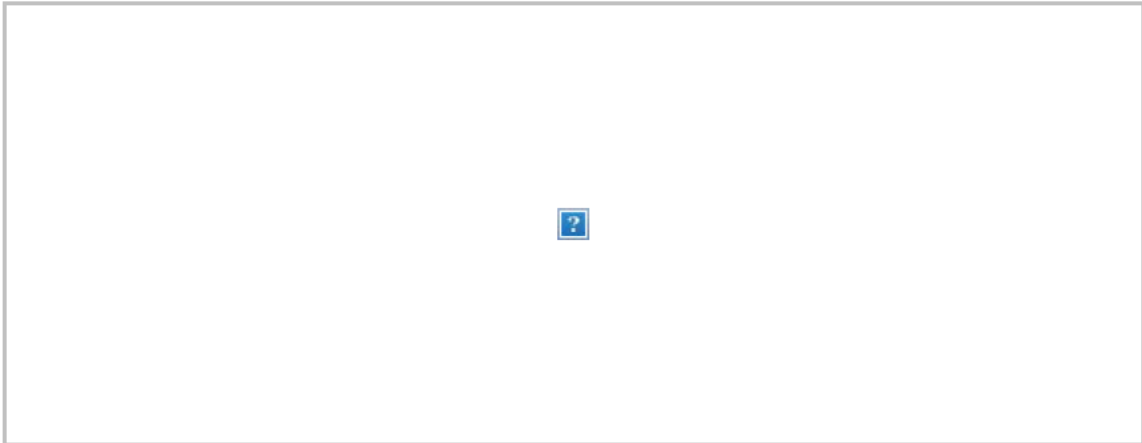
### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

- b. **Will not cause a traffic hazard as a result of its location on a curve or a hill;**
  - The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?

- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c. Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- The length of the proposed dwelling will span at least 5 existing house widths. Negative impact for existing housing.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e. Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.


- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

**Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted in yellow below:





- 
- All of the residential properties located in this neighbourhood are zoned either R1, R2 or R3.
  - As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

John Guzzi  
■ Woodside Sq.  
Fonthill, On.  
L0S1E4

**From:** [Karen Lynne](#)  
**To:** [Sarah Leach](#)  
**Subject:** 105 Welland Road, Pelham  
**Date:** Monday, May 22, 2023 8:00:45 PM

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May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

### **Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

### **Subsection D5.2, 'New Lots By Consent'**

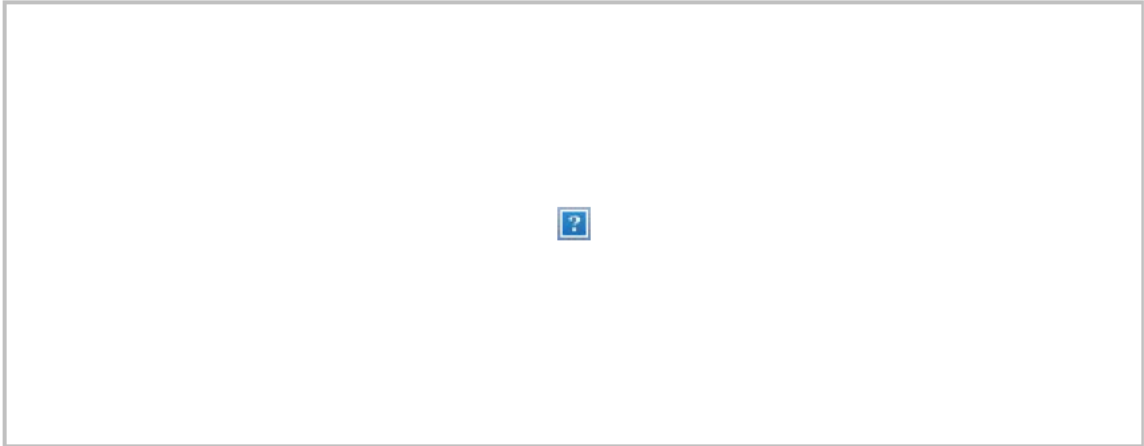
#### **D5.2.1, 'General Criteria':**

b.

**Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard

(see map below).



As a resident living on the east side of Woodside Square, I can't stress this issue enough. When turning left from Woodside Square onto Welland Rd., it is already challenging. There is blind spot because of the curve in front of Hunters Court. That combined with the speed at which cars travel, it is difficult to make the turn especially during rush hour. I am genuinely concerned that with added cars from a 48 unit building, someone is going to get hurt or worse.

Some residents must cross Welland Rd. from Michaela Drive and Hunters Court almost on a daily basis to retrieve their mail from the postal superbox. Also, residents on Woodside Square must cross Welland Rd. to access Harold Black Park since we do not have a public park &/or playground close by. These include people of all ages; some with young children, strollers, pets, etc. This crossing is even more difficult in the winter with the amount of vehicles, speed and icy road conditions. Making this situation worse by increasing traffic and putting lives at risk is a major concern.

**c.**

**Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

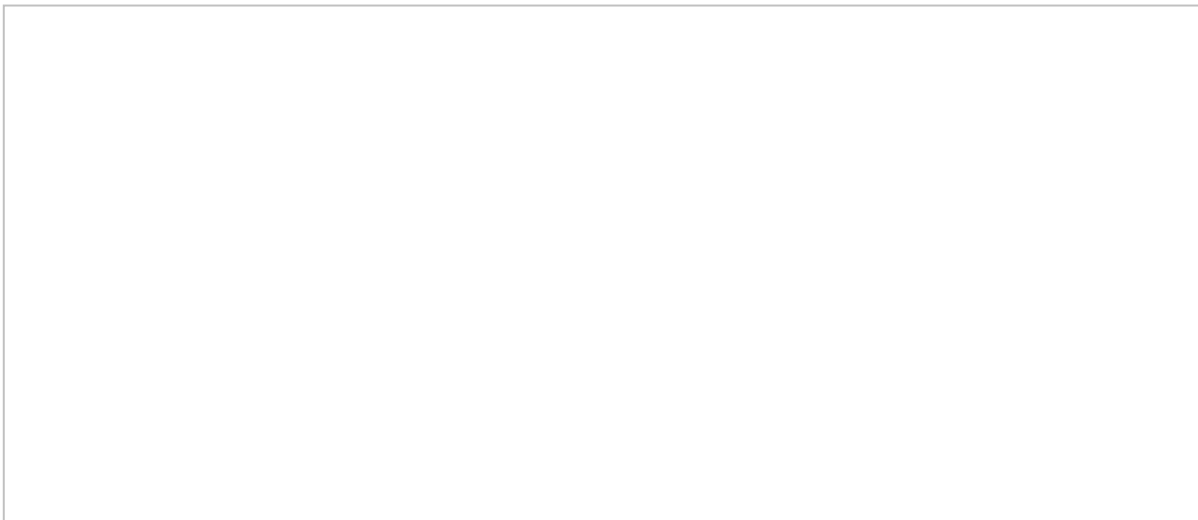
e.

**Will not have a negative impact on the drainage patterns in the area;**


- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

**Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**


As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted in yellow below:





- All of the residential properties located in this neighbourhood are zoned either R1, R2 or R3.
- As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan. 

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,  
Karen Guzzi  
 Woodside Square  
Fonthill, ON  
L0S 1E4



May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
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File Number: **B10/2022P**  
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My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

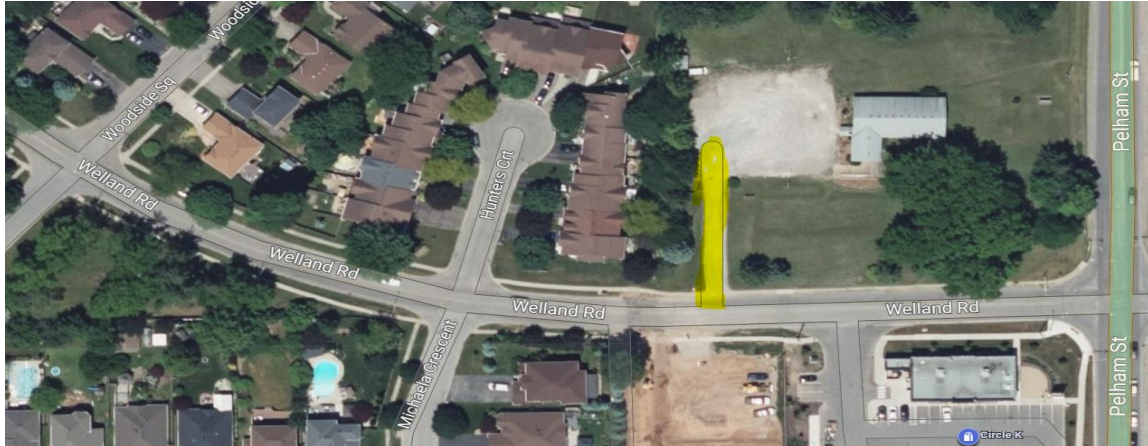
##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The current proposal to include an east bound Welland Road left hand turn lane at South Pelham is a disaster waiting to happen. The Region's plans for reconstruction of Quaker Road don't include plans for a west bound left hand turn lane at South Pelham, Therefore, west bound traffic on Quaker would have to jog at the intersection to avoid running into the Welland Road left hand turn lane. This is a very dangerous design and likely the only one of its kind in Niagara Region.
- Trying to squeeze in a left hand turn lane on Welland Road would create 3 very narrow lanes that in the best of times would be dangerous but in winter would be useless unless the Town can remove every speck of snow from the roadway.
- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to

the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?

- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.

- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

## **Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### **A2.3 Urban Character**

#### **A2.3.1 Goal**

It is the goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, livable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

Murray and Helen Downie

■ Michaela Crescent

Fonthill, Ontario

May 23, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
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Legal Description: **Part of Lot 1, Concession 10**

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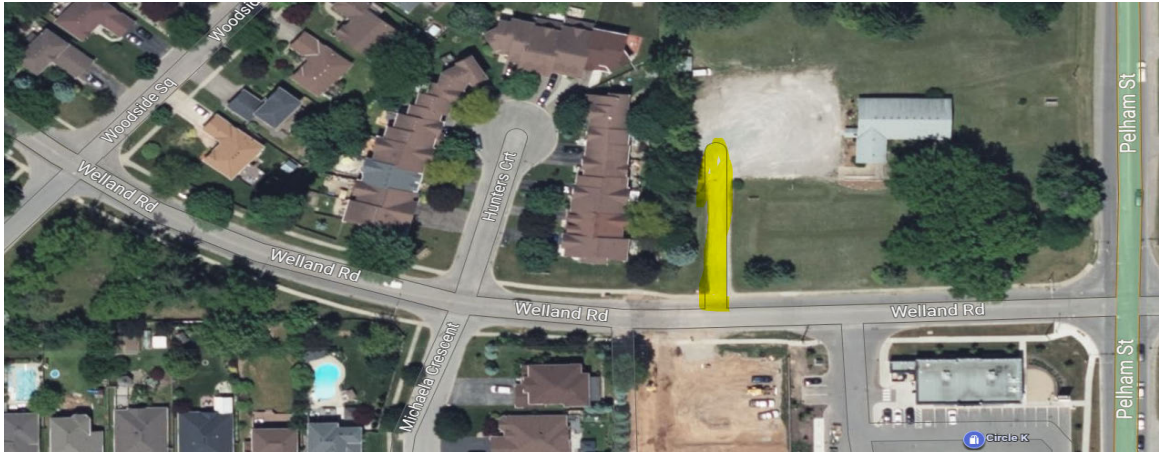
My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

- b) **Will not cause a traffic hazard as a result of its location on a curve or a hill;**
- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
  - With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

## **Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### **A2.3 URBAN CHARACTER**

#### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
- *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

Marilyn Rogge  
■ Hunters Court  
Fonthill, ON  
L0S 1E4



May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
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### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).





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- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
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- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

## Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### A2.3 URBAN CHARACTER

#### A2.3.1 Goal

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### A2.3.2 Objectives

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- *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

Ron & Melanie Patterson

Woodside Square,

Fonthill, ON

L0S 1E4

[Redacted]





May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

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### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**
- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
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- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*



## Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### A2.3 URBAN CHARACTER

#### A2.3.1 Goal

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#### A2.3.2 Objectives

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I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

*N. Ostrander*

Nancy Ostrander



Michaela Cies

Fonthill, ON

W021E4

May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
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### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**
- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
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- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

## **Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### **A2.3 URBAN CHARACTER**

#### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
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Sincerely,

Natalie and Orest Diduch

■ Woodside Square

Fonthill LOS 1E4

■



May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

### **Re. Comments to Committee of Adjustment on the Application**

I am writing to oppose this application to convey 3,893.15 square metres of land (Part 2) of the subject lands located at 105 Welland Road, Pelham, in order to create a new lot for future residential development.

My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

## **Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### **A2.3 URBAN CHARACTER**

#### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

Terry and Darlene Proveau

■ Hunters Court

Fonthill ON

L0S 1E4

May 24, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
Legal Description: **Part of Lot 1, Concession 10**

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My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character'.

### **Section D5, 'Subdivision of Land'**

#### **Subsection D5.2, 'New Lots By Consent'**

##### **D5.2.1, 'General Criteria':**

##### **b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*



## **Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

### **A2.3 URBAN CHARACTER**

#### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

#### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
  - To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

John Caron  
■ Woodside Square  
Fonthill, On L0S 1E4

May 22, 2023

Sarah Leach, BA  
Deputy Clerk/Secretary-Treasurer  
Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON L0S 1E0

File Number: **B10/2022P**  
Subject Lands: **105 Welland Road, Pelham**  
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### **Re. Comments to Committee of Adjustment on the Application**

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My comments are based on the 'DRAFT' site plan that was presented at the Town of Pelham's January 16 Public Meeting, and the following clauses from the Town of Pelham's Official Plan: Section D5, 'Subdivision of Land', Subsection D5.2, 'New Lots By Consent', and Part A, Subsections A2, 'Goals and Objectives', Subsection 2.3, 'Urban Character':

**Good Day,**

**How will this building not cause a traffic hazard? Cars making a left out of Woodside Square already have a hard time seeing the rush of traffic coming from Pelham Road.**

**Won't this further exacerbate the rat problem of Pelham as more land is excavated?**

**When did Pelham become a city? Who decided that Pelham should enhance its urban character?**

**Isn't this type of development further killing the golden goose that is the lifeblood of Pelham's economy and attraction: its flowering meadows brimming with wildlife, its children who can play with clean air in their lungs and a dark starry sky above them?**

**Is the Council and Pelham Community's legacy going to be one that sold its town down the river, or held its ground as the shining town on the kame of Niagara?**

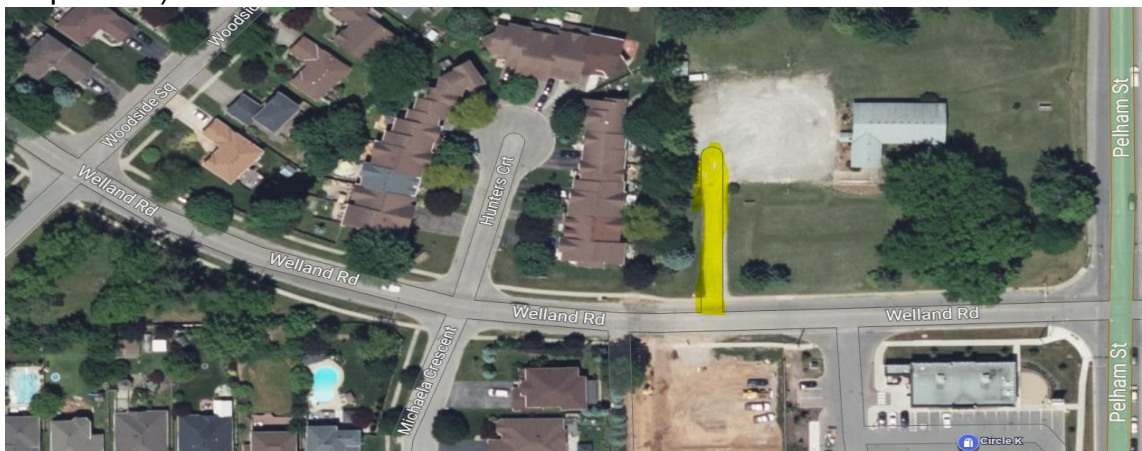
## Section D5, 'Subdivision of Land'

### Subsection D5.2, 'New Lots By Consent'

#### D5.2.1, 'General Criteria':

**b) Will not cause a traffic hazard as a result of its location on a curve or a hill;**

- The limited front yard setback of the proposed building, as shown on the 'DRAFT' site plan at the January 16 Public Meeting, could create a public safety hazard to the driving public on Welland Road due to reduced sight line visibility. Why exacerbate an existing problem?
- With the creation of the ingress/egress for the driveway of this new lot, there will be a total of six (6) points of ingress/egress onto Welland Road, within a very short distance of each other, which could cause a public safety/traffic hazard (see map below).



**c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;**

- Based on information presented at the January 16, 2023 Public Meeting, the developer was seeking input on a rezoning application for this new lot from Institutional to Residential Multiple 2 (RM2) to permit the construction of a six (6) storey apartment dwelling containing 48 units, if approved.
- The Town of Pelham's Zoning By-law for an RM2 development permits a building to be constructed with a maximum height of 15 metres (50 feet), which is equivalent to five (5) storeys.
- I am concerned that this increase in height will negatively impact on the privacy and enjoyment on the rear yards of neighbouring properties.
- *As a result, this is not in keeping with the intent of this provision of the Zoning By-law.*

**e) Will not have a negative impact on the drainage patterns in the area;**



- Based on information presented at the January 16, 2023 Public Meeting, the developer failed to demonstrate that the construction of the proposed residential development on this lot would not adversely impact the drainage patterns in this area.
- There was no provision shown in the 'DRAFT' site plan for the development to control the significant increase in stormwater runoff to adjacent residential properties.
- As residents, we are aware of the high-water table located within this area of the Town, which could further exacerbate any drainage issues associated with this development.
- Does the Town have any plans to upgrade stormwater systems in this area, in particular Welland Road, to accommodate further development of this area?
- *Therefore, based on the foregoing, I have significant concerns that the development of this lot could negatively impact the drainage patterns in the area.*

### **Town of Pelham's Official Plan, Section A2, 'Goals and Objectives'**

As part of the deliberations by the Committee of Adjustment on this application, I request the Committee consider the policy statements, as outlined in Part A of the Official Plan, in particular, Section A2, 'Goals and Objectives', and further policies, as outlined in Subsection A2.3, 'Urban Character', which are highlighted below:

## **A2.3 URBAN CHARACTER**

### **A2.3.1 Goal**

It is a goal of this Plan to protect and enhance the character of the existing Urban Areas.

### **A2.3.2 Objectives**

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
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  - To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- All of the residential properties located in this neighbourhood are zoned either R1 or R2.
  - *As a result, I feel the creation of this lot for an RM2 development would not be in compliance with Section A2.3, 'Urban Character', of Town of Pelham's Official Plan.*

I would request that the concerns noted above be given favourable consideration by the Committee of Adjustment during its review of this application.

Sincerely,

## Committee of Adjustment

### Minutes

**Meeting #:** CofA 03/2023  
**Date:** Monday, March 6, 2023  
**Time:** 4:00 pm  
**Location:** Meridian Community Centre - Accursi A and B  
 100 Meridian Way  
 Fonthill, ON  
 L0S 1E6

**Members Present** Brenda Stan  
 Isaiah Banach  
 John Cappa

**Members Absent** Colin McCann  
 Don Rodbard

**Staff Present** Holly Willford  
 Sarah Leach  
 Andrew Edwards  
 Derek Young

#### 1. Attendance

Applicants, Agents and viewing members of the public via in-person attendance and 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 Banach 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, Secretary-Treasurer, recited the land recognition statement.

## **3. Approval of Agenda**

**Moved By** John Cappa

**Seconded By** Isaiah Banach

**THAT the agenda for the March 6, 2023 Committee of Adjustment meeting be adopted, as circulated.**

**Carried**

## **4. Disclosure of Pecuniary Interest and General Nature Thereof**

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

## **5. Requests for Withdrawal or Adjournment**

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

The hearing was recessed until 4:35 pm to resolve technical difficulties.

## **6. Applications for Minor Variance**

### **6.1 A3/2023P - 788-792 Welland Road**

#### **Purpose of the Application**

The subject land is zoned Neighbourhood Commercial-262 “NC-262” in accordance with Pelham Zoning By-law 1186 (1987) as amended by By-laws 3718(2016) and 3868(2017). The subject lands were subject to previous development applications which proposed the conversion of the existing structure into six (6) dwelling units and the construction of a mixed-use building along Welland Road, containing four (4) ground floor commercial units and four (4) residential dwelling units above grade for a total of ten (10) residential dwellings. Application is made for relief to facilitate the construction of a second storey to the converted structure with an additional seven (7) dwelling units, facilitating a mixed-use building with four (4) commercial units at grade and total of seventeen (17) residential dwelling units located above grade and to the rear of the site. The variances seek relief from:

Section 19.1(c) of the NC-262 zone “Permitted Uses” – to permit second storey residential dwelling units in the side and rear yards, whereas the by-law permits dwelling units at grade in the side and rear yards only; and

Section 19.3(a) of the NC zone “Regulations for Residential Uses” – to permit 66% of the gross floor area to be used for residential uses whereas the by-law allows not more than 50% of the gross floor area to be used for dwelling units; and

Section 19.3(b) of the NC zone “Regulations for Residential Uses” – to permit dwelling units above the ground floor dwelling units whereas the by-law permits dwelling units above grade above commercial uses only; and,

Section 19.3(c) of the NC-262 zone “Regulations for Residential Uses” – to permit a minimum landscaped amenity area of 25 m<sup>2</sup> per dwelling unit whereas the by-law requires a minimum landscaped amenity area of 30 m<sup>2</sup> be provided for each dwelling unit; and

Section 6.16(a) of the NC-262 zone “Parking Requirements – Residential Uses” – to permit 1.25 spaces per dwelling unit whereas the by-law requires 1.5 spaces per dwelling unit; and

Section 6.16(a) of the NC-262 zone “Parking Requirements – Retail/Office Uses” – to permit a rate of 1 space per 52 m<sup>2</sup> gross floor area whereas the by-law requires 1 space per 30 m<sup>2</sup>; and

Section 6.16(a) of the NC-262 zone “Parking Requirements – Eating Establishment” – to permit a rate of 1 space per 6 persons seating capacity whereas the by-law requires a rate of 1 space per 4 persons seating capacity.

### **Representation**

The Agents, William Heikoop and Ethan Laman of Upper Canada Consultants and the Applicant, Rob Lucchetta were present.

### **Correspondence Received**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Upper Canada Consultants Presentation

### **Applicants Comments**

The Agents, Mr. Heikoop and Mr. Laman provided a presentation to further explain the application. A copy is available through the Clerk and published to the agenda.

### **Public Comments**

Mr. Gary Robins expressed concern regarding the reduction in parking. Mr. Robins suggested that businesses will not remain in the commercial space due to inadequate parking.

Ms. Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:58 pm and confirmed no e-mails have been received regarding the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

**Moved By** John Cappa

**Seconded By** Brenda Stan

**THAT the public portion of the meeting is closed.**

**Carried**

### **Member Comments**

Mr. Heikoop stated that the proposal is four spaces short of the new Zoning By-law requirement. He further stated four on-street parking spaces are available in front of the commercial units. Mr. Heikoop stated the commercial units are a smaller scale. He indicated the proposal promotes walkability and balances commercial needs appropriately. Mr. Heikoop noted different peak parking demands and indicated the proposal is efficient while not providing over-supply.

A Member indicated that the proposal is evolutionary for the Town and recognized that the proposal is a change in design for the Fenwick area. The Member indicated they considered the parking study and support the application.



**Moved By Brenda Stan**  
**Seconded By John Cappa**

**Application for relief of Section 19.1(c) of the NC-262 zone “Permitted Uses”– to permit second storey residential dwelling units in the side and rear yards, whereas the by-law permits dwelling units at grade in the side and rear yards only, is hereby: GRANTED;**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as it is not anticipated to detract from the commercial function on the site.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will offer apartment residents easy access to local stores and services while contributing to the housing stock of the Fenwick settlement area.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**Application for relief of Section 19.3(a) of the NC zone “Regulations for Residential Uses” – to permit 66% of the gross floor area to be used for residential uses whereas the by-law allows not more than 50% of the gross floor area to be used for dwelling units, is hereby: GRANTED;**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as ample commercial space exists and the primary function of the site as viewed from Welland Road appears commercial.**
- 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 support the adaptive reuse of the former firehall and facilitate the development of an underutilized site in the settlement area.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

**Application for relief of 19.3(b) of the NC zone “Regulations for Residential Uses” – to permit dwelling units above the ground floor dwelling units whereas the by-law permits dwelling units above grade above commercial uses only, is hereby: GRANTED;**

**The above decision is based on the following reasons:**

1. The variance is minor in nature as it is not anticipated to detract from the commercial function on the site.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because it will offer apartment residents easy access to local stores and services while contributing to the housing stock of the Fenwick settlement area.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

**Application for relief of 19.3(c) of the NC-262 zone “Regulations for Residential Uses”– to permit a minimum landscaped amenity area of 25 m2 per dwelling unit whereas the by-law requires a minimum landscaped amenity area of 30 m2 be provided for each dwelling unit, is hereby: GRANTED;**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as ample amenity area remains to service the proposed dwelling units.**
- 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 compact development that provides adequate public and private amenity space.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**Application for relief of 6.16(a) of the NC-262 zone “Parking Requirements – Residential Uses” – to permit 1.25 spaces per dwelling unit whereas the by-law requires 1.5 spaces per dwelling unit, is hereby: GRANTED;**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as each residential unit will have a dedicated parking space in addition to five (5) additional spaces and access to commercial spaces outside of business hours.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for efficient use of spaces and avoid oversupply because residential and commercial spaces have differing peak parking demands.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**

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

**Application for relief of 6.16(a) of the NC-262 zone “Parking Requirements – Retail/Office Uses” – to permit a rate of 1 space per 52 m2 gross floor area whereas the by-law requires 1 space per 30 m2, is hereby: GRANTED;**

**The above decision is based on the following reasons:**

1. The variance is minor in nature given the relatively small ground floor area and access to on-street parking on Welland Road.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for efficient use of spaces and avoid oversupply because residential and commercial spaces have differing peak parking demands.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

**Application for relief of Section 6.16(a) of the NC-262 zone “Parking Requirements – Eating Establishment” – to permit a rate of 1 space per 6 persons seating capacity whereas the by-law requires a rate of 1 space per 4 persons seating capacity, is hereby: GRANTED;**

**The above decision is based on the following reasons:**

1. The variance is minor in nature as it would only result in the reduction of two (2) parking spaces.
2. The general purpose and intent of the Zoning By-Law is maintained.

3. **The intent of the Official Plan is maintained.**
4. **The proposal is desirable for the appropriate development and/or use of the land as it will allow for efficient use of spaces and avoid oversupply because residential and commercial spaces have differing peak parking demands.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decisions are subject to the following conditions:**

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

**Prior to Building Permit:**

1. **To the Satisfaction of the Director of Community Planning and Development**
  1. **That the Applicant apply and receive approval for a Site Plan Amendment**

**Carried**

## **7. Applications for Consent**

### **7.1 B2/2023P - 1433 Station Street**

Consent files B2/2023P and B3/2023P were heard concurrently.

#### **Purpose of the Application**

Application B2/2023P is made for consent to convey 2849.9 square metres of land (Part 4), to be added to the abutting property to the south (Part 5), for future development of the Park Place West subdivision. Part 2 is to be retained for continued residential use of the dwelling known municipally as 1433 Station Street.

Application B3/2023P is made for consent to partial discharge of mortgage and convey 2432.2 square metres of land (Part 3), to be added to the abutting properties to the south (Parts 4 and 5), for future development of the Park Place West subdivision. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1435 Station Street.

### **Representation**

The Agent, Matt Kernahan of Upper Canada Consultants was present.

### **Correspondence Received**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hydro One
5. Mary Ann Joyce

### **Applicants Comments**

Mr. Matt Kernahan stated the purpose of the proposal is to facilitate a boundary adjustment and consolidate the two rear yards with the parcel owned by Mountainview Homes. Mr. Kernahan indicated the receiving parcel currently has draft plan approval which would be amended to include the two additional parcels. Mr. Kernahan further stated the lands would also be subject to a zoning by-law amendment and noted that components such as storm water management would be dealt with as condition of approval through the draft plan of subdivision.

### **Public Comments**

Ms. Mary Ann Joyce stated she lived at 1437 Station Street. Ms. Joyce further stated a public easement corresponds with her driveway. Ms. Joyce asked how access to the easement would affect her property. Ms. Joyce stated she was subject to a major flood on her property due to previous development in the area. She expressed concern this development will lead to additional flooding on her property.

Ms. Joyce expressed concern regarding noise. She expressed additional concern regarding traffic control, referencing students and seniors in the area. Ms. Joyce requested the start date of the project. Ms. Joyce asked if the bank of trees would be removed along 1433 Station Street. Ms. Joyce requested the developer be mindful of existing homes and traffic.



Ms. Sarah Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address and confirmed no e-mails have been received regarding the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

**Moved By** John Cappa

**Seconded By** Brenda Stan

**THAT the public portion of the meeting is closed.**

**Carried**

### **Member Comments**

Mr. Kernahan stated the purpose of the easement is to construct a municipal storm sewer in the northerly part of 1435 Station Street. He indicated this would improve drainage in the general area. Mr. Kernahan stated the easement would not regularly be accessed. He stated the intent is to ensure the Town has the right to access the storm sewer.

A Member asked for confirmation that the easement is to the benefit of the Town. Mr. Kernahan confirmed the 5-metre easement was a condition of approval requested by the Town. Mr. Kernahan explained the Town is taking the opportunity to secure the easement.

With respect to noise, Mr. Kernahan assured that construction is required to comply with the noise by-law but advised no construction site is without nuisance impacts.

A Member asked if there is a construction management plan. Mr. Kernahan confirmed there are requirements in place to manage construction. Mr. Kernahan indicated that components such as remedial measures and procedures would be a typical condition of subdivision approval in the future. With respect to traffic, Mr. Kernahan stated there is no impact as the applications are made to adjust the boundary of the land. Mr. Kernahan indicated he was uncertain of the construction start date but suggested it may occur in approximately one year away due to a subsequent rezoning application and amendment to the draft plan.

In response to a request, Mr. Kernahan described the plan of subdivision approval process. In closing, Mr. Kernahan stated that Mountainview Homes is a big part of the community and has a vested interest in

ensuring each development is high quality.

**Moved By** John Cappa

**Seconded By** Brenda Stan

**Application B2/2023P made for consent to convey 2849.9 square metres of land (Part 4), to be added to the abutting property to the south (Part 5), for future development of the Park Place West subdivision. Part 2 is to be retained for continued residential use of the dwelling known municipally as 1433 Station Street, is hereby: GRANTED;**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

- 1. Confirm that no existing utilities cross the proposed lot line. Should any services cross this lot line, the applicant shall be responsible for costs associated with their relocation and/or removal.**
- 2. Provide a written acknowledgment that the Owner of Part 4 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. This apportionment will be in the amount of \$35,462 for 1433 Station Street.**

**To the Satisfaction of the Secretary-Treasurer**

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

2. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That the final certification fee of \$423, 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.

Application B3/2023P is made for consent to partial discharge of mortgage and convey 2432.2 square metres of land (Part 3), to be added to the abutting properties to the south (Parts 4 and 5), for future development of the Park Place West subdivision. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1435 Station Street, is hereby: **GRANTED;**

The above decision is subject to the following conditions:

**To the Satisfaction of the Director of Public Works**

1. Confirm that no existing utilities cross the proposed lot line. Should any services cross this lot line, the applicant shall be responsible for costs associated with their relocation and/or removal.
2. Provide a written acknowledgment that the Owner of Part 3 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. This apportionment will be in the amount of \$35,145 for 1435 Station Street.
3. Ensure the Secretary-Treasurer is provided with sufficient evidence indicating that the conveyance of a 5.0m wide storm sewer easement along the northerly boundary line of 1435 Station Street, Part 3 on the Consent Sketch, be deeded to the Town of Pelham. This transfer of easement shall be completed to the satisfaction of the Director of Public Works, in order to facilitate the boundary adjustment proposed in this application, said lands shall be conveyed free and clear of any mortgages, liens or encumbrances. All costs associated with this conveyance are the responsibility of the applicant.

**To the Satisfaction of the Secretary-Treasurer**

1. That application for consent, file B3/2023P receive final certification of the Secretary-Treasurer concurrently with application B2/2023P or that the applicant provide the Secretary-Treasurer with sufficient evidence indicating that Part 4 (on sketch), B2/2023P be registered prior to Part 3 (on sketch), B3/2023P.
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 south (Parts 4 & 5 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 \$423, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

The above decisions are based on the following reasons:

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

**provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

**7.2 B3/2023P - 1435 Station Street**

Consent file B3/2023P was considered concurrently with file B2/2023P.  
Please see B2/2023P for minutes and decision.

**8. Minutes for Approval**

**Moved By** Isaiah Banach  
**Seconded By** Brenda Stan

**THAT the Committee of Adjustment minutes dated February 2, 2023 and February 7, 2023 be approved.**

**Carried**

**9. Adjournment**

The hearing was adjourned at 5:32 pm.

**Moved By** Brenda Stan  
**Seconded By** John Cappa

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for April 3, 2023 at 4:00 pm.**

**Carried**

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Isaiah Banach, Chair

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Sarah Leach, Secretary-Treasurer

**Committee of Adjustment****Minutes**

**Meeting #:** CofA 05/2023  
**Date:** Monday, May 1, 2023  
**Time:** 4:00 pm  
**Location:** Meridian Community Centre - Accursi A and B  
100 Meridian Way  
Fonthill, ON  
L0S 1E6

Members Present Brenda Stan  
Colin McCann  
John Cappa

Members Absent Don Rodbard  
Isaiah Banach

Staff Present Sarah Leach  
Derek Young  
Jodi Legros  
Lindsay Richardson  
Barb Wiens

**1. Attendance**

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

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

Noting that a quorum was present, Chair Cappa 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. Land Recognition Statement**

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



**4. Approval of Agenda**

Ms. Leach announced that File B5/2023P would be considered prior to A6/2023P and A7/2023P.

**Moved By** Brenda Stan

**Seconded By** Colin McCann

**THAT the agenda for the May 1, 2023, Committee of Adjustment meeting be adopted, as circulated.**

**Carried**

**5. Disclosure of Pecuniary Interest and General Nature Thereof**

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

**6. Requests for Withdrawal or Adjournment**

Ms. Leach stated no requests for withdrawal or adjournment have been made.

**7. Applications for Minor Variance**

**7.3 A10/2023P - 2671 Maple Avenue**

**Purpose of the Application**

The subject land is zoned SA (Specialty Agricultural) and EP1 (Environmental Protection One) in accordance with Pelham Zoning By-law 4481(2022). Application is made for relief, to construct a single detached dwelling with attached garage, from:

Section 5.2.3 – to permit a southerly interior side yard of 3.0 metres whereas the by-law requires 8.0 metres.

**Representation**

Representation was not present at the meeting.

**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**

No comments were provided.

## **Public Comments**

Ms. Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:11 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 comments or concerns.

**Moved By** Brenda Stan

**Seconded By** Colin McCann

**Application A10/2023P for relief of Section 5.2.3 to permit a southerly interior side yard of 3.0 metres whereas the by-law requires 8.0 metres, is hereby: GRANTED;**

**The above decision is based on the following reasons:**

1. The variance is minor in nature as the site maintains a generous amenity area and side yard separation between the abutting property.
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 facilitates a built form that is similar in character to the surrounding properties and utilizes the developable area identified ensuring the natural heritage features on the site remain protected.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.
7. The Applicant understands that 2761 Maple Street must have a separate driveway entrance from 2755 Maple Street.

**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 Niagara Region
  1. Submit an acknowledgement letter advising of the entry of the archaeological assessment report in the Provincial Registry from the Ministry of Citizenship and Multiculturalism (MCM) to the satisfaction of the Region of Niagara.
2. To the Satisfaction of the Director of Public Works
  1. Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards. The Applicant shall bear all costs associated with the works.

**Carried**

**8. Applications for Consent**

**8.1 B6/2023P - 1553 Pelham Street**

**Purpose of the Application**

The subject parcel, shown as Part 2 on the attached sketch, has a frontage of 10.04m on the east side of Pelham Street, lying north of broad Street, being Lot 6 on Plan 716 in the Town of Pelham. The property was previously subject to Zoning By-law Amendment (AM-09-2021).

Application B6/2023P is made for consent to partial discharge of mortgage and consent to convey 402.2 square metres of land (Part 2), to create a lot line and establish legal ownership of each individual unit. Part 1 is to be retained for continued residential use.

**Representation**

The Agent, Ethan Laman of Upper Canada Consultants was present.

### **Correspondence Received**

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

### **Applicants Comments**

The applicant expressed support for the Planning recommendation report and offered no additional comments.

### **Public Comments**

Ms. Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:17 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 comments or concerns.

**Moved By** Colin McCann

**Seconded By** Brenda Stan

**Application B6/2023P is made for consent to partial discharge of mortgage and consent to convey 402.2 square metres of land (Part 2), to create a lot line and establish legal ownership of each individual unit. Part 1 is to be retained for continued residential use; is hereby: GRANTED;**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Secretary-Treasurer**

1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That the final certification fee of \$423, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

**This decision is based on the following reasons:**

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

**Carried**

## **8.2 B5/2023P - 26 Chestnut Street**

### **Purpose of the Application**

Application B5/2023P is made for consent to partial discharge of mortgage and consent to convey 352 square metres of land (Part 1) for future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 26 Chestnut Street.

### **Representation**

The Agent, Curtis Thompson of Better Neighbourhoods Inc. and the Applicant, Todd Barber, were present.

### **Correspondence Received**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Curtis Thompson, Better Neighborhoods (Applicable to B5/2023P, A6/2023P & A7/2023P)
5. Hydro One
6. David and Mary Jo Drago
7. Cheryl Lapalme

8. Robert and Victoria McCauley
9. Chuck Miller
10. Patti Tomczyk
11. Erin

### **Applicants Comments**

The Agent, Curtis Thompson of Better Neighbourhoods Inc. provided a short presentation to further explain the proposal. A copy is available through the Secretary-Treasurer and the published agenda package.

A Member asked if the trees were located on the property line. Mr. Thompson indicated the trees were both hugging the property line and on the property line.

A Member asked for clarification regarding the variance request for a setback. Mr. Thompson stated no setback variance was requested for the new lot as the request pertains to the existing lot.

A Member asked what variances would be required if the existing house and garage was demolished. Mr. Thompson reiterated that the existing context is what the Committee is contemplating and indicated that the proposal as presented is the wisest choice for the development.

### **Public Comments**

Mr. David Drago stated he resides at 1585 Pelham Street, being the property directly west of 26 Chestnut Street. Mr. Drago read the Town of Pelham guidelines to submitting a consent. Mr. Drago stated he was opposed to the consent and recommendation of the Planning department. He further stated that the application seeks relief from standard requirements for every residential zone in the Town and thereby approval would introduce a property that is not consistent with any residential zone. Mr. Drago discussed section 1.3(b) of Zoning By-law 4481(2022) ("Zoning By-law") which requires a conveyed lot to meet the requirements of the Zoning By-law and thereby questioned its inclusion and lack of authority.

Mr. Drago stated he was advised by the Planning department that percentages are not considered to be relevant in this process. He questioned why percentages are then included within the Zoning By-law. Mr. Drago stated he was informed rear yards are not required if there is sufficient amenity space in the exterior, interior and front yard. He argued why the Zoning By-law then lists minimum rear yard requirements.



Mr. Drago expressed understanding of the need for infill. He stated infill must be done properly, not at the expense of the Zoning By-law. Mr. Drago expressed concern that the housing proposed is not considered affordable as recommended in the Official Plan. He suggested that affordable housing can be created by maintaining the standards of the Zoning By-law. Mr. Drago concluded by stating the application should be rejected and potentially re-submitted in closer conformity with the Zoning By-law and Official Plan.

Mr. Charles Miller stated he resides at 7 Baker Place but owns 29 Chestnut Street where members of his family currently reside. Mr. Miller introduced his background as a Planner. He stated that he differed in opinion on two key matters from the Planning recommendation report. Mr. Miller expressed that he wished to discuss the files concurrently. With respect to file A7/2023P, Mr. Miller explained that without the reduction in rear yard, it is not possible to create a building lot close to the size required in the Zoning By-law. Mr. Miller emphasized that rear yard regulations are in place to provide a breathing space between buildings and the nature environment.

Mr. Miller claimed that the rear yard variance was not a minor change to the Zoning By-law. He further expressed that the decision to change Council policy should rest solely with Council. He argued the proposal should come before Council in the form of a site-specific zoning amendment application.

With respect to the consent application, Mr. Miller read section B1.1.3.(d) and summarized the Planning department rationale within the recommendation report. Mr. Miller stated the policy says much more and raises issues that are for Council to consider. Mr. Miller expressed the need to define “neighbourhood” when determining compatibility and suggested there are varying neighbourhood types in this area. He further expressed concern regarding the site plan and the sightline from his front porch once the home is built. Mr. Miller again expressed that the variance for rear yard is not minor and should be dealt with through an application for site specific re-zoning. He requested that application A7/2023P be denied, thereby rendering the consent denied.

Ms. Patti Tomczyk stated the role of municipal government is to represent community members, not make decisions to ease development through amending or exempting by-law requirements. Ms. Tomczyk expressed concern for local flooding and the reduction in greenspace. She further

expressed concern that the development was a fire hazard due to the proximity of trees as well as the surrounding homes not having been built with fire retardant materials. Ms. Tomczyk expressed concern that trees will die because of the development process and stated that no one in the community is in favour of the proposal.

Mr. Robert McCauley stated he lives at 25 Chestnut Street which is a century home. Mr. McCauley expressed that he was not in favour of the development. Mr. McCauley indicated he would obtain a petition against the development if necessary.

Ms. Victoria McCauley stated she also resides at 25 Chestnut Street. Ms. McCauley expressed concern that the severed parcel, or both parcels would be sold in the future. Ms. McCauley expressed further concern regarding the impact of construction of the neighbourhood and the reduction of greenspace.

Ms. Erin, a tenant at 26 Chestnut Street, expressed concern regarding the reduction in rear yard. She indicated that although it can be done, doesn't mean it should. Erin described the joyous neighbourhood and stated that something in the neighbourhood will be changed by approving the proposal.

Ms. Cheryl Lapalme stated she does not agree with the proposal. Ms. Lapalme expressed that she understands the need to evolve but finds the proposal self-serving and unnecessary.

The Agent, Mr. Thompson responded that although change is hard, there is a housing shortage and additional people would like to join this neighbourhood. Mr. Thompson stated that municipal authorities must make decisions in public interest, including those who do not yet have a voice.

Ms. McCauley expressed concern regarding drainage and flooding caused by construction. Ms. McCauley requested that the whole layout be considered, as well as how it effects the street.

Ms. Sarah Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:46 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**

A Member asked the difference between a site-specific zoning application to Council and an application to the Committee of Adjustment. Ms. Barb Wiens, Director of Community Planning and Development, responded that it is the decision of the applicant, noting that the Town must process all planning applications received. Ms. Wiens stated that a minor variance application to the Committee of Adjustment must satisfy the four tests of the *Planning Act*. She indicated a zoning by-law amendment is slightly different in that there are no four tests. Ms. Wiens indicated that in comparison, it may be more difficult to gain approval of a minor variance.

A Member stated that there appeared to be questions left unanswered and indicated that in their opinion, the proposal did not appear minor. The Member asked the agent why a zoning by-law amendment was not sought. Mr. Thompson stated the applications overwhelmingly met the criteria to not go to Council. Mr. Thompson further stated that the applicant was not interested in changing the land use which could be called into question during a zoning by-law amendment. Mr. Thompson stated that complying with the lot area and rear yard setback would be possible with the lot being moved and the existing house removed. As such, Mr. Thompson stated the decision of the Committee has consequences.

**Moved By** Colin McCann

**Seconded By** Brenda Stan

**Application B5/2023P made for consent to partial discharge of mortgage and consent to convey 352 square metres of land (Part 1) for future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 26 Chestnut Street; is hereby: GRANTED;**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

- 1. Submit a comprehensive Lot Grading & Drainage Plan for all 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.**
- 2. That the applicant confirm that no existing utilities cross the proposed lot line. Should any services cross the lot line, the**

applicant shall be responsible for costs associated with their relocation and/or removal.

3. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.

**To the Satisfaction of the Director of Community Planning & Development**

1. Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

**To the Satisfaction of the Secretary-Treasurer**

1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That the final certification fee of \$423, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

**This decision is based on the following reasons:**

1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.

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

**Carried**

## **7.1 A6/2023P - 26 Chestnut Street - Part 1**

### **Purpose of the Application**

Files A6/2023P and A7/2023P were considered concurrently.

A6/2023P: The subject land is zoned Residential 2 (“R2”) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application is made for relief to rectify zoning deficiencies as a result of consent application B5/2023P, preserve the orientation of the existing detached garage and improve development efficiency, from:

Section 3.1(e) “Lot Coverage (Accessory Uses)” – to permit a maximum lot coverage of 20% of the lot area for all accessory buildings whereas the by-law allows a maximum lot coverage of 10% of the lot area for all accessory buildings; and

Section 6.2.2 “Minimum Lot Area” – to permit a minimum lot area of 350sm whereas the by-law requires a minimum lot area of 360sm.

A7/2023P: The subject land is zoned Residential 2 (“R2”) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application is made for relief to rectify zoning deficiencies as a result of consent application B5/2023P, from:

Section 6.2.2 “Minimum Rear Yard” – to permit a minimum rear yard setback of 1.2m whereas the by-law requires a minimum rear yard setback of 7.5m.

### **Representation**

The Agent, Curtis Thompson of Better Neighbourhoods Inc. and the Applicant, Todd Barber, were present.

## **Correspondence Received**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Curtis Thompson, Better Neighborhoods
5. David and Mary Jo Drago
6. Gary Birch
7. Blue Mackay
8. Cheryl Lapalme
9. Robert and Victoria McCauley
10. Chuck Miller
11. Patti Tomczyk
12. Erin

## **Applicants Comments**

The Agent offered no further comments.

## **Public Comments**

Mr. David Drago identified the criteria for minor variance approval. Mr. Drago expressed disagreement with the Planning department justification that the lot coverage variance is in part minor as no complaints had been received for the accessory building in the past. He stated there was no reason to complain in the past as the accessory building was a garage and met the requirements of the Zoning By-law. With respect to the test of desirability, Mr. Drago stated the Planning department justification failed to consider the potential for the accessory building to become a second dwelling unit which would impose upon the privacy of the neighbouring rear yard amenity area. Mr. Drago stated that two rental units at 26 Chestnut Street was not desirable and therefore fails the test.

Mr. Drago stated the variance for minimum lot area did not pass the four tests and further stated minimum lot area is a requirement in every residential zone. Mr. Drago expressed frustration that he was told that numbers and percentages were not relevant when they have been used to justify the four tests. Mr. Drago stated that he did not believe sufficient reasoning was provided to conclude the variances are minor. Mr. Drago quoted sections of the Planning recommendation report and stated it was



not desirable to violate section 1.3 of the Zoning By-law, which is a direct product of the Town's Official Plan.

Mr. Drago expressed that the applicant should reduce the building to satisfy the Town's By-laws. He stated the proposal was major and undesirable. With respect to the variance for reduced rear yard, Mr. Drago stated he was informed the term 'minor' was relative, based on the circumstance of each application. Mr. Drago explained this is not a minor variance. To conclude, Mr. Drago expressed concern that interpretation and laws appear to be relative which will serve to awaken suspicion of unfair approvals.

Mr. Charles Miller recommended A7/2023P be denied as it is not minor. Mr. Miller indicated that without the rear yard variance, it is not possible to create a building lot close to the size required by the Zoning By-law. Mr. Miller discussed rear yard as more than amenity space, being a breathing area between buildings and the natural environment. Mr. Miller reiterated that the proposal is two 2-storey buildings separated by less than 10 feet. He stated that this is a decision for Council to make. Mr. Miller clarified that neighbours were unable to appeal the decision of the Committee of Adjustment.

Mr. Thompson stated the variance was technical because of how front lot lines are defined. Mr. Thompson indicated the proposal is the best development plan. He further indicated that blindly complying with zoning regulations would result in a contrived geometry that is not necessarily functional. Mr. Thompson stated that the proposal considered keeping the existing house up, in the interest of the neighborhood. Mr. Thompson stated that in response to the criticism regarding numeric deviations, the Ontario Land Tribunal has consistently provided case law to support that numeric evaluation is not helpful in this determination.

A Member asked for confirmation that various options were considered. The Member further asked why the applicant is proposing a similar footprint as the existing accessory building, as opposed to a smaller garage. The applicant, Mr. Todd Barber stated the garage was beautiful and provided privacy and property separation. Mr. Barber further stated that preserving the garage would make the development more attractive. Mr. Barber spoke positively about having lived on a 60 by 60 lot.

A Member asked how the greenspace would be accessed through the existing house. Mr. Thompson indicated this would likely be the primary

yard space but also noted that alterations to the existing dwelling can be made at any time with a building permit.

A Member asked for clarification that the new lot line would be the side yard. Mr. Thompson confirmed.

Ms. Sarah Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:44pm and confirmed no e-mails have been received with regard to the subject applications. 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**

A Member asked the Manager of Engineering why their comments were not supportive. Mr. Derek Young expressed that Engineering feels that drainage cannot be accommodated. A Member asked for a potential solution to rectify the situation. Mr. Young indicated a designer would come up with a solution.

**Moved By** Brenda Stan

**Seconded By** Colin McCann

**Application A6/2023P for relief of Section 3.1(e) “Lot Coverage (Accessory Uses)” – to permit a maximum lot coverage of 20% of the lot area for all accessory buildings whereas the by-law allows a maximum lot coverage of 10% of the lot area for all accessory buildings, is hereby: GRANTED**

**The above decisions is based on the following reasons:**

- 1. The variance is minor in nature given the lot and surrounding context. The accessory building is located on a similar footprint as the existing accessory building and there have been no complaints with regards to the accessory building in the past.**
- 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 permit design flexibility for the site and allow for the footprint of the existing accessory building to be maintained. The variance will not**

result in shadowing on adjacent properties, will allow for the continued use of the rear yard as private amenity space and will not alter the function of the subject property.

5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

**Application A6/2023P for relief of Section 6.2.2 “Minimum Lot Area” – to permit a minimum lot area of 350sm whereas the by-law requires a minimum lot area of 360sm, is hereby: GRANTED**

**The above decision is based on the following reasons:**

1. The variance is minor in nature as the proposed reduced lot area is an adequate size for a single detached dwelling and accessory structure.
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 will facilitate a consent that is aligned with the objectives of the Town’s Official Plan. The reduction in lot area is not anticipated to have substantial impacts on the surrounding area and is generally compatible with lot areas in the surrounding area.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

**The above decisions for A6/2023P are subject to the following conditions:**

1. That all necessary building and demolition permits be 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**

- 1. Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to Building Permit and the Applicant shall bear all costs associated with the works.**
- 2. Each lot is to be individually serviced a water and sanitary sewer lateral in accordance with Town of Pelham Engineering Standards. Installation of any missing services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.**
- 3. 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.**
- 4. That any street trees removed be replaced by the applicant in accordance with the Town's Tree Management Policy S802-01 and to the satisfaction of the Director of Public Works.**
- 5. Prepare and submit a Site Servicing Plan to the satisfaction of the Director of Public Works or his designate.**

**2. To the Satisfaction of the Secretary-Treasurer**

- 1. That the approval of the minor variance A6/2023P and A7/2023P are subject to the final certification of Consent File and B5/2023P.**

**Application A7/2023P for relief of Section 6.2.2 "Minimum Rear Yard" – to permit a minimum rear yard setback of 1.2m whereas the by-law requires a minimum rear yard setback of 7.5m; is hereby: GRANTED**

**The above decision is based on the following reasons:**

1. The variance is minor in nature as site maintains a generous landscaped amenity space. Additionally, the exterior side yard is fenced and there is a tree buffer along the street edge providing privacy for this area to function as amenity space for the dwelling.
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 appropriate private amenity area will be maintained on the site in the exterior side yard. No significant negative impacts on the streetscape or adjacent properties are anticipated.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works
  1. 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.
2. To the Satisfaction of the Secretary-Treasurer
  1. That the approval of the minor variance A7/2023P, together with A6/2023P is subject to the final certification of Consent File and B5/2023P.

Carried

**7.2 A7/2023P - 26 Chestnut Street - Part 2**

Application A7/2023P was considered concurrently with A6/2023P. Please see file A6/2023P for minutes and decision.

**9. Adjournment**

**Moved By** Colin McCann

**Seconded By** Brenda Stan

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for June 5, 2023, at 4:00 pm.**

**Carried**

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John Cappa, Chair

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Sarah Leach, Secretary-Treasurer