

Committee of Adjustment AGENDA

September 5, 2023

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

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 and subsequent publication to the Town's website at www.pelham.ca.

Pages

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

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

7.2 B12/2023P - 305 Canboro Road 13

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Hydro One
6. Bobbi Lococo
7. Luc Arvisais

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

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1. Town of Pelham Planning
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8.1 A17/2023P - 1022 Haist Street 61

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

8.3 A19/2023P - 1053 Pelham Street - Part 4 **89**

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

9. Minutes for Approval **101**

July 4, 2023

10. Adjournment



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

Tuesday, September 05, 2023

Consent Application: B11-2023P

Municipal Address: 1008 Haist Street

**Legal Description: Part of Lot 3, Concession 10, being Part 3 on 59R-9964
(Parts 2 & 3 on Sketch)**

Roll number: 2732 030 012 08300

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 2 on the attached sketch, has a frontage of 2.22m on the west side of Haist Street, lying south of Welland Road being Part of Lot 3, Concession 10, being Part 3 on Plan 59R-9964 in the Town of Pelham.

Application is made for consent to convey 91.0 square metres of land (Part 2), to be added to the abutting property to the north (Part 1 – 1022 Haist Street), for future construction of a detached accessory garage. Part 3 is to be retained for continued residential use of the dwelling known municipally as 1008 Haist Street.

This application is being considered concurrently with Minor Variance File A17/2023P.

Applicable Planning Policies:

Planning Act (Consolidated April 2022)

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

- a) The development's effect on provincial matters of interest;
 - a. Refer to PPS and Growth Plan analysis in sections below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - a. The application is not considered premature and is able to uphold public interest.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any;
 - a. See Official Plan discussion below.
- d) The suitability of the land for such purposes;
 - a. Refer to analysis in Planning Analysis sections below.
- f) The dimensions and shapes of the proposed lots;

- a. The dimensions and shapes of the lots following the boundary adjustment are appropriate.
- h) Conservation of natural resources and flood control;
 - a. See planning analysis sections below.
- i) The adequacy of utilities and municipal services;
 - a. Servicing is available to adequately service the lands.
- j) The adequacy of school sites;
 - a. 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 in a “Settlement Area”, the Fonthill Urban Settlement Area, according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

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

Planning staff are of the opinion the requested boundary adjustment is consistent with the PPS.

Greenbelt Plan (2017)

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

Growth Plan for the Greater Golden Horseshoe (2020)

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

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

Accordingly, Staff is of the opinion that the proposed boundary adjustment is in keeping with the policies of the Growth Plan.

Niagara Region Official Plan (2022)

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

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

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

A full range of residential uses are permitted generally within the Urban Area designation, subject to adequate municipal servicing and infrastructure and other policies relative to land use compatibility and environmental conservation. It is noted that the proposed consent provides for a boundary adjustment between two existing urban residential lots to facilitate a building addition on one of the lots, no new lot is being created.

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

Town of Pelham Official Plan (2014)

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

The local Official Plan designates the subject land as 'Urban Living Area/Built Boundary' on Schedule 'A1.'

Policy D5.2.1 states that for any consent application, the Committee of Adjustment shall be satisfied that (among other things) the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year round basis;
 - ✓ Satisfied. Both the severed and retained parcels will have direct access from a public road.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ No traffic hazards are anticipated.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Satisfied to facilitate the boundary adjustment. Minor variance application is being heard concurrently to address maximum front yard and minimum rear yard setback deficiency.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Satisfied. Both the lots have an appropriate water supply and means of sewage disposal (municipal infrastructure).
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Yes. Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties.
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Each lot contains an existing single detached residential use, the proposed boundary adjustment will facilitate a building addition on one of the lots.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ No negative impact.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
 - ✓ Yes, conforms to the ROP and no objection from Region Development Services Division.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ N/A.

Policy D5.2.2 sets the policy basis for boundary adjustments. The policy states: A consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

The viability of the both the benefiting and retained lands will be maintained.

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

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

The subject lands are zoned Residential 1 (R1). A minor variance application is being heard concurrently to address deficiencies in maximum front yard setback and minor rear yard setback. Upon granting of the minor variance both the severed and retained lots will be in keeping with the Zoning By-law.

Agency and Public Comments:

On July 28, 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
 - Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.

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

Planning Staff Comments:

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning & Development Services on July 7, 2022, to discuss the subject application. In addition, a consent sketch and planning justification brief was provided in support of the proposed development. Planning staff reviewed the planning justification brief and agreed with its conclusions.

The resulting parcels comply with application Zoning By-law Regulations (upon granting of concurrent minor variance application) and should not negatively impact the surrounding neighbourhood with respect to traffic, privacy, and stormwater management.

Based on the analysis in the sections above, Planning staff are of the opinion that the proposed boundary lot adjustment is consistent with the PPS and conforms to Provincial, Regional, and local plans

Planning Staff Recommendation:

Planning staff recommend that minor variance file B11/2023P **be approved** subject to the following condition(s):

THAT the applicant:

- Ensure Part 2 merges on title with Part 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.
- 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.
- 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.
- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.

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****B11-2023P
1008 Haist Street****August 4, 2023**

Town staff have reviewed the following documentation for the purpose of **B11-2023P – 1008 Haist Street** Consent application for:

Application is made for consent to convey 91.0m square metres of land (Part 2), to be added to the abutting property to the north (Part 1 – 1022 Haist Street), for future construction of a detached accessory garage. Part 3 is to be retained for continued residential use of the dwelling known municipally as 1008 Haist Street.

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

- Proposed Severance Sketch for 1022 Haist Street by JD Barnes Ltd, dated June 28, 2023

This full report contains following comments in conjunction with Minor Variance application A17-2023P – 1022 Haist Street.

Introduction:

The properties are located on the southwest corner of Haist Street South and Welland Road. The two properties each contain a single detached dwelling fronting onto Haist Street. 1008 Haist Street contains a two-storey dwelling with an attached garage and is landscaped with mature vegetation with a large front yard setback, which is consistent with the established character of the surrounding neighbourhood. 1022 Haist Street has a bungalow that faces Haist Street with a single car driveway accessing Haist Street and a secondary driveway access on Welland Road. This property also contains lovely mature vegetation with an expansive front yard area. Outdoor amenity area for this dwelling is provided on the west side of the dwelling.

It is understood that the owner of the properties wishes to construct an attached accessory garage on the south side of the dwelling located at 1022 Haist Street. In order to accommodate the proposed attached garage, a minor boundary adjustment between the two properties is required, together with an application for a minor variance to address two zoning deficiencies triggered by the proposal.

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 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.
- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 23rd, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for
1022 Haist Street & 1008 Haist Street
File Number: A17-2023P, B11-2023P

Comments:

- Building has no comments.

Conditions:

- A building permit is required for Proposed Addition.

Respectfully,
Alex Foisey



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

Tuesday, September 05, 2023

Consent Application: B12-2023P

Municipal Address: 305 Canboro Road
Legal Description: Part Lot 6, Concession 8
Roll number: 2732 020 013 03500

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 63.55m on the north side of Canboro Road, lying west of Effingham Street being Part Lot 6, Concession 8 in the Town of Pelham.

The lands have 63.55 metres of frontage on Canboro Road and a combined frontage of 274.22 metres on Effingham Street. The lands have an area of approximately 3.37 hectares (8.32 acres). Part 1 currently contains an existing single detached dwelling and various accessory structures. Part 2 are being used for agricultural purposes and contain two (2) agricultural structures. Each Part has an existing independent driveway access.

Application is made for consent to convey 4,791.7 square metres of land (Part 1), for continued residential use of 305 Canboro Road. Part 2 is to be retained for continued agricultural use. No new construction is proposed as part of the application.

Note the subject lands were previously subject to an application for consent (B9-2014P). The Town's Planning Report recommended the consent not be granted based on a review of proposal's alignment with applicable planning legislation which found the consent as proposed was not in compliance/conformity. The Committee of Adjustment granted the application. Consequently, the Town appealed the decision. The appeal was heard by the Ontario Municipal Board in February 2015 (Case No. PL141077). The Board ordered that the appeal was allowed and the consent was not granted.

Since such time, the planning context for the lands has changed. Ridgeville is now included as a Rural Settlement Area in the Greenbelt Plan and Niagara Region Official Plan has defined the boundary of the rural settlement area of the hamlet of Ridgeville. The zoning by-law permits the uses on the subject properties (existing single detached dwelling and agricultural on the retained lot). The lands within the rural settlement area can now be considered for consent. Please refer to planning analysis in following sections below.

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.

- a) The development's effect on provincial matters of interest;
 - a. Refer to PPS and Growth Plan analysis in sections below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - a. The application is not considered premature and is able to uphold public interest.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any;
 - a. See Official Plan discussion below.
- d) The suitability of the land for such purposes;
 - a. Refer to analysis in Planning Analysis sections below.
- f) The dimensions and shapes of the proposed lots;
 - a. The dimensions and shapes of the lots following the boundary adjustment are appropriate.
- h) Conservation of natural resources and flood control;
 - a. See planning analysis sections below.
- i) The adequacy of utilities and municipal services;
 - a. Servicing is available to adequately service the lands. No development is proposed.
- j) The adequacy of school sites;
 - a. Available nearby. School Boards did not comment on application.

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 PPS designates Part 2 of the subject lands as Prime Agricultural Land. Section 2.1 of the PPS states that natural features and areas shall be protected for the long term.

According to the Provincial Policy Statement "Part 1" is located outside the Specialty Crop Area and is designated as a Settlement Area under the PPS. Policy 1.1.3.1 states

that settlement areas shall be the focus of growth and development. Accordingly consents in the rural settlement area of the hamlet can be considered.

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

Greenbelt Plan (2017)

The Greenbelt Plan, 2017 ("Greenbelt Plan") designates the subject lands as Protected Countryside. According to the Provincial Policy Statement, 2020 ("PPS") and Niagara Official Plan, 2022 ("NOP"), "Part 1" is located outside the Specialty Crop Area and is designated as a Settlement Area under the PPS and Rural Settlement Area (otherwise known as a hamlet) under the NOP.

The Greenbelt Plan designates Ridgeville as a 'Hamlet'. Hamlets are also included within the definition for 'Settlement Areas' and are located within the Protected Countryside.

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

Policy 4.6.1 e) states that lot creation is discouraged but minor lot adjustments or boundary additions may be permitted, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature. In order to ensure that a separate lot for a residential dwelling is created on that portion of the lands considered to be specialty crop, it is recommended that Part 2 be zoned to an Agricultural Purposes Only (APO) Zone as a condition of consent approval.

Planning staff are of the opinion the requested consent is consistent with the Greenbelt Plan.

Growth Plan for the Greater Golden Horseshoe (2020)

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

The 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.

Part 1 of the lands are considered to be within the settlement area.

Part 2 of the lands are within the Prime Agricultural Area in the Provincial Agricultural System under the A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Prime agricultural areas, including speciality crop areas are intended to be protected for long term agricultural use. The agricultural use of Part 2 is not proposed to change as the lands are intended to be retained for their existing agricultural use according to the application. To maintain the intent of the Growth Plan that the to protect the agricultural use of the agricultural portion the lands, it is recommended that Part 2 rezoned to an Agricultural Purposes Only (APO) Zone as condition of consent approval.

Accordingly, Staff is of the opinion that the proposed boundary adjustment is in keeping with the policies of the Growth Plan.

Niagara Region Official Plan (2022)

The Greenbelt Plan, 2017 ("Greenbelt Plan") designates the subject lands as Protected Countryside. According to the Provincial Policy Statement, 2020 ("PPS") and Niagara Official Plan, 2022 ("NOP"), "Part 1" is located outside the Specialty Crop Area and is designated as a Settlement Area under the PPS and Rural Settlement Area (otherwise known as a hamlet) under the NOP. NOP Policy 2.2.3.2 states that Rural Settlement Areas shall be the focus of development outside of the urban area boundaries. The lands identified as "Part 2" are identified as Specialty Crop Area under the PPS and NOP.

NOP Policy 1.6.6.4 states that lot creation on individual on-site sewage services is only permitted if there is confirmation of sufficient reserve sewage system capacity for hauled sewage. Additionally, Regional policies require that new lots have 1 acre of usable area to support a replacement septic system/spare septic area.

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

Town of Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features. The Official Plan designates the property Specialty Agricultural, per Schedule 'A.' The purpose of the Specialty Agricultural designation is to implement the Province of Ontario's Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies. The principle use of land in the Specialty Agricultural designation shall be for the production of the full range of specialty crops identified in the Greenbelt Plan. Part 2 of the lands is to be retained for continued agricultural use and the creation of new lots is generally not permitted and will not create as separate lot for a residential dwelling. To ensure that a residential dwelling is not permitted on Part 2, it is recommended that Part 2 be rezoned to an Agricultural Purposes Only (APO) Zone.

Notwithstanding Part 1 continues to be designated Specialty Agricultural per the Town's Official Plan, Part 1 is located outside the Specialty Crop Area and is now designated as a Settlement Area under the PPS and Rural Settlement Area (otherwise known as a hamlet) under the NOP. The Town's Official Plan will be revised to include the hamlet boundary of Ridgeville into the Rural Settlement designation as part of the Official Plan review and update process. It is noted the use of the lands would be in conformity with the Rural Settlement policies of the Town's Official Plan. Additionally, the current zoning of Part 1 as Village Commercial reflects the lands as being located within a settlement area.

Any future Village Commercial development on the lands would be subject to site plan approval and require a site plan agreement with the Town in accordance with the Site Plan Control By-law.

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;
 - ✓ Both Parts front on publicly accessible roads that are maintained on a year-round basis. Each Part has an existing independent driveway access.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ Unchanged. Driveway accesses to each Part are existing.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Unchanged. Existing uses are to continue and Part 2 is recommended to be rezoned to an Agricultural Purposes Only (APO) Zone.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Unchanged.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Yes. Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties.
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Part 1 can be developed in accordance with the Village Commercial Zone and Part 2 is proposed to be rezoned to and Agricultural Purposes Only (APO) Zone to facilitate the continues long term agricultural use of the lands.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ No negative impact.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
 - ✓ No objection from Region Development Services Division.

- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ N/A

Town Planning staff are of the opinion the proposed consent conforms to the local Official Plan subject to Part 2 being rezoned to an Agricultural Purposes Only (APO) Zone.

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

The subject parcel is zoned 'Village Commercial' (VC) and 'Specialty Agricultural' (SA) in accordance with the Town's Zoning By-law. The VC zoning generally reflects the location of the proposed lot line, with Part 1 being zoned Village Commercial and Part 2 being zoned Specialty Agricultural. The Village Commercial zone permits an existing single detached dwelling and uses, buildings, and structures accessory thereto. It is recommended that Part 2 be rezoned to an Agricultural Purposes Only (APO) Zone to preclude future residential use being established on Part 2 in accordance with provincial plan policies and Town Official Plan policies.

Agency and Public Comments:

On August 4, 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
 - The owner shall obtain a Driveway Access and Culvert Permit from the Town if constructing a new driveway or modifying any existing driveways/entrances. Installation and/or modification of entrances shall be completed in accordance with Town Standards.
- Niagara Region
 - The *Greenbelt Plan, 2017* ("Greenbelt Plan") designates the subject lands as Protected Countryside. "Part 1" is designated as a Settlement Area under the *Provincial Policy Statement, 2020* ("PPS") and Rural Settlement Area (otherwise known as a hamlet) under the *Niagara Official Plan, 2022* ("NOP"). The lands identified as "Part 2" are identified as Specialty Crop Area under both the PPS and NOP.
 - According to Provincial and Regional policies, Rural Settlement Areas shall be the focus of development outside of the urban area boundaries. NOP Policy 4.1.4.2 requires that the size of new residential lots being considered for consent within the agricultural land base shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system. Staff note that the proposed residential lot is 0.48 hectares, exceeding the

required area. However, given that the entirety of the proposed residential lot is located outside of the specialty crop area, staff deem this to be acceptable.

- Regional staff offer no objection to the application, as the proposal is consistent with and in conformity to Provincial and Regional policies.
- The subject property falls within the Region's mapped area of archaeological potential, as identified in Schedule 'K' of the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.
- The Town of Pelham has a Heritage Master Plan. As such, the Region's defers to the town with regard to archaeological requirements.
- Region staff advise the Applicant that there is an existing 300 mm diameter Regional watermain on Canboro Road. The Regional watermain is not to be damaged or disturbed during any future construction works for the proposed development. No connections permitted to Regional mains as this property is outside the urban area.
- NOP Policy 1.6.6.4 states that lot creation on *individual on-site sewage services* is only permitted if there is confirmation of sufficient reserve sewage system capacity for hauled sewage. Additionally, Regional policies require that new lots have 1 acre of usable area to support a replacement septic system/spare septic area.
- Regional staff were unable to locate a record for the existing legal non-conforming sewage system servicing the existing dwelling (Part 1). At the time of the septic inspection, no visual defects were observed with the existing sewage system which appears to be located east of the existing dwelling. The exact location of the in-ground bed was not confirmed, but both the tank and the bed appear to be wholly contained within the property. The proposed consent will not adversely affect the existing sewage system and staff has determined that there should be enough usable area for future replacement of the septic system.
- Therefore, provided no changes are proposed for the existing dwelling, the Region has no objection to the application.

One (1) public comment was received and is summarized as follows:

- Luc Arvisais
 - Enquired about the zoning of the property; Expressed concern with potential new driveway connections off of Canboro Road and impacts to on street parking;

Planning Staff Comments:

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning and Development Services staff on June 1,

2023, to discuss the subject application. In addition, a consent sketch and cover letter were provided in support of the proposed development.

With respect to public comments, staff note that the existing single detached dwelling is a permitted use. No new driveway connection is proposed off Canboro Road.

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

Planning Staff Recommendation:

Planning staff recommend that minor variance file B12/2023P **be approved** subject to the following condition(s):

THAT the applicant:

- Part 2 be rezoned to an Agricultural Purposes Only (APO) Zone.
- Submit a comprehensive overall Lot Grading & Drainage Plan for all Parts demonstrating that drainage neither relies upon, nor negatively impacts adjacent properties, and that all drainage will be contained within their respective lots, to the satisfaction of the Director of Public Works, or designate.
- Confirm that no existing utilities cross the proposed lot line. In the event that services do cross, the applicant shall be responsible for the costs and responsibility of their relocation and/or removal.
- 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

**B12-2023P
305 Canboro Road**

August 21st, 2023

Town staff have reviewed the following documentation for the purpose of **B12-2023P – 305 Canboro Road** Consent application for:

Application is made for consent to convey 4791.7 square meters of land (Part 1), for continued residential use of 305 Canboro Road. Part 2 is to be retained for continued agricultural use.

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

- Proposed Severance Sketch for 305 Canboro Road by JD Barnes Ltd, dated June 21, 2023

This full report contains following comments in conjunction with consent application B12-2023P – 305 Canboro Road.

Introduction:

The property is located on the northwest corner of Canboro Road and Effingham Street. The site contains a 2 story 2-unit dwelling, 2 utility sheds, and a storage building fronting onto Canboro Road. This property also contains a hydro easement as identified by the applicant in the submitted document.

The applicant is proposing to separate part 1 from part 2 permitting the owner to sever the parcels of land from each other and sell the property. The Severed lot known as part 2 would front onto Effingham Street while part 1 would continue to front onto Canboro Road.

Analysis:

Please see comment and conditions below.

Public Works offer the following comment:

- The owner shall obtain a Driveway Access and Culvert Permit from the Town if constructing a new driveway or modifying any existing driveways/entrances. Installation and/or modification of entrances shall be completed in accordance with Town Standards.

Public Works offer the following conditions:

- Town staff will require a comprehensive lot grading and drainage plan for part 1 demonstrating that storm water runoff will not negatively impact nor rely upon adjacent properties, to the satisfaction of the Director of Public Works or his designate.
- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 23rd, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for
305 Canboro Road B12-2023P

File Number: B12-2023P

Comments:

- Building has no comments.

Respectfully,
Alex Foisey

Sarah Leach

From: Macdonald, Carling <Carling.Macdonald@niagararegion.ca>
Sent: Wednesday, August 23, 2023 4:17 PM
To: Sarah Leach
Cc: Development Planning Applications; Andrew Edwards; Shannon Larocque
Subject: 305 Canboro Road (File No. B12-2023P) - Regional Comments

Hi Sarah,

The site inspection has been conducted for the above noted consent application. Please see the updated Regional comments below.

Planning Comments

The *Greenbelt Plan, 2017* ("Greenbelt Plan") designates the subject lands as Protected Countryside. "Part 1" is designated as a Settlement Area under the *Provincial Policy Statement, 2020* ("PPS") and Rural Settlement Area (otherwise known as a hamlet) under the *Niagara Official Plan, 2022* ("NOP"). The lands identified as "Part 2" are identified as Specialty Crop Area under both the PPS and NOP.

According to Provincial and Regional policies, Rural Settlement Areas shall be the focus of development outside of the urban area boundaries. NOP Policy 4.1.4.2 requires that the size of new residential lots being considered for consent within the agricultural land base shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system. Staff note that the proposed residential lot is 0.48 hectares, exceeding the required area. However, given that the entirety of the proposed residential lot is located outside of the specialty crop area, staff deem this to be acceptable.

Regional staff offer no objection to the application, as the proposal is consistent with and in conformity to Provincial and Regional policies.

Archaeological Resources

The subject property falls within the Region's mapped area of archaeological potential, as identified in Schedule 'K' of the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The Town of Pelham has a Heritage Master Plan. As such, the Region's defers to the town with regard to archaeological requirements.

Regional Watermain

Region staff advise the Applicant that there is an existing 300 mm diameter Regional watermain on Canboro Road. The Regional watermain is not to be damaged or disturbed during any future construction works for the proposed development. No connections permitted to Regional mains as this property is outside the urban area.

Private Servicing

NOP Policy 1.6.6.4 states that lot creation on *individual on-site sewage services* is only permitted if there is confirmation of sufficient reserve sewage system capacity for hauled sewage. Additionally, Regional policies require that new lots have 1 acre of usable area to support a replacement septic system/spare septic area.

Regional staff were unable to locate a record for the existing legal non-conforming sewage system servicing the existing dwelling (Part 1). At the time of the septic inspection, no visual defects were observed with the existing sewage system which appears to be located east of the existing dwelling. The exact location of the in-ground bed was not confirmed, but both the tank and the bed appear to be wholly contained within the property. The proposed consent will not adversely affect the existing sewage system and staff has determined that there should be enough usable area for future replacement of the septic system.

Therefore, provided no changes are proposed for the existing dwelling, the Region has no objection to the application.

Thank you for your patience!

Kindly,

Carling MacDonald

Development Planner

Growth Strategy & Economic Development

Niagara Region

Phone: 905-980-6000 ext. 3387

1815 Sir Isaac Brock Way, P.O. Box 1042

Thorold, ON L2V 4T7



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From: [ARABIA Gabriel](#)
To: [clerk@pelham.ca](#)
Subject: Town of Pelham - 305 Canboro Road - B12/2023P
Date: Tuesday, August 8, 2023 3:00:37 PM
Attachments: [image001.png](#)

Hello,

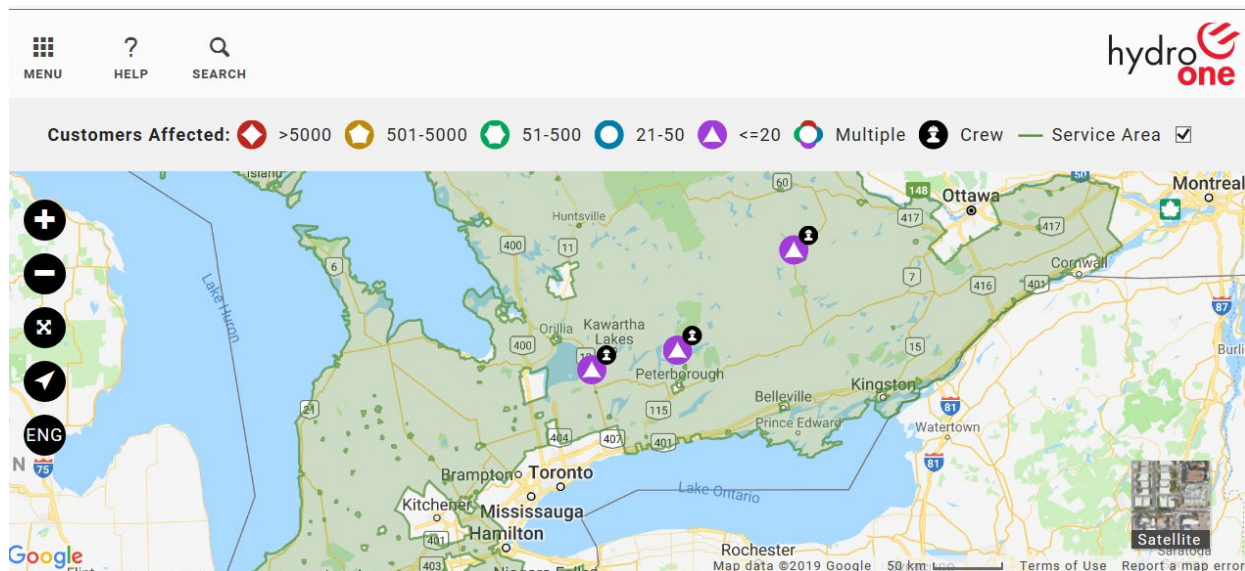
We are in receipt of your Application for Consent, B12/2023P dated August 4th, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' 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:

[HydroOne Map](#)

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



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

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

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Sarah Leach

From: [REDACTED]
Sent: Wednesday, August 16, 2023 9:02 PM
To: Sarah Leach
Subject: Public hearing for 305 Canboro rd

My name is Bobbi Lococo and I am one of the owners located across from 305 Canboro rd that has proposed to convey part of the land to be used for residential use. I have some concerns on whether it will be residential only or commercial use, how many buildings and size and I'm very concerned about whether there would be ample parking on the land to support whatever is going in !! We have a big issue as it is with not having enough parking for the shops and constant complaints from frustrated customers not being able to park. It seems to be an ongoing issue in Fonthill with all the new builds and not enough parking that makes me concerned about what would be allowed across the street.. Thank you for your time. Bobbi Lococo

Sent from my iPad

Sarah Leach

To: Andrew Edwards
Subject: RE: 305 Canboro Rd, Pelham

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

From: Hamiltons of Pelham [REDACTED]
Sent: Sunday, August 20, 2023 12:55 PM
To: Andrew Edwards <AEdwards@pelham.ca>
Subject: 305 Canboro Rd, Pelham

Hello Andrew,

We received a letter regarding the public hearing of 305 Canboro Rd and are looking for some clarity on what is being proposed.

Is the subject land currently zoned commercial and looking to be changed to residential?

If this is the case would the land then be available to be severed and multiple residential properties built?

Our concern would be the driveways that could be created off of Canboro rd as parking for the shops of Ridgeville is already very limited.

Looking forward to hearing back from you.

Regards,

Luc Arvisais

Sent from Hamiltons of Pelham



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

Tuesday, September 05, 2023

Consent Application: B13-2023P

Municipal Address: 1053 Pelham Street (Part 4)

Legal Description: THOROLD PT TWP LOT 177 RP, 59R15938 PART 1

Roll number: 2732 030 019 05100

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 4 on the attached sketch, has a frontage of 12.28m on the south side of Homestead Boulevard, lying east of Pelham Street, being Lot 177, formerly Part of Thorold Township now Pelham, Part 1 on Reference Plan 59R-17702 in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 280.9 square metres of land (Part 4), for future construction of a single detached dwelling. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1053 Pelham Street.

This application is being considered concurrently with Consent File B14/2023P and Minor Variance Files A18/2023P and A19/2023P.

Applicable Planning Policies:

Planning Act (Consolidated April 2022)

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

- a) The development's effect on provincial matters of interest;
 - 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-density residential dwellings. The proposed consent would facilitate the construction of an additional single detached dwelling on the proposed lot.
- f) The dimensions and shapes of the proposed lots;
 - The proposed lot will have comparable dimensions and shape to the surrounding neighbourhood and will be able to comfortably site a new single detached dwelling. It is noted a minor variance is required for lot frontage.
- 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 1.1.3.4 states appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

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

Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, and avoids adverse impacts to provincial interest, public health, safety, and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential. A stage 1-2 archaeological assessment was previously conducted on the lands and has since received clearance from the Ministry.

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

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 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 lands but would be better utilized with additional building connections.

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

Niagara Region Official Plan (2022)

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

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

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

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

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

Town of Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features. The local Official Plan designates the subject land as 'Urban Living Area/Built Boundary' on Schedule 'A1.'

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 A2.3.2 Urban Character sets out the objectives for the urban character of the Town. Objectives include to respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood, and 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. The proposal is supported by the Town Official Plan policies that encourage infill within existing built-up areas. It is noted compatibility does not necessarily mean the same as, rather the ability to coexist together.

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 several 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 are within 100 metres of Pelham Street which is identified as an Arterial Road.
- 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;
 - ✓ The proposed density is approximately 22.26 units per hectare.
- 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;
 - ✓ The proposal maintains the unit density and type of surrounding land uses.
- 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;

- ✓ The proposed use is similar to the surrounding neighbourhood, being mostly comprised of single detached dwellings. The proposed dwellings will front and face Homestead Boulevard, consistent with the surrounding area.
- 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;
 - ✓ Second dwelling units are permitted in single detached dwellings subject to meeting the zoning by-law requirements for such uses.
- f) The provision of affordable housing in intensification areas will be encouraged; and,
 - ✓ The new lots will contribute to the housing stock across the Town.
- 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;
 - ✓ Access will be provided from Homestead Boulevard, a public road.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ No traffic hazard is anticipated from the proposed consent.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Yes, please refer to minor variance report for A19-2023P.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes, municipal services exist and are available.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ A Lot Grading Plan will be required at the Building Permit stage demonstrating that drainage will be maintained on-site.
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Unchanged.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ No environmentally sensitive features are on the property.

- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
✓ Yes.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
✓ N/A.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan as it helps enable intensification within an existing neighbourhood and does not conflict with any policies subject to the satisfaction of the conditions of approval.

Planning staff are of the opinion the application for consent conforms with the Town's Official Plan.

Pelham Zoning By-law No. 4481 (2022)

The subject lands are currently zoned Residential One (R1) according to the Town's Comprehensive Zoning By-law. Permitted uses in the R1 zone include single detached dwellings, semi-detached, second dwelling units, accessory uses, and home occupations.

A minor variance application (A19-2023P) is being heard in conjunction with the proposed severance to address the deficient lot frontage. Please refer to minor variance report for a fulsome analysis.

Agency and Public Comments:

On August 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 comment.
- Public Works Department
 - Per Public Works comments on Consent Files B11/2022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P, the applicant has satisfied the all the requirements to clear all the conditions with regards to the lot grading and drainage, that the storm water runoff will not negatively impact nor rely upon neighboring properties. However, this proposed application resurfaced the issues with the creation of Future Part 2 and Part 3.
 - Future 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.

- Applicant should confirm that no existing utilities shall cross property line, relocation shall be the applicant's responsibility.
- 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.

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

Planning Staff Comments:

Planning staff have reviewed the *Planning Justification Brief* submitted by Upper Canada Consultants, as well as reviewed all agency and public correspondence submitted to date.

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town, and Niagara Region Planning & Development Services on June 1, 2023, to discuss the subject application.

As noted earlier in this report, the Province and the Region of Niagara through their new Official Plan have set density targets for the Town of 25% annually. This is to be achieved through a mix of new development on designated lands and through appropriate infill and intensification opportunities within the existing built-up area.

The proposal is supported by the Town Official Plan policies that encourage infill and intensification within existing built-up areas. This supports the long-term public interest by minimizing the impact of sprawl on agricultural lands while supporting re-investment in existing communities to maintain their stability and vibrancy, providing for an efficient use of infrastructure and land, and contributing to the development of compact communities that foster walkability and a sense of place. The proposal, if approved would permit the creation of an additional residential lot in a neighbourhood comprised of primarily single detached dwelling units. Staff do not anticipate any issues in terms of land use compatibility with the surrounding residential uses.

Based on the analysis in the sections above, Planning staff are of the opinion that the proposed consent is consistent with the PPS, and confirms to Provincial, Regional and local Plans. The resulting parcel will comply with applicable Zoning By-law regulations upon the granting of concurrent minor variance application A19-2023P and are not anticipated to negatively impact the surrounding neighbourhood with respect to traffic, servicing, privacy, and stormwater management.

Planning Staff Recommendation:

Planning staff recommend that minor variance file B13/2023P **be approved** subject to the following condition(s):

THAT the applicant:

- Undertake to merge Part 4 on title with Parts 5 and 6.
- Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties to the satisfaction of the Director of Public Works for Parts 1-6. Such grading plans shall include the requirement of new catch basin in Part 3 to the benefit of Part 2.
- Prepare the easement documents and register the proposed drainage easement (Parts 3, 6, and 7) on title to the satisfaction of the Director of Public Works.
- That the applicant confirm that no existing utilities currently cross the proposed new property line to the satisfaction of the Director of Public Works. Should any services cross this new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.
- The applicant obtains a Driveway Entrance and Culvert Permits for Part 1 and Part 4 from the Public Works department for the construction of all new or modification of existing driveways or entrances. The installation and/or modification of all entrances shall be completed in accordance with Town Standards and to the satisfaction of the Director of Public Works.
- That all necessary zoning approvals (minor variance) be obtained for Part 4 to the satisfaction of the Director of Community Planning and Development.
- That a Demolition Permit be obtained, prior to the demolition of the existing garage on Part 4 and the garage be demolished to the satisfaction of the Chief Building Official.
- 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

**B13-2023P
1053 Pelham Street**

August 21, 2023

Town staff have reviewed the following documentation for the purpose of **B13-2023P – 1053 Pelham Street** Consent application for:

Application is made for consent to partial discharge of mortgage and consent to convey 280.9 square metres of land (Part 4), for future construction of a single detached dwelling. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1053 Pelham Street.

This application is being considered concurrently with Consent Files B13/2023P and B14/2023P and Minor Variance File A19/2023P. Additionally, this is also in concurrent with Consent Files B11/2022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P.

Introduction:

The lands subject to the applications are addressed as 1053 Pelham Street in the Town of Pelham ("Subject Lands"). The lands are a corner lot abutting Homestead Boulevard to the north having frontage on Pelham Street to the west. Access to the property is provided from an existing driveway on Pelham Street. With a lot of area of approximately 1,009.4 square metres, the existing parcel is larger than adjacent parcels to the north and east that have lot areas that range between approximately 480 square metres and 800 square metres.

The purpose and effect of the applications is to sever the proposed parcel for future residential use. A lot addition is being proposed concurrently with the severance to provide the proposed parcel (Part 4) with additional lands (Parts 5 & 6). The existing dwelling on the remnant parcel (Part 1) is to remain along with the deck; however, the deck is to be converted into an uncovered deck. The Owner is proposing to remove the existing garage.

The subject land is located on the east side of Pelham Street, lying south of Homestead Boulevard, being Lot 177, Formerly Part of Thorold Township now Pelham, Part 1 on Reference Plan 59R-17702 (Part 1 on Sketch) in the Town of Pelham.

A previous applications of Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P was approved by the Town. The applications propose to sever the existing parcel to create two new lots fronting Pelham Street for future residential use. The existing dwelling and garage are proposed to remain on the remnant parcel, with the garage to be moved back from the lot line abutting Homestead Boulevard, in order to accommodate a driveway and parking. The existing driveway that traverses through the proposed parcels is to be removed. Due to the deficient lot frontage and minimum lot area of the proposed parcels, relief from the Zoning By-law's minimum lot frontage and minimum lot area provisions are required for their creation.

This full report contains following comments in conjunction concurrently with Consent File B14/2023P and Minor Variance File A18/2023P and A19/2023P. Additionally, this is also in concurrent with Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P 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**

Per Public Works comments on Consent Files B11/2022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P, the applicant has satisfied the all the requirements to clear all the conditions with regards to the lot grading and drainage, that the storm water runoff will not negatively impact nor rely upon neighboring properties. However, this proposed application resurfaced the issues with the creation of Future Part 2 and Part 3.

Site Servicing Plan

Future 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.

General Comments

Applicant should confirm that no existing utilities shall cross property line, relocation shall be the applicant's responsibility.

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.

Public Works offer the following comment:

- 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.
- 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.

Public Works offer the following conditions:

- 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.
- Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.
- The storm water runoff from the existing Lot (Part 2 – 59R-17702) will negatively impact and rely upon the newly created Future Part 3 due to the location of the rear yard catch basin. Therefore, a new rear yard swale and an new additional catch basin should be installed at the southeast corner of Part 2 – 59R-17702.
- The Storm Easement is to be registered on Future Part 3

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 23rd, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for
1053 Pelham Street

File Number: B13-2023P

Comments:

- Building has no comments.

Conditions:

- A Demolition permit is required for Garage.

Respectfully,
Alex Foisey

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

Tuesday, September 05, 2023

Consent Application: B14-2023P**Municipal Address: 1053 Pelham Street (Parts 5 and 6)****Legal Description: THOROLD PT TWP LOT 177 RP, 59R15938 PART 1****Roll number: 2732 030 019 05100**

Location of Lands and Purpose of Application:

The subject parcel, shown as Parts 5 and 6 on the attached sketch, is an interior parcel situated 22.88m south of Homestead Boulevard, lying east of Pelham Street, being Lot 177, formerly Part of Thorold Township now Pelham, Part 2 on Reference Plan 59R-17702 in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 168.3 square metres of land (Parts 5 and 6), to be added to the abutting property to the north (Part 4), for future development of a single detached dwelling. Parts 2 and 3 are to be retained for continued residential use.

This application is being considered concurrently with Consent File B13/2023P and Minor Variance Files A18/2023P and A19/2023P.

Applicable Planning Policies:*Planning Act (Consolidated April 2022)*

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

- a) The development's effect on provincial matters of interest;
 - 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-density residential dwellings. The proposed consent would facilitate the construction of an additional single detached dwelling on the proposed lot.
- f) The dimensions and shapes of the proposed lots;
 - The proposed lot will have comparable dimensions and shape to the surrounding neighbourhood and will be able to comfortably site a new single detached dwelling. It is noted a minor variance is required for lot frontage.
- 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 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 1.1.3.4 states appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

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

Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, and avoids adverse impacts to provincial interest, public health, safety, and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential. A stage 1-2 archaeological assessment was previously conducted on the lands and has since received clearance from the Ministry.

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

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 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 lands but would be better utilized with additional building connections.

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

Niagara Region Official Plan (2022)

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

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

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

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

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

Town of Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features. The local Official Plan designates the subject land as 'Urban Living Area/Built Boundary' on Schedule 'A1.'

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 A2.3.2 Urban Character sets out the objectives for the urban character of the Town. Objectives include to respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood, and 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. The proposal is supported by the Town Official Plan policies that encourage infill within existing built-up areas. It is noted compatibility does not necessarily mean the same as, rather the ability to coexist together.

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 several 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 are within 100 metres of Pelham Street which is identified as an Arterial Road.
- 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;
 - ✓ The proposed density is approximately 22.26 units per hectare.
- 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;
 - ✓ The proposal maintains the unit density and type of surrounding land uses.
- 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;

- ✓ The proposed use is similar to the surrounding neighbourhood, being mostly comprised of single detached dwellings. The proposed dwellings will front and face Homestead Boulevard, consistent with the surrounding area.
- 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;
 - ✓ Second dwelling units are permitted in single detached dwellings subject to meeting the zoning by-law requirements for such uses.
- f) The provision of affordable housing in intensification areas will be encouraged; and,
 - ✓ The new lots will contribute to the housing stock across the Town.
- 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;
 - ✓ Access will be provided from Homestead Boulevard, a public road.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ No traffic hazard is anticipated from the proposed consent.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Yes, please refer to minor variance report for A19-2023P.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes, municipal services exist and are available.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ A Lot Grading Plan will be required at the Building Permit stage demonstrating that drainage will be maintained on-site.
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Unchanged.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ No environmentally sensitive features are on the property.

- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
✓ Yes.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
✓ N/A.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan as it helps enable intensification within an existing neighbourhood and does not conflict with any policies subject to the satisfaction of the conditions of approval.

Planning staff are of the opinion the application for consent conforms with the Town's Official Plan.

Pelham Zoning By-law No. 4481 (2022)

The subject lands are currently zoned Residential One (R1) according to the Town's Comprehensive Zoning By-law. Permitted uses in the R1 zone include single detached dwellings, accessory uses, and home occupations.

A minor variance application (A19-2023P) is being heard in conjunction with the proposed severance to address the deficient lot frontage. Please refer to minor variance report for a fulsome analysis.

Agency and Public Comments:

On August 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
 - Per Public Works comments on Consent Files B11/2022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P, the applicant has satisfied the all the requirements to clear all the conditions with regards to the lot grading and drainage, that the storm water runoff will not negatively impact nor rely upon neighboring properties. However, this proposed application resurfaced the issues with the creation of Future Part 2 and Part 3.
 - Future 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.

- Applicant should confirm that no existing utilities shall cross property line, relocation shall be the applicant's responsibility.
- 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.
- Tree preservation zone west of the driveway would require protection and preserved.

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

Planning Staff Comments:

Planning staff have reviewed the *Planning Justification Brief* submitted by Upper Canada Consultants, as well as reviewed all agency and public correspondence submitted to date.

A pre-consult was held with the applicant(s) of the property and staff from the Town, and Niagara Region Planning & Development Services on June 1, 2023, to discuss the subject application.

As noted earlier in this report, the Province and the Region of Niagara through their new Official Plan have set density targets for the Town of 25% annually. This is to be achieved through a mix of new development on designated lands and through infill and intensification opportunities within the existing built area.

The proposal is supported by the Town Official Plan policies that encourage infill within existing built-up areas. This supports the long-term public interest by minimizing the impact of sprawl on agricultural lands while supporting re-investment in existing communities to maintain their stability and vibrancy, providing for an efficient use of infrastructure and land, and contributing to the development of compact communities that foster walkability and a sense of place. The proposal, if approved would permit the creation of an additional residential lot in a neighbourhood comprised of primarily single detached dwelling units. Staff do not anticipate any issues in terms of land use compatibility with the surrounding residential uses.

Based on the analysis in the sections above, Planning staff are of the opinion that the proposed consent is consistent with the PPS, and confirms to Provincial, Regional and local Plans. The resulting parcel will comply with applicable Zoning By-law regulations upon the granting of concurrent minor variance application A19-2023P and are not anticipated to negatively impact the surrounding neighbourhood with respect to traffic, privacy, and stormwater management.

Planning Staff Recommendation:

Planning staff recommend that minor variance file B14/2023P **be approved** subject to the following condition(s):

THAT the applicant:

- Undertake to merge Parts 5 and 6 merge on title with Part 4.
- Prepare easement documents and register the proposed drainage easement (Parts 3, 6, and 7) on title to the satisfaction of the Director of Public Works.
- The applicant submit an overall lot grading and drainage plan for Parts 1-6 to demonstrate that the drainage does not negatively impact nor rely on neighboring properties to the satisfaction of the Director of Public Works. Such grading plans shall include the requirement of new catch basin in Part 3 to the benefit of Part 2.
- The applicant obtains a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards to the satisfaction of the Director of Public Works.
- That the applicant confirm that no existing utilities currently cross the proposed new property line to the satisfaction of the Director of Public Works. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
- That all necessary zoning approvals (minor variance) be obtained for Part 4 to the satisfaction of the Director of Community Planning and Development.
- That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- That the final certification fee of \$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

**B14-2023P
1053 Pelham Street**

August 21, 2023

Town staff have reviewed the following documentation for the purpose of **B14-2023P – 1053 Pelham Street** Consent application for:

Application is made for consent to partial discharge of mortgage and consent to convey 168.3 square meters of land (Parts 5 and 6), to be added to the abutting property to the north (Part 4), for future development of a single detached dwelling. Parts 2 and 3 are to be retained for continued residential use.

This application is being considered concurrently with Consent Files B13/2023P and B14/2023P and Minor Variance File A19/2023P. Additionally, this is also in concurrent with Consent Files B11/2022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P.

Introduction:

The lands subject to the applications are addressed as 1053 Pelham Street in the Town of Pelham ("Subject Lands"). The lands are a corner lot abutting Homestead Boulevard to the north having frontage on Pelham Street to the west. Access to the property is provided from an existing driveway on Pelham Street. With a lot of area of approximately 1,009.4 square meters, the existing parcel is larger than adjacent parcels to the north and east that have lot areas that range between approximately 480 square meters and 800 square meters.

The purpose and effect of the applications is to sever the proposed parcel for future residential use. A lot addition is being proposed concurrently with the severance to provide the proposed parcel (Part 4) with additional lands (Parts 5 & 6). The existing dwelling on the remnant parcel (Part 1) is to remain along with the deck; however, the deck is to be converted into an uncovered deck. The Owner is proposing to remove the existing garage.

The subject land is located on the east side of Pelham Street, lying south of Homestead Boulevard, being Lot 177, Formerly Part of Thorold Township now Pelham, Part 1 on Reference Plan 59R-17702 (Part 1 on Sketch) in the Town of Pelham.

A previous applications of Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P was approved by the Town. The applications propose to sever the existing parcel to create two new lots fronting Pelham Street for future residential use. The existing dwelling and garage are proposed to remain on the remnant parcel, with the garage to be moved back from the lot line abutting Homestead Boulevard, in order to accommodate a driveway and parking. The existing driveway that traverses through the proposed parcels is to be removed. Due to the deficient lot frontage and minimum lot area of the proposed parcels, relief from the Zoning By-law's minimum lot frontage and minimum lot area provisions are required for their creation.

This full report contains following comments in conjunction concurrently with Consent File B13/2023P and Minor Variance File A18/2023P and A19/2023P. Additionally, this is also in concurrent with Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P 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**

Per Public Works comments on Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P, the applicant has satisfied the all the requirements to clear all the conditions with regards to the lot grading and drainage, that the storm water runoff will not negatively impact nor rely upon neighboring properties. However, this proposed application resurfaced the issues with the creation of Future Part 2 and Part 3.

Site Servicing Plan

Future 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.

General Comments

Applicant should confirm that no existing utilities shall cross property line, relocation shall be the applicant's responsibility.

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.

Tree preservation zone west of the driveway would require protection and preserved.

Public Works offer the following comment:

- 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.
- 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.

Public Works offer the following conditions:

- 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.
- Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.
- The Registered Storm Easement is to be updated for Part 3 and Part 6.

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 23rd, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for
1053 Pelham Street

File Number: B14-2023P

Comments:

- Building has no comments.

Respectfully,
Alex Foisey



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

Tuesday, September 05, 2023

Minor Variance Application: A17-2023P

Municipal Address: 1022 Haist Street

**Legal Description: Part of Lot 3, Concession 10, being Parts 1 and 2 on
59R-9964 (Part 1 on Sketch)**

Roll number: 2732 030 012 08200

Nature and Extent of Relief/ Permission Applied for:

The subject land is located on the west side of Haist Street, lying south of Welland Road, being Part of Lot 3, Concession 10, being Parts 1 and 2 on 59R-9964, in the Town of Pelham.

The subject land is zoned Residential 1 (R1) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate the construction of an attached accessory garage. The requested relief will rectify a rear yard zoning deficiency as a result of consent application B11/2023P and recognize the existing front yard setback. The applicant seeks relief from the following sections of the Zoning By-law:

- a) **Section 6.1.2 "Maximum Front Yard"** – to permit a maximum front yard setback of 10.8m whereas the by-law requires a maximum of 6.0m; and,
- b) **Section 6.1.2 "Minimum Rear Yard"** – to permit a minimum rear yard setback of 1.2m whereas the bylaw requires a minimum of 7.5m.

The parcel is a corner lot having 30.48 metres of frontage along Welland Road and 32.87 metres of frontage along Haist Street. The parcel currently has two driveway accesses, one on each road frontage. The area of the site is approximately 964.7 m² in lot area. Please note the front lot line of the parcel is considered the northerly property line (along Welland Road). Accordingly, the southern property line is considered the rear lot line, and the Haist Street frontage is considered an exterior side lot line.

Please note this application is being heard concurrently with application for consent B11/2023P, which seeks to adjust the boundary line between the subject lands and neighbouring property at 1008 Haist Street. The consent application seeks to merge approximately 91.0 m² of lot area and 2.22 metres of frontage along Hasit Street to the subject lands.

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 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.

Policy 2.6.2 of the PPS does not permit development and site alteration on lands containing archaeological resources unless significant archaeological resources have been conserved. The lands are identified as displaying composite archaeological potential per the Town's Archaeological Master Plan. Notwithstanding, the area in which the garage is proposed appears to have been previously disturbed. Accordingly, an archaeological assessment will not be required.

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

The subject lands are located within the Delineated Built Boundary, being the settlement area of Fonthill. The application is generally consistent with the policies of the Growth Plan.

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

Regional Official Plan (Adopted 2022)

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

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

Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support intensification, compact built form, a mix of land uses, and a diverse range and mix of housing.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by facilitating compact built form and 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 subject lands are designated Urban Living Area / Built Boundary according to the Town's Official Plan. The purpose of the Urban Living Area designation is to recognize the existing residential areas of Fonthill and Fenwick and 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.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage the majority of development to the Urban Area where full sewer and water services are available. An objective is to encourage intensification and redevelopment within the Urban Area.

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 scale of the proposed garage addition is generally consistent with the surrounding neighbourhood. The character of the neighbourhood will be maintained.

Section E1.5 of the Official Plan speaks to minor variances. The policy outlines the four tests of a minor variance (discussed below) and stipulates that in making a determination of whether a variance is minor as required in Item Four, Committee shall have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. Additionally, the policy states that applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with. The applicant provided a planning justification brief providing an analysis of the requested variances.

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

Town of Pelham Zoning By-law No. 4481 (2022)

The subject lands are zoned Residential One (R1) according to Schedule 'C' of the Town's Comprehensive Zoning By-law. The R1 zone permits a single detached dwelling and uses, buildings, and structures accessory thereto. Under the regulations of the R1 zone, the minor variance applications requests relief from:

- a) **Section 6.1.2 "Maximum Front Yard"** – to permit a maximum front yard setback of 10.8m whereas the by-law requires a maximum of 6.0m; and,
- b) **Section 6.1.2 "Minimum Rear Yard"** – to permit a minimum rear yard setback of 1.2m whereas the bylaw requires a minimum of 7.5m.

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.	<p>Section 6.1.2 "Maximum Front Yard"</p> <p>The variance seeks to increase the maximum front yard setback to 10.8 metres, whereas the permitted maximum setback is 6.0 metres. The variance is not a result of new construction, rather it recognizes an existing deficiency from a new provision introduced in the 2022 Zoning By-law. In the case of a corner lot, the Zoning By-law defines the front lot line as the shorter streetline (northerly lot line). The longer streetline shall be deemed to be an exterior side lot line (easterly lot line).</p> <p>As the Welland Road frontage of the site is the shorter streetline, it is considered the front lot line, notwithstanding the northerly lot line functions as a side yard. Thus, the front yard setback is measured from the northerly lot line to the nearest structure. No new construction is proposed that necessitates the variance. The variance is requested to recognize existing conditions.</p> <p>Staff are of the opinion that the requested variance is minor in nature.</p> <p>Section 6.1.2 "Minimum Rear Yard"</p> <p>The variance seeks to permit a minimum rear yard setback of 1.2m whereas the By-law requires a minimum of 7.5m. The setback, although technically defined as a rear yard, functions as an interior side yard between two existing single detached dwellings (the adjacent dwelling at 1008 Haist). The site hosts amenity space in the westerly side yard, which functions as a rear yard. There remains adequate rear yard amenity space to service the dwelling. The reduction in the rear yard will not substantially alter the functionality of the amenity space.</p> <p>Staff are of the opinion that the requested variance is minor in nature.</p>
The variance is desirable for the development or use of the land.	<p>Section 6.1.2 "Maximum Front Yard"</p> <p>Yes. The variance recognizes existing conditions on site. No new construction is proposed in the front yard. The increase in the maximum front yard will have no impact on the Welland Road streetscape. The use and function of the site will not be changed through the proposed variance, and as such it is considered desirable for the development of the lands.</p> <p>Section 6.1.2 "Minimum Rear Yard"</p> <p>Yes. The requested variance is desirable for the development or use of the land. The requested variance is not anticipated to have a significant negative impact on the streetscape or adjacent properties as the existing dwelling will be maintained. The reduction to the rear yard setback in this instance is desirable as appropriate private amenity area will be maintained on the site in the interior side yard. The rear yard functions as an interior side yard, and as such, the impact of the reduction is minimal. The scale of the proposed attached garage will not affect 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>Section 6.1.2 "Maximum Front Yard"</p> <p>Yes. 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>The variance recognizes existing conditions of the site. Notwithstanding an increase to the maximum front yard setback is requested, the front yard of the dwelling functions as a side yard.</p> <p>Staff are of the opinion that that intent and purpose of the zoning by-law is maintained.</p> <p>Section 6.1.2 "Minimum Rear Yard"</p> <p>Yes. The variance maintains the general intent and purpose of the Zoning By-law. The intent of the rear yard setback is to ensure separation distance between abutting residential uses and to ensure there remains adequate amenity area for the lot in question.</p> <p>The parcel will maintain adequate rear and side yard amenity space. The reduced rear yard setback is not anticipated to have a significant visual impact.</p> <p>Staff are of the opinion that that intent and purpose of the zoning by-law is maintained.</p>
<p>The variance maintains the general intent and purpose of the Official Plan.</p>	<p>Section 6.1.2 "Maximum Front Yard"</p> <p>Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan. Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan. The variance will have no impact on the streetscape as viewed from Welland Road as it is recognizing existing conditions.</p> <p>Staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p> <p>Section 6.1.2 "Minimum Rear Yard"</p> <p>Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan. The subject land's use is within the permitted use of the Urban Living Area / Built Boundary designation. Townhouse dwellings are a permitted use in this designation. An objective of the OP is to ensure new development shall maintain and enhance the character and stability of existing and well-established residential neighbourhoods with regards to scale and density.</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. The proposed garage addition is generally in keeping with the low-density residential character of the neighbourhood.</p> <p>Staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>
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Agency and Public Comments:

On July 28, 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
 - Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.

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

Planning Staff Comments:

Planning staff have reviewed all supporting materials as well as reviewed all agency and public correspondence submitted to date and offer the following for the Committee's consideration.

The requested variances are appropriate as they will not result in shadowing, will allow for the continued use of the side yard as private amenity space, will not alter the function of the subject property, and are not anticipated to alter the streetscape in a significant way.

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 A17/2023P **be approved** subject to the following condition(s):

THAT the applicant:

- That all necessary building permits be acquired prior to construction commencing, to the satisfaction of the Chief Building Official.
- That the approval of the minor variance A17/2023P is subject to the final certification of Consent File and B11/2023P.
- 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.
- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.

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****A17-2023P
1022 Haist Street****August 4, 2023**

Town staff have reviewed the following documentation for the purpose of **A17-2023P**- Minor Variance application for:

The subject land is zoned Residential 1 (R1) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate the construction of a detached accessory garage. The requested relief will rectify a rear yard zoning deficiency as a result of consent application B11/2023P and recognize the existing front yard setback. The applicant seeks relief from the following sections of the Zoning By-law:

Section 6.1.2 "Maximum Front Yard" – to permit a maximum front yard setback of 10.8m whereas the by-law requires a maximum of 6.0m; and

Section 6.1.2 "Minimum Rear Yard" – to permit a minimum rear yard setback of 1.2m whereas the bylaw requires a minimum of 7.5m.

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

- Proposed Severance Sketch for 1022 Haist Street by JD Barnes Ltd, dated June 28, 2023

This full report contains following comments in conjunction with Consent application B11-2023P – 1008 Haist Street.

Introduction:

The properties are located on the southwest corner of Haist Street South and Welland Road. The two properties each contain a single detached dwelling fronting onto Haist Street. 1008 Haist Street contains a two-storey dwelling with an attached garage and is landscaped with mature vegetation with a large front yard setback, which is consistent with the established character of the surrounding neighbourhood. 1022 Haist Street has a bungalow that faces Haist Street with a single car driveway accessing Haist Street and a secondary driveway access on Welland Road. This property also contains lovely mature vegetation with an expansive front yard area. Outdoor amenity area for this dwelling is provided on the west side of the dwelling.

It is understood that the owner of the properties wishes to construct an attached accessory garage on the south side of the dwelling located at 1022 Haist Street. In order to accommodate the proposed attached garage, a minor boundary adjustment between the two properties is required, together with an application for a minor variance to address two zoning deficiencies triggered by the proposal.

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 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.
- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 23rd, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for
1022 Haist Street & 1008 Haist Street
File Number: A17-2023P, B11-2023P

Comments:

- Building has no comments.

Conditions:

- A building permit is required for Proposed Addition.

Respectfully,
Alex Foisey



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

Tuesday, September 05, 2023

Minor Variance Application: A18-2023P

Municipal Address: 1053 Pelham Street (Part 1)

Legal Description: THOROLD PT TWP LOT 177 RP, 59R15938 PART 1

Roll number: 2732 030 019 05100

Nature and Extent of Relief/ Permission Applied for:

The subject land is located on the east side of Pelham Street, lying south of Homestead Boulevard, being Lot 177, Formerly Part of Thorold Township now Pelham, Part 1 on Reference Plan 59R-17702 (Part 1 on Sketch) in the Town of Pelham.

The lands are a corner lot, having 22.88 metres of frontage on Pelham Street and 31.78 metres of frontage on Homestead Boulevard. The lands have an area of approximately 728.5 m². The lands currently contain an existing single detached dwelling known as 1053 Pelham Street.

The subject land is zoned Residential 1 (R1) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made to recognize zoning deficiencies resulting from Consent File B13/2023P. The applicant seeks relief from the following sections of the Zoning By-law:

- a) **Section 3.7 "Encroachments – Decks (uncovered)"** – to permit an uncovered deck encroachment of 6.42m into the required rear yard, whereas an encroachment of 4.0m is permitted;
- b) **Section 6.1.2 "Minimum Rear Yard"** – to permit a minimum rear yard setback of 4.7m whereas the bylaw requires a minimum rear yard setback of 7.5m.

This application is being considered concurrently with Consent Files B13/2023P and B14/2023P and Minor Variance File A19/2023P. Note the application was previously subject to applications for consent in 2022 in which two (2) new lots were severed from the retained lands (B11-2023P and B12-2022P).

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"). A discussion of the four tests is included below.

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 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 1.1.3.3 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.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan. The proposed development will contribute to meeting this target.

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

Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, and avoids adverse impacts to provincial interest, public health, safety, and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Policy 2.6.2 of the PPS does not permit development and site alteration on lands containing archaeological resources unless significant archaeological resources have been conserved. The lands are identified as displaying composite archaeological

potential per the Town's Archaeological Master Plan. An archaeological assessment was conducted on the lands at the time of the previous consent applications, which received Ministry clearance.

Staff are of the opinion that the proposed variances are 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. 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 subject lands are located within the Delineated Built Boundary, being the settlement area of Fonthill. The application is generally consistent with the policies of the Growth Plan.

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

Regional Official Plan (Adopted 2022)

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

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

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

intensification, compact built form, a mix of land uses, and a diverse range and mix of housing.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by facilitating compact built form and 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 subject lands are designated Urban Living Area / Built Boundary according to the Town's Official Plan. The purpose of the Urban Living Area designation is to recognize the existing residential areas of Fonthill and Fenwick and 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.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage the majority of development to the Urban Areas where full sewer and water services are available. An objective is to encourage intensification and redevelopment within the Urban Area.

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 character of the neighbourhood will be maintained.

Section E1.5 of the Official Plan speaks to minor variances. The policy outlines the four tests of a minor variance (discussed below) and stipulates that in making a determination of whether a variance is minor as required in Item Four, Committee shall have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. Additionally, the policy states that applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with. Although the Planning Act, and Provincial planning case law does not recognize the demonstration of 'need' or 'hardship' as a fifth test of a minor variance, the local Official Plan raises this matter.

Please refer to discussion in Four Tests section below. The applicant provided a planning justification brief providing an analysis of the requested variances.

Town Planning staff are of the opinion the proposed minor variances conform to the local Official Plan as they assist in enabling appropriate redevelopment and intensification within an existing residential neighbourhood and do not conflict with any policies subject to the fulfillment of the proposed conditions of approval.

Town of Pelham Zoning By-law No. 4481 (2022)

The subject lands are zoned Residential One (R1) according to Schedule 'C' of the Town's Comprehensive Zoning By-law. The R1 zone permits a single detached dwelling and uses, buildings, and structures accessory thereto. Under the regulations of the R1 zone, the minor variance applications request relief from:

- a) **Section 3.7 "Encroachments – Decks (uncovered)"** – to permit an uncovered deck encroachment of 6.42m into the required rear yard, whereas an encroachment of 4.0m is permitted;
- b) **Section 6.1.2 "Minimum Rear Yard"** – to permit a minimum rear yard setback of 4.7m whereas the bylaw requires a minimum rear yard setback of 7.5m.

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.	<p>Section 3.7 "Encroachments – Decks (uncovered)"</p> <p>Yes. The requested variance is considered to be minor in nature.</p> <p>The increased encroachment of the uncovered deck is not anticipated to result in a negative impact on the adjacent uses or substantially remove any of the rear yard amenity area of the lot. The orientation of the deck is considered moderate in scale and a logical extension of the outdoor amenity space. Further, there will be no shadowing impact and its presence would not encroach on neighbouring parcels' private amenity space.</p> <p>Section 6.1.2 "Minimum Rear Yard"</p> <p>Yes. The requested variance is considered to be minor in nature.</p> <p>The requested variance is not anticipated to have a significant negative impact on the streetscape or adjacent properties as the existing dwelling will be maintained. Adequate area does exist on the property to provide for appropriate outdoor amenity area.</p>
The variance is desirable for the development or use of the land.	<p>Section 3.7 "Encroachments – Decks (uncovered)"</p>

	<p>Yes. The requested variance is considered to be desirable for the appropriate development or use of the land.</p> <p>The deck will enhance the outdoor amenity space. The requested variance is not anticipated to have negative impacts on the streetscape or adjacent properties. The scale of the proposed deck will not create a negative precedent since the amenity area will be maintained and will not affect the original intent of the building design.</p> <p>Section 6.1.2 "Minimum Rear Yard"</p> <p>Yes. The requested variance is desirable for the development or use of the land. The requested variance is not anticipated to have a significant negative impact on the streetscape or adjacent properties as the existing dwelling will be maintained. The reduction to the rear yard setback in this instance is desirable as appropriate private amenity area will be maintained on the site in the interior side yard.</p> <p>Staff are of the opinion the variance is desirable for the development or use of the land.</p>
The variance maintains the general intent and purpose of the Zoning By-law.	<p>Section 3.7 "Encroachments – Decks (uncovered)"</p> <p>Yes, the variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The intention of the maximum encroachment requirement is to ensure that there is sufficient space and separation between buildings, as well as to ensure there is adequate amenity space. The increased encroachment is not anticipated to have a significant visual impact and there remains adequate rear yard amenity space to service the dwelling.</p> <p>Staff are of the opinion that the increased encroachment is appropriate in this case and in keeping with the character of the area.</p> <p>Section 6.1.2 "Minimum Rear Yard"</p> <p>Yes. The variance maintains the general intent and purpose of the Zoning By-law. The intent of the rear yard setback is to ensure separation distance between abutting residential uses and to ensure there remains adequate amenity area for the lot in question.</p> <p>The parcel will maintain adequate amenity space. The reduced rear yard setback is not anticipated to have a significant visual impact from Homestead as the structure is existing.</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>Section 3.7 "Encroachments – Decks (uncovered)"</p> <p>Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan. Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan.</p> <p>Staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>

	<p>Section 6.1.2 “Minimum Rear Yard”</p> <p>Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan. Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan. The variance will have no impact on the streetscape as viewed from Homestead as it is recognizing existing conditions.</p> <p>Staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>
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Agency and Public Comments:

On August 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
 - A building permit will be required for the proposed deck.
- Public Works Department
 - Per Public Works comments on Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P, the applicant has satisfied the all the requirements to clear all the conditions with regards to the lot grading and drainage, that the storm water runoff will not negatively impact nor rely upon neighboring properties. However, this proposed application resurfaced the issues with the creation of Future Part 2 and Part 3.
 - Please be advised that no sideyard walkways that impede swales shall be permitted.

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

Planning Staff Comments:

Planning staff have reviewed all supporting materials as well as reviewed all agency and public correspondence submitted to date and offer the following for the Committee’s consideration.

Staff note that with respect to hardship, that the existing dwelling is to be retained.

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 A18/2023P **be approved** subject to the following condition(s):

THAT the applicant:

- That the approval of the minor variance A18/2023P is subject to the final certification of Consent Files B13/2023P and B14/2023P.
- 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.
- That all necessary building permits be acquired prior to construction commencing, to the satisfaction of the Chief Building Official.

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****A18-2023P
1053 Pelham Street****August 21, 2023**

Town staff have reviewed the following documentation for the purpose of **A18-2023P – 1053 Pelham Street** Minor Variance application for:

Application for relief is made to recognize zoning deficiencies resulting from Consent File B13/2023P. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 3.7 “Encroachments – Decks (uncovered)” – to permit an uncovered deck encroachment of 6.42m into the required rear yard, whereas an encroachment of 4.0m is permitted;

Section 6.1.2 “Minimum Rear Yard” – to permit a minimum rear yard setback of 4.7m whereas the bylaw requires a minimum rear yard setback of 7.5m.

This application is being considered concurrently with Consent Files B13/2023P and B14/2023P and Minor Variance File A19/2023P. Additionally, this is also in concurrent with Consent Files B11/2022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P.

Introduction:

The lands subject to the applications are addressed as 1053 Pelham Street in the Town of Pelham ("Subject Lands"). The lands are a corner lot abutting Homestead Boulevard to the north having frontage on Pelham Street to the west. Access to the property is provided from an existing driveway on Pelham Street. With a lot of area of approximately 1,009.4 square metres, the existing parcel is larger than adjacent parcels to the north and east that have lot areas that range between approximately 480 square metres and 800 square metres.

The purpose and effect of the applications is to sever the proposed parcel for future residential use. A lot addition is being proposed concurrently with the severance to provide the proposed parcel (Part 4) with additional lands (Parts 5 & 6). The existing dwelling on the remnant parcel (Part 1) is to remain along with the deck; however, the deck is to be converted into an uncovered deck. The Owner is proposing to remove the existing garage.

The subject land is located on the east side of Pelham Street, lying south of Homestead Boulevard, being Lot 177, Formerly Part of Thorold Township now Pelham, Part 1 on Reference Plan 59R-17702 (Part 1 on Sketch) in the Town of Pelham.

A previous applications of Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P was approved by the Town. The applications propose to sever the existing parcel to create two new lots fronting Pelham Street for future residential use. The existing dwelling and garage are proposed to remain on the remnant parcel, with the garage to be moved back from the lot line abutting Homestead Boulevard, in order to accommodate a driveway and parking. The existing driveway that traverses through the proposed parcels is to be removed. Due to the deficient lot frontage and minimum lot area of the proposed parcels, relief from the Zoning By-law's minimum lot frontage and minimum lot area provisions are required for their creation.

This full report contains following comments in conjunction oncurrently with Consent Files B13/2023P and B14/2023P and Minor Variance File A19/2023P. Additionally, this is also in concurrent with Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P 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**

Per Public Works comments on Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P, the applicant has satisfied the all the requirements to clear all the conditions with regards to the lot grading and drainage, that the storm water runoff will not negatively impact nor rely upon neighboring properties. However, this proposed application resurfaced the issues with the creation of Future Part 2 and Part 3.

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 will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 23st, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for
1053 Pelham Street

File Number: A18-2023P

Comments:

- Building has no comments.

Conditions:

- A building permit is required for Proposed Deck.

Respectfully,
Alex Foisey



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

Tuesday, September 05, 2023

Minor Variance Application: A19-2023P

Municipal Address: 1053 Pelham Street (Part 4)

Legal Description: THOROLD PT TWP LOT 177 RP, 59R15938 PART 1

Roll number: 2732 030 019 05100

Nature and Extent of Relief/ Permission Applied for:

The subject land is located on the south of Homestead Boulevard, lying east of Pelham Street, being Lot 177, Formerly Part of Thorold Township now Pelham, Part 1 on Reference Plan 59R-17702 (Part 4 on Sketch) in the Town of Pelham.

The subject land is zoned Residential 1 (R1) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made to facilitate the construction of a single detached dwelling. The applicant seeks relief from the following section of the Zoning By-law:

- a) **Section 6.1.2 "Minimum Lot Frontage"** – to permit a minimum lot frontage of 12.25m whereas the bylaw requires a minimum lot frontage of 15.0m.

This application is being considered concurrently with Consent Files B13/2023P and B14/2023P and Minor Variance File A18/2023P.

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"). A discussion of the four tests is included below.

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

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham’s *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan. The proposed development will contribute to meeting this target.

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

Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, and avoids adverse impacts to provincial interest, public health, safety and the quality of the human environment. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

Policy 2.6.2 of the PPS does not permit development and site alteration on lands containing archaeological resources unless significant archaeological resources have been conserved. The lands are identified as displaying composite archaeological potential per the Town’s Archaeological Master Plan. An archaeological assessment was conducted on the lands at the time of the previous consent applications, which has since received clearance from the Ministry of Citizenship and Multiculturalism (MCM).

Staff are of the opinion that the proposed variances are 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. 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 subject lands are located within the Delineated Built Boundary, being the settlement area of Fonthill. The application is generally consistent with the policies of the Growth Plan.

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

Regional Official Plan (Adopted 2022)

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

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

Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support intensification, compact built form, a mix of land uses, and a diverse range and mix of housing.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by facilitating compact built form and 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 subject lands are designated Urban Living Area / Built Boundary according to the Town's Official Plan. The purpose of the Urban Living Area designation is to recognize the existing residential areas of Fontheil and Fenwick and 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.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage the majority of development to the Urban Area where full sewer and water services are available. An objective is to encourage intensification and redevelopment within the Urban Area.

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. While the proposed lot frontage is a bit less than other lots in the neighbourhood, it is compatible with the existing uses and development. The character of the neighbourhood will be maintained.

Section E1.5 of the Official Plan speaks to minor variances. The policy outlines the four tests of a minor variance (discussed below) and stipulates that in making a determination of whether a variance is minor as required in Item Four, Committee shall have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. Additionally, the policy states that applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with. Although the Planning Act, and Provincial planning case law does not recognize the demonstration of 'need' or 'hardship' as a fifth test of a minor variance, the local Official Plan raises this matter. Please refer to discussion in Four Tests section below. The applicant provided a planning justification brief providing an analysis of the requested variances.

Town Planning staff are of the opinion the proposed minor variances conform to the local Official Plan as they assist in enabling appropriate redevelopment and intensification within an existing residential neighbourhood and do not conflict with any policies subject to the fulfillment of the proposed conditions of approval.

Town of Pelham Zoning By-law No. 4481 (2022)

The subject lands are zoned Residential One (R1) according to Schedule 'C' of the Town's Comprehensive Zoning By-law. The R1 zone permits a single detached dwelling and uses, buildings, and structures accessory thereto. Under the regulations of the R1 zone, the minor variance applications requests relief from:

- a) **Section 6.1.2 "Minimum Lot Frontage"** – to permit a minimum lot frontage of 12.25m whereas the bylaw requires a minimum lot frontage of 15.0m.

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

Minor Variance Test	Test Response/Explanation
The variance is minor in nature.	<p>Section 6.1.2 "Minimum Lot Frontage"</p> <p>Yes, the requested variance is considered minor in nature.</p> <p>The proposed reduced lot frontage is minor in nature given the context of the surrounding area. The variance is considered minor in nature as adverse impacts are not anticipated from the requested variances in terms of impact to the streetscape. The resulting built form is generally consistent with the existing neighbourhood from a land use, orientation and massing perspective and is considered an appropriately sensitive form of infill redevelopment. Similar lot frontages are observed in the vicinity of the parcel.</p> <p>Staff is of the opinion that the proposed variance is minor in nature.</p>
The variance is desirable for the development or use of the land.	<p>Section 6.1.2 "Minimum Lot Frontage"</p> <p>Yes, the variance is desirable for the development or use of the land.</p> <p>The variance will allow for a single detached residential dwelling in the low density R1 zone. The requested zoning relief promotes appropriate development standards that help facilitate compact form and intensification, as is promoted in Provincial and municipal legislation.</p> <p>Staff is of the opinion that the proposed variance is desirable for the development or use of the land.</p>
The variance maintains the general intent and purpose of the Zoning By-law.	<p>Section 6.1.2 "Minimum Lot Frontage"</p> <p>Yes, the variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The intent of the minimum lot frontage provision is to provide adequate frontage to site a building and to provide access to a site. The reduction in lot frontage is not anticipated to have a negative impact on the streetscape or ability to site a dwelling. Dwellings along Homestead Boulevard and Tanner Drive have similar lot frontages to what is proposed. The reduction in frontage will continue to allow for adequate setbacks for a future single detached dwelling.</p>

	<p>Staff note that any future dwelling will be required to meet other relevant provisions of the Zoning By-law including lot area, setbacks, and lot coverage.</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>Section 6.1.2 "Minimum Lot Frontage"</p> <p>Yes, the requested variance is considered to maintain the general intent and purpose of the Official Plan.</p> <p>The parcel is designated Urban Living Area, which permits single detached dwellings. Further, the proposed development represents an appropriate form of intensification. The existing character of the surrounding neighbourhood is maintained.</p> <p>The variances to reduce the minimum lot area and lot frontage maintain the policy intent of the Official Plan because they will allow for intensification of an existing neighbourhood within the delineated built boundary, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The reduction in lot frontage is not anticipated to negatively impact the character of the neighbourhood.</p> <p>Staff are of the opinion that the proposed variances maintain the general intent and purpose of the Official Plan.</p>

Agency and Public Comments:

On August 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
 - Per Public Works comments on Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P, the applicant has satisfied the all the requirements to clear all the conditions with regards to the lot grading and drainage, that the storm water runoff will not negatively impact nor rely upon neighboring properties. However, this proposed application resurfaced the issues with the creation of Future Part 2 and Part 3.
 - Please be advised that no sideyard walkways that impede sideyard swales shall be permitted
 - 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.

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 A19/2023P **be approved** subject to the following condition(s):

THAT the applicant:

- That the approval of the minor variance A19/2023P is subject to the final certification of Consent Files B13/2023P and B14/2023P.
- 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.
- That all necessary building permits be acquired prior to construction commencing, to the satisfaction of the Chief Building Official.
- 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.

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****A19-2023P
1053 Pelham Street****August 21, 2023**

Town staff have reviewed the following documentation for the purpose of **A19-2023P – 1053 Pelham Street** Minor Variance application for:

Application for relief is made to facilitate the construction of a single detached dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 6.1.2 “Minimum Lot Frontage” – to permit a minimum lot frontage of 12.25m whereas the bylaw requires a minimum lot frontage of 15.0m.

This application is being considered concurrently with Consent Files B13/2023P and B14/2023P and Minor Variance File A18/2023P. Additionally, this is also in concurrent with Consent Files B11/2022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P.

Introduction:

The lands subject to the applications are addressed as 1053 Pelham Street in the Town of Pelham ("Subject Lands"). The lands are a corner lot abutting Homestead Boulevard to the north having frontage on Pelham Street to the west. Access to the property is provided from an existing driveway on Pelham Street. With a lot of area of approximately 1,009.4 square metres, the existing parcel is larger than adjacent parcels to the north and east that have lot areas that range between approximately 480 square metres and 800 square metres.

The purpose and effect of the applications is to sever the proposed parcel for future residential use. A lot addition is being proposed concurrently with the severance to provide the proposed parcel (Part 4) with additional lands (Parts 5 & 6). The existing dwelling on the remnant parcel (Part 1) is to remain along with the deck; however, the deck is to be converted into an uncovered deck. The Owner is proposing to remove the existing garage.

The subject land is located on the east side of Pelham Street, lying south of Homestead Boulevard, being Lot 177, Formerly Part of Thorold Township now Pelham, Part 1 on Reference Plan 59R-17702 (Part 1 on Sketch) in the Town of Pelham.

A previous applications of Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P was approved by the Town. The applications propose to sever the existing parcel to create two new lots fronting Pelham Street for future residential use. The existing dwelling and garage are proposed to remain on the remnant parcel, with the garage to be moved back from the lot line abutting Homestead Boulevard, in order to accommodate a driveway and parking. The existing driveway that traverses through the proposed parcels is to be removed. Due to the deficient lot frontage and minimum lot area of the proposed parcels, relief from the Zoning By-law's minimum lot frontage and minimum lot area provisions are required for their creation.

This full report contains following comments in conjunction concurrently with Consent Files B13/2023P and B14/2023P and Minor Variance File A18/2023P. Additionally, this is also in concurrent with Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P 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**

Per Public Works comments on Consent Files B112022P and B12/2022P and Minor Variance File A15/2022P and A16/2022P, the applicant has satisfied the all the requirements to clear all the conditions with regards to the lot grading and drainage, that the storm water runoff will not negatively impact nor rely upon neighboring properties. However, this proposed application resurfaced the issues with the creation of Future Part 2 and Part 3.

Public Works offer the following comment:

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

Public Works offer the following conditions:

- Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.

To: Sarah Leach

Cc: Andrew Edwards

From: Alex Foisey, Building Intake/Zoning Technician

Date: June 23rd, 2023

Subject: Building Comments on Applications to the Committee of Adjustment for
1053 Pelham Street

File Number: A19-2023P

Comments:

- Building has no comments.

Respectfully,
Alex Foisey

**Committee of Adjustment
Minutes**

Meeting #: CofA 07/2023
Date: Tuesday, July 4, 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
John Cappa

Members Absent Brenda Stan
Isaiah Banach

Staff Present Sarah Leach
Andrew Edwards
Gimuel Ledesma

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

4. Approval of Agenda

Moved By Colin McCann
Seconded By Don Rodbard

THAT the agenda for the July 4, 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. Sarah Leach, Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Applications for Minor Variance

Applications A11/2023P, A12/2023P and A13/2023P were considered concurrently.

7.1 A11/2023P - 19 Arsenault Crescent

Purpose of the Application

Application A11/2023P 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.

Application A12/2023P 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.

Application A13/2023P 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.

Representation

The Agent, Ethan Laman was present.

Correspondence Received

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

Public Comments

Ms. Leach, Secretary Treasurer indicated she checked the clerks@pelham.ca email address 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 Don Rodbard

Seconded By Colin McCann

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Members offered no comments or concerns.

Moved By Colin McCann

Seconded By Don Rodbard

THAT Application A11/2023P for relief of 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, is hereby: GRANTED;

AND THAT Application A12/2023P for relief of 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, is hereby: GRANTED;

AND THAT Application A13/2023P for relief of 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, is hereby: GRANTED;

The above decisions are based on the following reasons:

1. The variance is minor in nature as there will be minimal impacts on the streetscape, and there remains sufficient lot area to site the proposed dwelling on the lot.
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 the siting of the proposed dwelling on a lot with irregular frontage.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.
7. The applicant is aware no side yard walkways that impede side yard swales shall be permitted.

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 Public Works
 1. 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.

Carried

7.2 A12/2023P - 15 Arsenault Crescent

Application A12/2023P was heard concurrently with A11/2023P and A13/2023P. See A11/2023P for minutes.

7.3 A13/2023P - 11 Arsenault Crescent

Application A13/2023P was heard concurrently with A11/2023P and A12/2023P. See A11/2023P for minutes.

8. Applications for Consent

None.

9. Minutes for Approval

Moved By Colin McCann

Seconded By Don Rodbard

THAT the Committee of Adjustment minutes dated April 3, 2023, be approved.

Carried

10. Adjournment

Moved By Don Rodbard

Seconded By John Cappa

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for August 8, 2023 at 4:00 pm.

Carried

John Capa, Chair

Sarah Leach, Secretary-Treasurer