

## Committee of Adjustment AGENDA

CofA 07/2023

July 4, 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**

<b>7.</b>	<b>Applications for Minor Variance</b>	
<b>7.1</b>	<b>A11/2023P - 19 Arsenault Crescent</b>	<b>1</b>
	1. Town of Pelham Planning	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building	
<b>7.2</b>	<b>A12/2023P - 15 Arsenault Crescent</b>	<b>11</b>
	1. Town of Pelham Planning	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building	
<b>7.3</b>	<b>A13/2023P - 11 Arsenault Crescent</b>	<b>21</b>
	1. Town of Pelham Planning	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building	
<b>8.</b>	<b>Applications for Consent</b>	
	None.	
<b>9.</b>	<b>Minutes for Approval</b>	<b>31</b>
	April 3, 2023	
<b>10.</b>	<b>Adjournment</b>	



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

Tuesday, July 04, 2023

**Minor Variance Application: A11-2023P**

**Municipal Address: 19 Arsenault Crescent**

**Legal Description: Lot 7, 59M-505**

**Roll number: Not Assigned**

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**Nature and Extent of Relief/ Permission Applied for:**

The subject land is located on the south side of Port Robinson Road, lying east of Pelham Street, being Lot 7 on 59M-505 in the Saffron Meadows Phase 3 Subdivision, in the Town of Pelham.

The subject land is zoned Residential 2-95 ("R2-95") in accordance with Town of Pelham Comprehensive Zoning By-law 4481 (2022), as amended. Application is made for relief to construct a single detached dwelling, from:

- a) **Section R2-95 "Maximum Front Yard"** – to permit a maximum front yard setback of 6.5m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

**Applicable Planning Policies:**

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

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

Provincial Policy Statement (2020)

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

Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented,

and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

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

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

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

#### Greenbelt Plan (2017)

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

#### Growth Plan for the Greater Golden Horseshoe (2020)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform to this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject lands are located within the Delineated Built Boundary.

#### Regional Official Plan (Adopted 2022)

The Region of Niagara policy 2.3.1.4 provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

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

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

#### Town of Pelham Official Plan (2014)

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

The Official Plan designates the subject lands as East Fonthill Secondary Plan Area – Low Density Residential. Policy B1.7.7.3 outlines the permitted uses and intentions of this designation, which are supportive of the development of lower density residential uses as part of a complete community. A single detached dwelling is a permitted use in the EF – Low Density Residential designation.

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

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

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

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

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

The subject land is zoned Residential 2-95 ("R2-95") in accordance with Town of Pelham Comprehensive Zoning By-law 4481 (2022), as amended.

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

- a) **Section R2-95 "Maximum Front Yard"** – to permit a maximum front yard setback of 6.5m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

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

Minor Variance Test	Test Response/Explanation
The variance is minor in nature.	Yes. The requested variance is minor in nature.  The variance seeks a maximum front yard setback of 6.5 metres to the dwelling front face, whereas a maximum of 5.5 metre setback is permitted.  The variance is considered minor as there will be minimal impacts on the streetscape, and there

Minor Variance Test	Test Response/Explanation
	<p>remains sufficient lot area to site the proposed dwelling on the lot. The variance is necessary due to the nature of the lot's irregular curved lot frontage. The standard zoning provisions of the subdivision's site-specific zoning do not recognize circumstances where the lot frontage is irregular.</p> <p>Staff are of the opinion that the requested variance is minor in nature.</p>
<p>The variance is desirable for the development or use of the land.</p>	<p>Yes. The requested variance is desirable for the development or use of the land.</p> <p>The requested variance seeks to increase the maximum front yard setback to the face of a dwelling. The standard zoning provisions of the subdivision's site-specific zoning do not enable the siting of the proposed dwelling given the irregular frontage.</p> <p>The variance is necessary to push the face of the dwelling further back than the maximum permitted setback of 5.5 metres. The increased setback will maintain the original intent of the building design.</p> <p>Staff are of the opinion the variance is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes. The variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The requested variance seeks to increase the maximum front yard setback to the face of a dwelling. The intent of the maximum front yard setback is to enhance the streetscape through encouraging shallower front yard setbacks. Shallow front yards are intended to facilitate compact built form, increase safety through traffic calming and framing of the street, provide for eyes-on-the-street, and facilitate a human-scaled development. Further, it is the intent of the maximum front yard setback to ensure the face of the dwelling projects past the garage.</p> <p>As the frontage of the site is irregular, the maximum front yard setback poses challenges for the siting of the proposed dwelling and driveway. A larger setback is required for the appropriate function of the driveway and to ensure the garage is setback further than the</p>

Minor Variance Test	Test Response/Explanation
	<p>dwelling face. The increased front yard setback will maintain adequate side yard setbacks.</p> <p>Staff are of the opinion that that intent and purpose of the zoning by-law is maintained.</p>
The variance maintains the general intent and purpose of the Official Plan.	<p>Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan.</p> <p>The Official Plan designates the subject lands as East Fonthill Secondary Plan Area – Low Density Residential. It is the intent of this designation to promote the development of complete communities through providing a range and mix of housing options, providing for access to neighbourhood retail services, and pedestrian-oriented street design. The proposed minor variance does not compromise these objectives – the intended streetscape of the Low Density designation is maintained.</p> <p>Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan. Staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>

### Agency and Public Comments:

On June 2, 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
  - Building staff advise they have no comments with regards to the proposed variance request.
- Public Works Department
  - Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.
  - Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

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

### **Planning Staff Comments:**

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

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

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

### **Planning Staff Recommendation:**

Planning staff recommend that minor variance file A11/2023P **be approved** subject to the following condition(s):

**THAT** the applicant:

- Apply for and receive a Building Permit for the proposed dwelling.
- Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

### **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**

**A11-2023P  
19 Arsenault Crescent**

**May 17, 2023**

Town staff have reviewed the following documentation for the purpose of **A11-2023P-** Minor Variance application for:

The subject land is zoned Residential 2-95 ("R2-95") in accordance with Pelham Zoning By-law 4481(2022), as amended. Application is made for relief to construct a single detached dwelling, from:

**Section R2-95 "Maximum Front Yard"** – to permit a maximum front yard setback of 6.5m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

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

- Proposed Grading Plan for Lot 7 Arsenault Crescent by Upper Canada Consultants, dated May 29,2022

This full report contains following comments in conjunction with Minor Variance application A11-2023P – 19 Arsenault Crescent.

**Introduction:**

The subject land is located on the south side of Port Robinson Road, lying east of Pelham Street, being Lot 7 on 59M-505 in the Saffron Meadows Phase 3 Subdivision, in the Town of Pelham

This full report contains following comments in conjunction with Minor Variance application A11-2023P – 19 Arsenault Crescent and shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

**Analysis:**

Please see comment and condition below.

**Public Works offer the following comment:**

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

**Public Works offer the following conditions:**

- Town staff have would require a lot grading and drainage plan.

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 21st, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for  
19 Arsenault Crescent, Pelham

**File Number: A11/2023**

Comment:

- Building Department has no comment.

Respectfully,  
Alex Foisey



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

Tuesday, July 04, 2023

**Minor Variance Application: A12-2023P**

**Municipal Address: 15 Arsenault Crescent**

**Legal Description: Lot 9, 59M-505**

**Roll number: Not Assigned**

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**Nature and Extent of Relief/ Permission Applied for:**

The subject land is located on the south side of Port Robinson Road, lying east of Pelham Street, being Lot 9 on 59M-505 in the Saffron Meadows Phase 3 Subdivision, in the Town of Pelham.

The subject land is zoned Residential 2-95 ("R2-95") in accordance with Town of Pelham Comprehensive Zoning By-law 4481 (2022), as amended. Application is made for relief to construct a single detached dwelling, from:

- a) **Section R2-95 "Maximum Front Yard"** – to permit a maximum front yard setback of 6.0m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

**Applicable Planning Policies:**

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

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

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

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

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- Building Division
  - Building staff have no comments on the proposed variance request.
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  - Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.
  - Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

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

### **Planning Staff Comments:**

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

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

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

### **Planning Staff Recommendation:**

Planning staff recommend that minor variance file A12/2023P **be approved** subject to the following condition(s):

**THAT** the applicant:

- Apply for and receive a Building Permit for the proposed dwelling.
- Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

### **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**

**A12-2023P  
15 Arsenault Crescent**

**June 15, 2023**

Town staff have reviewed the following documentation for the purpose of **A12-2023P-** Minor Variance application for:

The subject land is zoned Residential 2-95 ("R2-95") in accordance with Pelham Zoning By-law 4481(2022), as amended. Application is made for relief to construct a single detached dwelling, from:

**Section R2-95 "Maximum Front Yard"** – to permit a maximum front yard setback of 6.0m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

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

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This full report contains following comments in conjunction with Minor Variance application A12-2023P – 15 Arsenault Crescent.

**Introduction:**

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This full report contains following comments in conjunction with Minor Variance application A12-2023P – 15 Arsenault Crescent and shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

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To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 21st, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for  
15 Arsenault Crescent, Pelham

**File Number: A12/2023**

Comment:

- Building Department has no comment.

Respectfully,  
Alex Foisey



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

Tuesday, July 04, 2023

**Minor Variance Application: A13-2023P**

**Municipal Address: 11 Arsenault Crescent**

**Legal Description: Lot 11, 59M-505**

**Roll number:**

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**Nature and Extent of Relief/ Permission Applied for:**

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

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

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

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

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

The subject land is zoned Residential 2-95 (“R2-95”) in accordance with Town of Pelham Comprehensive Zoning By-law 4481 (2022), as amended.

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

- a) **Section R2-95 “Maximum Front Yard”** – to permit a maximum front yard setback of 6.5m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

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

Minor Variance Test	Test Response/Explanation
The variance is minor in nature.	Yes. The requested variance is minor in nature.  The variance seeks a maximum front yard setback of 6.5 metres to the dwelling front face, whereas a maximum of 5.5 metre setback is permitted.  The variance is considered minor as there will be minimal impacts on the streetscape, and there

Minor Variance Test	Test Response/Explanation
	<p>remains sufficient lot area to site the proposed dwelling on the lot. The variance is necessary due to the nature of the lot's irregular curved lot frontage. The standard zoning provisions of the subdivision's site-specific zoning do not recognize circumstances where the lot frontage is irregular.</p> <p>Staff are of the opinion that the requested variance is minor in nature.</p>
<p>The variance is desirable for the development or use of the land.</p>	<p>Yes. The requested variance is desirable for the development or use of the land.</p> <p>The requested variance seeks to increase the maximum front yard setback to the face of a dwelling. The standard zoning provisions of the subdivision's site-specific zoning do not enable the siting of the proposed dwelling given the irregular frontage.</p> <p>The variance is necessary to push the face of the dwelling further back than the maximum permitted setback of 5.5 metres. The increased setback will maintain the original intent of the building design.</p> <p>Staff are of the opinion the variance is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes. The variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The requested variance seeks to increase the maximum front yard setback to the face of a dwelling. The intent of the maximum front yard setback is to enhance the streetscape through encouraging shallower front yard setbacks. Shallow front yards are intended to facilitate compact built form, increase safety through traffic calming and framing of the street, provide for eyes-on-the-street, and facilitate a human-scaled development. Further, it is the intent of the maximum front yard setback to ensure the face of the dwelling projects past the garage.</p> <p>As the frontage of the site is irregular, the maximum front yard setback poses challenges for the siting of the proposed dwelling and driveway. A larger setback is required for the appropriate function of the driveway and to ensure the garage is setback further than the</p>

Minor Variance Test	Test Response/Explanation
	<p>dwelling face. The increased front yard setback will maintain adequate side yard setbacks.</p> <p>Staff are of the opinion that that intent and purpose of the zoning by-law is maintained.</p>
The variance maintains the general intent and purpose of the Official Plan.	<p>Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan.</p> <p>The Official Plan designates the subject lands as East Fonthill Secondary Plan Area – Low Density Residential. It is the intent of this designation to promote the development of complete communities through providing a range and mix of housing options, providing for access to neighbourhood retail services, and pedestrian-oriented street design. The proposed minor variance does not compromise these objectives – the intended streetscape of the Low Density designation is maintained.</p> <p>Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan. Staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>

### Agency and Public Comments:

On June 2, 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
  - Building staff advise that they have no comments regarding the proposed minor variance request.
- Public Works Department
  - Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.
  - Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

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

### **Planning Staff Comments:**

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

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

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

### **Planning Staff Recommendation:**

Planning staff recommend that minor variance file A13/2023P **be approved** subject to the following condition(s):

**THAT** the applicant:

- Apply for and receive a Building Permit for the proposed dwelling.
- Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

### **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**

**A13-2023P  
11 Arsenault Crescent**

**June 15, 2023**

Town staff have reviewed the following documentation for the purpose of **A13-2023P-** Minor Variance application for:

The subject land is zoned Residential 2-95 ("R2-95") in accordance with Pelham Zoning By-law 4481(2022), as amended. Application is made for relief to construct a single detached dwelling, from:

**Section R2-95 "Maximum Front Yard"** – to permit a maximum front yard setback of 6.5m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

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

- Proposed Grading Plan for Lot 11 Arsenault Crescent by Upper Canada Consultants, dated June 13, 2023

This full report contains following comments in conjunction with Minor Variance application A13-2023P – 11 Arsenault Crescent.

**Introduction:**

The subject land is located on the south side of Port Robinson Road, lying east of Pelham Street, being Lot 7 on 59M-505 in the Saffron Meadows Phase 3 Subdivision, in the Town of Pelham

This full report contains following comments in conjunction with Minor Variance application A13-2023P – 11 Arsenault Crescent and shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

**Analysis:**

Please see comment and conditions below.

**Public Works offer the following comment:**

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

**Public Works offer the following conditions:**

- Town staff have would require a lot grading and drainage plan.

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 21st, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for  
11 Arsenault Crescent, Pelham

**File Number: A13/2023**

Comment:

- Building Department has no comment.

Respectfully,  
Alex Foisey



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

**Meeting #:** CofA 04/2023  
**Date:** Monday, April 3, 2023  
**Time:** 4:00 pm  
**Location:** Meridian Community Centre - Accursi A and B  
100 Meridian Way  
Fonthill, ON  
L0S 1E6

Members Present      Colin McCann  
Don Rodbard  
Isaiah Banach

Members Absent      Brenda Stan  
John Cappa

Staff Present      Sarah Leach  
Derek Young  
Jodi Legros  
Lindsay Richardson

**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 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.

**3. Land Recognition Statement**

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

**4. Approval of Agenda**

**Moved By** Colin McCann

**Seconded By** Don Rodbard

**THAT the agenda for the April 3, 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. Resolution required under the Planning Act to appoint Assistant Secretary-Treasurer**

**Moved By** Colin McCann

**Seconded By** Don Rodbard

**THAT Jodi Legros be appointed as the Assistant/Acting Secretary-Treasurer for the 2022-2026 Committee of Adjustment Term.**

**Carried**

**8. Applications for Minor Variance**

**8.1 A8/2023P - 337 Canboro Road**

**Purpose of the Application**

Application is made for relief, to construct a detached accessory structure (2-car garage and storage building), from: Section 7.7(a) "Maximum Lot Coverage (Accessory Structure)" – to permit a maximum lot coverage of 1.16% whereas the by-law allows 1% provided the maximum lot coverage of all buildings does not exceed 10%; and Section 7.7(b) "Minimum Side Yard and Rear Yard (Accessory Structure)" – to permit a minimum interior side yard setback of 2.06m whereas the by-law requires a minimum side yard setback of 3.0m.

## **Representation**

The Applicant, Steve Zwierschke was present.

## **Correspondence Received**

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

## **Applicants Comments**

Mr. Zwierschke did not provide additional comments.

## **Public Comments**

Ms. Sarah Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:12 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.

**Moved By** Colin McCann

**Seconded By** Don Rodbard

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

**Carried**

## **Member Comments**

The Members did not provide comments or concerns.

**Moved By** Colin McCann

**Seconded By** Don Rodbard

**Application for relief of Section 7.7(a) “Maximum Lot Coverage (Accessory Structure)” – to permit a maximum lot coverage of 1.16% whereas the by-law allows 1% provided the maximum lot coverage of all buildings does not exceed 10%, is hereby: GRANTED;**

**Application for relief of Section 7.7(b) “Minimum Side Yard and Rear Yard (Accessory Structure)” – to permit a minimum interior side yard setback of 2.06m whereas the by-law requires a minimum side yard setback of 3.0m, is hereby: GRANTED.**

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

- 1. The variance is minor in nature as no negative impacts are anticipated on the adjacent properties as adequate distance separates the nearest residential neighbour from the location of the addition. Adequate yard setbacks will be maintained.**
- 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 while maintaining adequate rear yard 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.**

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

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

**Carried**

## **9. Applications for Consent**

### **9.1 B4/2023P - Part Lot 12, Concession 14 - Property directly north of 606 River Road**

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

Application is made for consent to convey an easement in perpetuity over Part 1, to the benefit of Part 3 (606 River Road) for continued use of the existing gas well. Parts 1 and 2 are to be retained for continued agricultural use.

### **Representation**

The Applicants, Glen and Ellen Robins were present.

### **Correspondence Received**

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

### **Applicants Comments**

Mr. and Mrs. Robins did not provide additional comments.

### **Public Comments**

Ms. Sarah Leach, Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:18 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.

**Moved By** Colin McCann

**Seconded By** Isaiah Banach

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

**Carried**

### **Member Comments**

The Members did not provide comments or concerns.

**Moved By** Colin McCann

**Seconded By** Don Rodbard

**Application is made for consent to convey an easement in perpetuity over Part 1, to the benefit of Part 3 (606 River Road) for continued use of the existing gas well. Parts 1 and 2 are to be retained for continued agricultural use; is hereby: GRANTED.**

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

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

- 1. That the Owner enter into an Encroachment Agreement with the Town of Pelham for the gas line over River Road.**

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

- 1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, for use in the issuance of the Certificate of Consent.**
- 2. That the Secretary-Treasurer be provided a copy of the deposited reference plan, which shall include identification of the Part of the gas line under the public roadway, 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.**

**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**

**10. Adjournment**

The meeting was adjourned at 4:22 pm.

**Moved By** Colin McCann

**Seconded By** Isaiah Banach

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for May 1, 2023 at 4:00 pm.**

**Carried**

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Isaiah Banach, Chair

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Sarah Leach, Secretary-Treasurer