

08-2024

August 6, 2024

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 Minor Variance**

8. Applications for Consent

9. Applications for Minor Variance (Continued)



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

Tuesday, August 06, 2024

Minor Variance Application: A16-2024P

Municipal Address: 25 Highway 20 East
Legal Description: PLAN 25 PT BLK A NP717
Roll number: 2732 020 003 14600

Nature and Extent of Relief/ Permission Applied for:

The subject land is located on the north side of Highway 20 West, lying west of Station Street, being Part of Block A, Plan 717, in the Town of Pelham.

The subject property is located at 25 Highway 20 East in the Town of Pelham. There is an existing single detached dwelling on the property that will be converted to a hotel. The property is located on the north side of Highway 20 East. The property has a lot frontage of 22.87 m, a lot depth of 45.72 m and an area of 1,045.6 m².

The subject land is zoned Main Street (MS) in accordance with Pelham Zoning By-law 4481 (2022), as amended. Application for relief is made, to facilitate an addition to and renovation of the existing dwelling to facilitate a 3-storey commercial hotel with 6 guest rooms (2 per floor) and a shared amenity space in the basement. The applicant seeks relief from the following section(s) of the Zoning By-law:

- a. **Section 8.2.3 (Zone Requirement) "Front Yard"** – to recognize the front wall occupying 68% of the lot frontage and setback 11.36m from the front lot line whereas the By-law requires the façade to occupy a minimum of 75% of the lot frontage and be built within 0-3.0m of the front lot line;
 - o Staff note the setback will be 9.48 metres after road widening.
- b. **Section 8.2.3 (Zone Requirement) "First Floor Window Height"** – to recognize an existing first floor window height of 0.71m whereas the By-law allows a first-floor window height of 0.3m to 0.6m; and
- c. **Section 8.2.3 (Zone Requirement) "First Floor Height"** – to permit an existing first floor height of 2.74m whereas the By-law requires a minimum first floor height of 4.5m;
- d. **Section 8.2.3 (Zone Requirement) "Angular Plane"** – 60-degree angular plane - to permit a 0.102m encroachment into the angular plane on the west side of the lot, whereas no encroachment into the angular plane is permitted.

The property is currently zoned Main Street (MS), which permits the proposed hotel, however there are several zoning deficiencies associated with the existing building, including the front yard setback, angular plane, first floor window height and first

floor height provisions.

There is an active site plan approval application for the development (SP-07-2023).

Applicable Planning Policies:

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

Section 45 (1) states that the Committee of Adjustment may authorize a minor variance to 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 (PPS) (2020)

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

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

The subject land is located in a 'Settlement Area' according to the PPS. Generally, settlement areas are to be the focus for new growth and development.

Staff are of the opinion the proposed variances are consistent with the PPS.

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 proposed development of the site supports the primary objective of the Growth Plan to direct growth to settlement areas and to utilize existing municipal infrastructure. The proposed variances do not conflict with any policies of the Growth Plan. Accordingly, staff are of the opinion the proposed variances conform with the Growth Plan.

Niagara Region Official Plan (2022)

The Region of Niagara adopted a new Official Plan on June 23, 2022. Approval was granted by the Province on November 7, 2022. The new Region of Niagara Official Plan ("NOP") provides the policy guidance for future development across the Region. The property is within a "Delineated Built-Up Area," being the settlement area of Fonthill. The intent of the NOP is maintained as the property is located in a Delineated Built-up Area, and will provide new employment opportunities and will utilize existing municipal infrastructure.

As part of the site plan application, the Region identified a road widening will be required along the Highway 20 frontage. A road widening of 1.88m width along the frontage of Regional Road 20 will be required to be granted gratuitously to the Region as a condition of future site plan approval.

Staff are of the opinion the variances conform with the Niagara Region 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 Downtown Transitional Area according to Schedule A1. The purpose of this designation is to be a transitional area for commercial and higher density residential development that contributes to the character and identity of the Downtown. The intent is that this area be designated for small-scale business, commercial and residential uses that could utilize existing buildings and be complementary to the mixed-use, pedestrian oriented focus of the Downtown. Inns are listed as a permitted use in the DTA designation.

Policy B1.3.4.3 sets forth the development criteria for this designation. Redevelopment and intensification proposals may be subject to a Zoning By-law Amendment and shall be subject to Site Plan Control. Prior to approving application for new development, Council should be satisfied that:

- a) The scale and appearance of the use is complementary to and does not detract from the residential character of the area;
 - ✓ The scale and appearance of the building is similar to the surrounding area and the overall building height will conform with the maximum building height permitted for residential uses. The proposed development will utilize the existing dwelling on the property. The addition will utilize the same architectural style (e.g. siding, etc.) of the existing dwelling, thus maintaining the character of the building.
- b) The building and/or the general appearance of the site will be improved through quality urban design;

- ✓ The general appearance of the site will be improved through the subject development, including landscaping and an upgraded building façade.
- c) Adequate on-site or off-site parking is provided;
 - ✓ On-site parking is provided for the development. Staff note there is no required parking for commercial uses in the Main Street zone. Each room will have access to one parking space.
- d) The Site Plan Agreement will address appropriate urban design matters including accessibility provision, exterior design features, massing and relationship to adjacent buildings as well as sustainable design elements located on municipal road allowances and land; and,
 - ✓ The applicant has submitted an application for site plan approval which has received conditional approval pending a number of items including approval of the minor variance application. A detailed review of the site plan has been conducted by Town staff and external commenting agencies. A Site Plan Agreement will be registered on title when the applicant has satisfied the conditions of approval and received final approval.
- e) The sign identifying the use is limited in size in accordance with the municipal Sign By-law.
 - ✓ Signage will be in accordance with the Town's sign by-law.

The development and urban design policies of Section B1.2.4.3 of the Official Plan apply. Generally speaking, the urban design policies encourage buildings to be built at or near the front lot line and encourage orienting buildings towards the street to enhance the streetscape.

B1.2.4.3(j) states: Preferred building materials include brick, wood, stone, glass, in-situ concrete and precast concrete. Building materials discouraged include vinyl siding, plastic, plywood, concrete block, metal siding and tinted or mirrored glass.

B.1.3.4.3(e) Design features such as pitched roof lines, awning and front porches are encouraged.

The proposed hotel will utilize the existing façade of the dwelling. This will maintain the residential character of the building and remain consistent with neighbouring dwellings and the surrounding area.

In making a determination of whether a variance is minor as required in Item Four, Committee will 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.

Section E1.5 states in part:

... 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 submitted a planning justification brief with the application which details the proposal's alignment with provincial and local policy, including a review of the four tests as outlined in the Planning Act. Staff agree with the conclusions of the report.

Based on the analysis above, staff are of the opinion the variance conforms with the Town's Official Plan.

Downtown Master Plan for Fenwick and Fonthill

The Town of Pelham's Master Plan for Downtown Fenwick and Fonthill was developed in 2014. It provides guidelines for new developments taking place in these areas to ensure they are well designed and considerate of the surrounding neighbourhood. New developments should maintain and enhance the character of both the public and private realms. The subject property is located in the Downtown Fonthill area, adjacent to the Historic Downtown Fonthill area and, therefore, is subject to the design guidelines of the Downtown Master Plan.

From a high level, this document encourages the "Town" character of Fonthill through promoting a mix of mixed-use buildings, larger employment and civic buildings, encourages a greater range of business types, and provides guidelines for the types of building form and articulation within the Downtown area.

Staff are in agreement with the analysis presented in the planning justification report.

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

The subject lands are zoned Main Street (MS) per Town of Pelham Comprehensive Zoning By-law 4481(2022). The minor variance application requests relief from:

- a. **Section 8.2.3 (Zone Requirement) "Front Yard"** – to recognize the front wall occupying 68% of the lot frontage and setback 11.36m from the front lot line whereas the By-law requires the façade to occupy a minimum of 75% of the lot frontage and be built within 0-3.0m of the front lot line;
 - o Staff note the setback will be 9.48 metres after road widening.
- b. **Section 8.2.3 (Zone Requirement) "First Floor Window Height"** – to recognize an existing first floor window height of 0.71m whereas the By-law allows a first-floor window height of 0.3m to 0.6m; and
- c. **Section 8.2.3 (Zone Requirement) "First Floor Height"** – to permit an existing first floor height of 2.74m whereas the By-law requires a minimum first floor height of 4.5m;
- d. **Section 8.2.3 (Zone Requirement) "Angular Plane"** – 60-degree angular plane - to permit a 0.102m encroachment into the angular plane on the west side of the lot, whereas no encroachment into the angular plane is permitted.

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

Minor Variance Test	Test Response/Explanation
<p>The variance is minor in nature.</p>	<p>Section 8.2.3 (Zone Requirement) "Front Yard"</p> <p>Yes, the variance is minor in nature. The proposed renovation/conversion of the existing dwelling to a hotel will utilize the existing footprint of the dwelling. The addition to the building will be a third storey addition that will not alter the existing front yard setback, or the percentage of the frontage occupied by the structure.</p> <p>Staff note the setback will be 9.48 metres after road widening taken by the Region. The location of the building is not changing.</p> <p>The existing location of the structure is not anticipated to detract from the streetscape. The landscaping and façade improvements will maintain a pedestrian oriented streetscape. As such, staff are of the opinion the variance is minor in nature.</p>
	<p>Section 8.2.3 (Zone Requirement) "First Floor Window Height" Section 8.2.3 (Zone Requirement) "First Floor Height"</p> <p>Yes, the variances are minor in nature. The variances are required to recognize the existing conditions of the building. Permitting the conversion of the existing structure will maintain the character of the surrounding area. The existing window height and first floor height of the building are not anticipated to detract from the streetscape and will facilitate the conversion of the existing dwelling for commercial use.</p> <p>As such, staff are of the opinion the variance is minor in nature.</p>
	<p>Section 8.2.3 (Zone Requirement) "Angular Plane"</p> <p>Yes, the minor variance is minor in nature.</p> <p>Per the Zoning By-law, the angular plane is defined as a flat surface extending from a lot line and projecting over a lot, at a specified angle measured up from the horizontal, through which no part of a structure on the lot may penetrate.</p> <p>Given the pitch of the roof, a small portion of the roof (eavestrough) projects 0.102 metres into the angular plane. Staff note the structure is still under the permitted maximum height of the zoning by-law. No windows or living space encroach into the angular plane, and as such, issues of overlook are mitigated.</p> <p>Staff are of the opinion the variance is minor is nature.</p>
<p>The variance is desirable for the development or use of the land.</p>	<p>Section 8.2.3 (Zone Requirement) "Front Yard"</p> <p>Yes, the variance is desirable for the development or use of the land.</p>

	<p>The variance will allow the existing dwelling to be converted to a commercial use, which is an example of adaptive reuse. The proposed scale of the use (6 hotel rooms) is compatible with the surrounding area and is appropriate for the site. As such, staff are of the opinion the variance is desirable for the development or use of the land.</p>
	<p>Section 8.2.3 (Zone Requirement) "First Floor Window Height" Section 8.2.3 (Zone Requirement) "First Floor Height"</p> <p>Yes, the variances are desirable for the development or use of the land. The variances will allow the existing dwelling to be converted to a commercial use, which is an example of adaptive reuse. The proposed use is compatible with the surrounding area and is appropriate for the site. As such, staff are of the opinion the variance is desirable for the development or use of the land.</p>
	<p>Section 8.2.3 (Zone Requirement) "Angular Plane"</p> <p>Yes, the variance is desirable for the development or use of the land. The proposal provides for a form of development that is generally compatible with the surrounding area. The minor encroachment into the angular plane is not anticipated to result in a built form that is inappropriate for the lands. The height of the structure will still comply with the regulation of the Zoning By-law. As such, the variance is considered 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 8.2.3 (Zone Requirement) "Front Yard"</p> <p>The By-law requires a building occupy 75% of the lot frontage and be built within 0-3.0m of the front lot line. The intent and purpose of this provision is to encourage building design that fosters a traditional commercial "main street" streetscape. The intent is to encourage active building facades, large display windows, pedestrian friendly streetscape. Shallow setbacks are intended to bring buildings closer to the street to encourage an active pedestrian-oriented streetscape in commercial areas. The intent of the provision requiring 75% of the frontage be occupied by buildings is to enhance streetscape continuity, promote walkability through a more engaging and active street frontage, and contribute to a defined urban form.</p> <p>The variance is being requested to recognize existing conditions of the dwelling. Granting the variance would allow for the adaptive reuse of the building to be used for a permitted commercial use. As such, it is the opinion of staff the variance maintains the general intent and purpose of the by-law.</p>

	<p>Section 8.2.3 (Zone Requirement) "First Floor Window Height"</p> <p>The By-law requires the first-floor window height be between 0.3m to 0.6m. Similar to the intent of the front yard requirements in the MS zone, the intent and purpose of first floor window height provision is to encourage a traditional main street building typology, with large display windows, and an active streetscape.</p> <p>The variance is being requested to recognize existing conditions of the dwelling. The development will convert the existing residential use into a commercial use along a commercial corridor within the Town's Downtown. Granting the variance would allow for the adaptive reuse of the building to be used for a permitted commercial use. As such, it is the opinion of staff the variance maintains the general intent and purpose of the by-law.</p> <hr/> <p>Section 8.2.3 (Zone Requirement) "First Floor Height"</p> <p>The By-law requires a minimum first floor height of 4.5m. The intent and purpose of this provision is to encourage good commercial design, including retail spaces that can accommodate a variety of commercial uses. enhance visibility and attractiveness of storefront, and to contribute to the overall streetscape and urban design. This is to align with the architectural characteristics of traditional commercial areas, contributing to the character of the Main Street area.</p> <p>The variance is being requested to recognize existing conditions of the dwelling. The development will convert the existing residential use into a commercial use along a commercial corridor within the Town's Downtown. Granting the variance would allow for the adaptive reuse of the building to be used for a permitted commercial use. As such, it is the opinion of staff the variance maintains the general intent and purpose of the by-law.</p> <hr/> <p>Section 8.2.3 (Zone Requirement) "Angular Plane"</p> <p>The By-law requires a 60° angular plane be established from 7.5m above the side yard lot line where abutting a residential use. The intent and purpose of this provision is for several reasons, including mitigation of shadow impacts on neighbouring residential uses, minimize overlook, to provide a transition in height between uses, encourage sensitive design, and to reduce to visual impact of new development.</p> <p>The intent and purpose of the zoning by-law is maintained, as the height of the structure is within the permitted height regulation of the by-law. No windows or living space is proposed to encroach into the angular plane, and as such overlook and privacy concerns are mitigated.</p>
<p>The variance maintains the general intent and purpose of the Official Plan.</p>	<p>All requested variances</p> <p>The variances maintain the general intent and purpose of the Official Plan. The subject lands are designated Downtown Transitional Area according to the Town's Official Plan. The purpose of this designation is to be a transitional area for commercial and higher density residential development that contributes to the character and identity of the Downtown. The intent is that this area be designated for small-scale business, commercial and residential uses that could utilize existing buildings and be complementary to the mixed-use, pedestrian oriented focus of the Downtown.</p>

	<p>The variances will facilitate compatible and appropriate development of the subject property. The redevelopment of the site will facilitate an inviting and pedestrian scaled commercial development that blends with adjacent residential uses. The variance does not conflict with any policies subject to fulfillment of the proposed conditions of approval. As such, the variances maintain the general intent and purpose of the Official Plan.</p> <p>As such, 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 June 17, 2024, 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 application will be required upon planning approval.
- Public Works Department
 - The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.
- Niagara Region
 - No objections. Regional comments and requirements will be incorporated in the future site plan agreement.

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

Planning Staff Comments:

As previously mentioned, the applicant has submitted an application for site plan approval. Staff provided detailed comments at the time of submission which the applicant is currently working through for a second submission. One of the conditions of the conditional approval for the site plan was to obtain minor variance approval for the zoning deficiencies that were identified.

The development will facilitate the conversion of the existing building into a commercial use along a commercial corridor within the Town’s Downtown Transitional Area. The majority of the variances are required to recognize existing conditions. The third storey addition to the structure necessitates a minor encroachment into the angular plane. However, the height of the structure is still within the permitted height of the zoning by-law and consistent with the maximum permitted height on the adjacent residential properties. The use is permitted per the zoning by-law, and in the opinion of staff is appropriate development for the site.

Staff note the front yard setback will be 9.48 metres after road widening, however the variance is considered to the existing property line.

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 A16/2024P **be approved** subject to the following condition(s):

THAT 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.
- That all necessary building permits be acquired prior to construction commencing, to the satisfaction of the Chief Building Official.
- Enter into a site plan agreement to the satisfaction of the Director of Community Planning and Development.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**A16-2024P
25 Highway 20 E**

July 9, 2024

Town staff have reviewed the following documentation for the purpose of **A16-2024P – 25 Highway 20 E** Minor Variance application for:

The subject land is zoned Main Street (MS) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate an addition to and renovation of the existing dwelling to facilitate a 3-storey commercial hotel with 6 guest rooms (2 per floor) and a shared amenity space in the basement. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 8.2.3 (Zone Requirement) “Front Yard” – to recognize the front wall occupying 68% of the lot frontage and setback 11.36m from the front lot line whereas the By-law requires the façade to occupy a minimum of 75% of the lot frontage and be built within 0-3.0m of the front lot line; and

Section 8.2.3 (Zone Requirement) “First Floor Window Height” – to recognize an existing first floor window height of 0.71m whereas the By-law allows a first floor building height of 0.3m to 0.6m; and

Section 8.2.3 (Zone Requirement) “First Floor Height” – to permit an existing first floor height of 2.74m whereas the By-law requires a minimum first floor height of 4.5m;

Section 8.2.3 (Zone Requirement) “Angular Plane” – 60-degree angular plane - to permit a 0.102m encroachment into the

Introduction:

The subject land is located on the north side of Highway 20 West, lying west of Station Street, being Part of Block A, Plan 717, in the Town of Pelham

The subject property is located at 25 Highway 20 East in the Town of Pelham. There is an existing single detached dwelling on the property that will be converted to a hotel. The property is located on the north side of Highway 20 East. The property has a lot frontage of 22.87 m, a lot depth of 45.72 m and an area of 1,045.6 m². The legal description of the property is Part Block A, Plan 717.

The property is currently zoned Main Street (MS), which permits the proposed hotel, however there are several zoning deficiencies associated with the existing building, including the front yard setback, angular plane, first floor window height and first floor height provisions. Therefore, to permit the proposed hotel, a minor variance is required.

Analysis:

General Comments

The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.

Public Works offer the following conditions:

- The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.

From: [Building Info](#)
To: [Andrew Edwards](#); [Sarah Leach](#)
Subject: Comments for A16-2024P: 25 Highway 20 E
Date: Thursday, July 18, 2024 2:17:42 PM

Good afternoon,

The building department has no comment at this time, however a building permit will be required at time of application.

Kind regards,



Jessica Passant, Dipl. T. (Arch)
Building Intake/Zoning Technician
Town of Pelham
D: 905-980-6683 | E: building-info@pelham.ca
T: 905-892-2607 x344
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

Tuesday, August 06, 2024

Minor Variance Application: A17-2024P

Municipal Address: 1311 Effingham Street

Legal Description: CON 8 PT LOT 5 RP 59R10838, PART 1

Roll number: 2732 020 010 12110

Nature and Extent of Relief/ Permission Applied for:

The subject land is located on the north side of Pancake Lane, lying east of Effingham Street, being Part of Lot 5, Concession 8, in the Town of Pelham, and known locally as 1311 Effingham Street.

The subject land is zoned Specialty Agricultural (SA) in accordance with Pelham Zoning By-law 4481 (2022), as amended. Application is made to construct an addition to the garage and an addition to the main floor of the dwelling. The minor variance application seeks relief from:

- a) **Section 5.2.3 (Zone Requirements for a Single Detached Dwelling) "Minimum Corner Side Yard"** – to permit a minimum corner side yard of 3.445m whereas the By-law requires a minimum corner side yard of 8.0m.

The lands are located on the northeast corner of Pancake Lane and Effingham Street, having approximately 4,689.9 m² of lot area. The parcel has 41.45 metres of frontage on Effingham and 98.45 metres of frontage on Pancake Lane. The lands are accessed from a driveway off of Pancake Lane. According to the Town's Zoning By-law, the Effingham Street frontage is considered the front lot line, with the Pancake Lane frontage being an exterior side lot line. The lands currently contain an existing 1.5 storey brick dwelling.

Applicable Planning Policies:

Planning Act

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 (PPS) (2020)

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

The subject property is located within the Prime Agricultural Area under the PPS, and more specifically within a Specialty Crop Area. Provincial and Regional policies state that specialty crop areas are to be given the highest priority of protection for long-term agricultural use. Permitted uses, among others, include agricultural/agricultural related uses, limited residential development and home occupations.

Provincial and Regional policies aim to protect agricultural land for long-term agricultural use. Specifically, Section 2.3 "Agriculture" of the PPS sets the policy framework for prime agricultural areas. Policy 2.3.6.1 permits limited non-agricultural uses in prime agricultural areas. Planning staff note that the property is 4,689.9 m² in land area, is not actively farmed, and is considered to be a rural residential lot.

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. Accordingly, an archaeological assessment scoped to the area of disturbance will be a condition of approval.

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

Greenbelt Plan (2017)

The property is designated Protected Countryside under the Greenbelt Plan, 2017 (Greenbelt Plan) and Specialty Crop Area under the Niagara Region Official Plan, 2022 (NROP).

Growth Plan for the Greater Golden Horseshoe (2020)

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

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

The subject property is impacted by the Region's Natural Environment System (NES), consisting of a permanent/intermittent stream. The property is also partially mapped as part of the Provincial Natural Heritage System (PNHS). As such, this feature is considered a Key Hydrologic Feature (KHF).

Policy 4.2.4.3 states that development or site alteration is not permitted within a vegetative protective zone, with the exception of that described in Policy 4.2.3.1. Policy 4.2.3.1(e) provides that development may be permitted within the VPZ provided the use does not expand into the key hydrologic feature or key natural heritage feature or vegetative protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure. The proposed structure fulfills the intent of these policies being an limited expansion to the existing structure.

Staff are of the opinion that the proposed variances confirm with the Growth Plan.

Niagara Region Official Plan (2022)

The Niagara Region Official Plan (2022) provides the policy guidance for future development across the Region.

NROP Policy 4.1.2.1 also states that single detached dwellings and accessory structures are permitted on existing lots of record in specialty crop areas provided they were zoned for such or permitted or permitted through other legislation as of December 16, 2004.

Policy 4.1.10.2 in the NOP states that expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with the Greenbelt Plan are permitted, provided new municipal services are not required and the use does not expand into key natural heritage features or key hydrological features or their associated vegetation protection zones.

The subject property is impacted by the Region's Natural Environment System (NES), consisting of a permanent/intermittent stream. The property is also partially mapped as part of the Provincial Natural Heritage System (PNHS). As such, this feature is considered a Key Hydrologic Feature (KHF). NOP Policy 3.1.5.3 requires the establishment of a 30-metre-wide Vegetation Protection Zone (VPZ) adjacent to any permanent/intermittent stream. Development or site alteration is generally not permitted within a KHF or its VPZ. However, NOP Policy 3.1.5.5(g) allows for expansions to existing buildings or structures subject to the demonstration that it does not expand into a KHF, Key Natural Heritage Feature or their VPZ.

The proposed addition to the house at the northeast corner is within 30 metres of a stream on the northwest side of the house. Regional environmental staff have determined pursuant to NOP Policy 3.1.5.5(g) that the expansion is limited in scope

and is unlikely to have a negative impact on the stream. As such, the application does not conflict with the NROP's NES policies.

Regional staff have recommended that a Tree Protection Plan be implemented to the Town's satisfaction during construction and that replacement plantings of native trees be considered should tree removals be necessitated.

Subject to the recommended conditions, staff are of the opinion the variance conforms with the Region's Official Plan.

Town of Pelham Official Plan (2014)

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

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

In making a determination of whether a variance is minor as required in Item Four, Committee will 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. The impact of the proposed variances is minimal.

Section E1.5 states in part:

... 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 owner provided a cover letter which outlined the need for the variance. The house and garage are oriented in such a way that the only natural extension of the garage is within the exterior side yard. The proposed garage is buffered by the existing treeline from Pancake Lane.

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

Pelham Zoning By-law No. 4481 (2022), as amended

The subject lands are zoned Specialty Agricultural and are partially within the Greenbelt Natural Heritage System Overlay.

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

- a) **Section 5.2.3 (Zone Requirements for a Single Detached Dwelling) “Minimum Corner Side Yard”** – to permit a minimum corner side yard of 3.445m whereas the By-law requires a minimum corner side yard of 8.0m.

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
<p>The variance is minor in nature.</p>	<p>Yes, the variance is considered minor in nature.</p> <p>In the opinion of staff, the variance is minor in nature as the reduction to the setback is not anticipated to result in a negative impact on the adjacent uses, the streetscape, or substantially remove any of the amenity space of the lot. No visibility impacts to the intersection are anticipated as the dwelling is set back a large distance from the intersection. The Pancake Lane frontage of the site effectively functions as the front yard. The variance will facilitate a natural addition to the garage.</p> <p>As such, staff are of the opinion the variance is minor in nature.</p>
<p>The variance is desirable for the development or use of the land.</p>	<p>Yes, the variance is desirable for the development or use of the land.</p> <p>The requested variance is not anticipated to have a negative impact on the character of the surrounding area. The variances would allow for appropriate development through a building addition. The construction would be in character with the area which includes agricultural and residential uses and uses accessory thereto. The variance is desirable as it will permit design flexibility while maintaining adequate area for amenity space, drainage, and private sewage system servicing capabilities. The location of the garage maintains a more generous setback from the stream to the northeast than locating an accessory structure elsewhere on the property.</p> <p>As such, staff are of the opinion the variance is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes, the variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The intent of the exterior side yard setback is to maintain distance from the street to increase visibility for drivers, avoid over-development of lots, and allow for enhanced landscaping along corner lots.</p> <p>The proposed addition maintains adequate visibility at the intersection of Pancake Lane and Effingham Street, allows for adequate landscaping, and does not result in the overdevelopment of the site. The site would appear to have sufficient lot area in the event the existing septic system needs to be replaced. The reduction in exterior side yard is setback adequately from the front lot line.</p>

	As such, staff are of the opinion the variance maintains the general intent and purpose of the Zoning By-law.
The variance maintains the general intent and purpose of the Official Plan.	<p>Yes, the variance maintains the general intent and purpose of the Official Plan.</p> <p>The requested variances should have no impact on the agricultural viability of the surrounding area and will not compromise the objectives of the Official Plan, with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities.</p> <p>As such, staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>

Agency and Public Comments:

On June 18, 2024 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 application will be required upon planning approval.
- Public Works Department
 - 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.
 - Existing grading plan does not match the existing conditions of the property. Trees are not shown on the plan. Please include location of trees on plan.
 - An Updated comprehensive Lot Grading and Drainage Plan will be required, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.
- Niagara Region
 - The application is consistent with the PPS and conforms to Provincial and Regional policies. As such, Regional Growth Strategy and Economic Development staff offers no objection to the application, provided a new sewage system permit is obtained prior to the issuance of a building permit to accommodate increased flows from the proposed dwelling addition. Staff suggest that a condition to this effect be included in the development agreement between the Owner and the Town of Pelham.
 - As noted above, staff recommend that a Tree Protection Plan be implemented to the Town’s satisfaction during construction and that

replacement plantings of native trees be considered should tree removals be necessitated.

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

Planning Staff Comments:

Planning staff circulated the proposal for pre-consultation comments on February 8, 2024, which identified complete application requirements in support of the application.

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 A17/2024P **be approved** subject to the following condition(s):

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

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**A17-2024P
1311 Effingha, Street**

July 9, 2024

Town staff have reviewed the following documentation for the purpose of **A17-2024P – 1311 Effingham Street** Minor Variance application for:

The subject land is zoned Specialty Agriculture (SA) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate an addition to the garage and an addition to the main floor of the dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 5.2.3 (Zone Requirements for a Single Detached Dwelling)

“Minimum Corner Side Yard” – to permit a minimum corner side yard of 3.445m whereas the By-law requires a minimum corner side yard of 8.0m.

Introduction:

The subject land is located on the north side of Pancake Lane, lying east of Effingham Street, being Part of Lot 5, Concession 8, in the Town of Pelham

Application for relief is made, to facilitate an addition to the garage and an addition to the main floor of the dwelling. The Site is located outside of the urban boundary, at the corner of Effingham Street and Pancake Lane.

The building sits beautifully on the property but because of our (SA) zoning we are not permitted to put an accessory building in the front yard. Thenhouse and garage are situated in such a way that our only option is to add to the side of the garage with a secondary garage allowing us the storage space and security we desire. The proposed addition to the garage is within our tree line and will still be almost 65M off the corner of Effingham Street.

Analysis:

General Comments

- Should there be 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.
- Existing grading plan does not match the existing conditions of the property. Trees are not shown on the plan. Please see condition below.

Public Works offer the following conditions:

- An Updated comprehensive Lot Grading and Drainage Plan will be required, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.

Sarah Leach

To: Jessica Passant
Cc: Jodi Legros; Andrew Edwards
Subject: RE: CofA Comment Reminder

From: Jessica Passant <jpassant@pelham.ca>
Sent: Tuesday, July 23, 2024 1:12 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Jodi Legros <JLegros@pelham.ca>; Andrew Edwards <AEdwards@pelham.ca>
Subject: RE: CofA Comment Reminder

Good morning Sarah,

A17-2024P: 1311 Effingham St – A building permit application will be required upon planning approval.

A19-2024P: Part of 73-79 William St – A building permit application will be required upon planning approval.

B13-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A14-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A15-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

B14-2024P: 28 Lorimer St – Any future proposed construction will require a building permit application.



Jessica Passant, Dipl. T. (Arch)

Building Intake/Zoning Technician

Town of Pelham

D: 905-980-6683 | E: building-info@pelham.ca

T: 905-892-2607 x344

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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Growth Strategy and Economic Development

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

Via Email Only

July 15, 2024

Regional File Number: PLMV202400764

Sarah Leach, BA
Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1C0

Dear Ms. Leach:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Town File Number: A17-2024P
Applicant: [REDACTED]
Location: 1311 Effingham Street, Pelham

Regional Growth Strategy and Economic Development staff have reviewed the above noted Minor Variance application for 1311 Effingham Road in Pelham. The applicant is proposing to construct an addition to the garage and main floor of the dwelling.

The following comments are provided from a Provincial and Regional perspective to assist the Town in the review of this application.

Provincial and Regional Policies

The subject property is located within the Prime Agricultural Area under the *Provincial Policy Statement, 2020* (PPS), and more specifically within a Specialty Crop Area. The property is designated Protected Countryside under the *Greenbelt Plan, 2017* (Greenbelt Plan) and Specialty Crop Area under the *Niagara Official Plan, 2022* (NOP). Provincial and Regional policies state that specialty crop areas are to be given the highest priority of protection for long-term agricultural use.

The Greenbelt Plan and NOP state that all existing uses lawfully used for such purpose prior to December 16, 2004 (date that the Greenbelt Plan came into effect) are permitted in specialty crop areas. NOP Policy 4.1.2.1 also states that single detached dwellings and accessory structures are permitted on existing lots of record in specialty crop areas provided they were zoned for such or permitted or permitted through other

July 15, 2024

legislation as of December 16, 2004. Further, Policy 4.5(1) in the Greenbelt Plan and Policy 4.1.10.2 in the NOP state that expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with the Greenbelt Plan are permitted, provided new municipal services are not required and the use does not expand into key natural heritage features or key hydrological features or their associated vegetation protection zones.

Regional environmental planning staff have determined that the proposed development is not expected to have a negative impact on the stream (for additional information see the Natural Heritage section below). As such, staff find the proposal to be in conformity with the above noted policies.

Archaeological Potential

The subject property falls within the Region's mapped Area of Archaeological Potential, as identified on 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.

Regional staff note that the Town of Pelham has a Heritage Master Plan. As such, Town staff should be satisfied that any local archaeological provisions / requirements have been met. Should the Town require an archaeological assessment for the proposed development, staff request that all applicable reports and a Ministry letter of acknowledgement are circulated to the Region.

Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of a permanent/intermittent stream. The property is also partially mapped as part of the Provincial Natural Heritage System (PNHS). As such, this feature is considered a Key Hydrologic Feature (KHF).

NOP Policy 3.1.5.3 requires the establishment of a 30 metre wide Vegetation Protection Zone (VPZ) adjacent to any permanent/intermittent stream. Development or site alteration is generally not permitted within a KHF or its VPZ. However, NOP Policy 3.1.5.5(g) allows for expansions to existing buildings or structures subject to the demonstration that it does not expand into a KHF, Key Natural Heritage Feature or their VPZ.

Staff note that the proposed addition to the house at the northeast corner is within 30 metres of the stream on the northwest side of the house. However, staff are satisfied that (pursuant to NOP Policy 3.1.5.5(g)) the expansion is limited in scope and is unlikely to have a negative impact on the stream. As such, the application does not conflict with the NOP's NES policies. Please note that future planning applications for development and/or site alteration may require an EIS or similar environmental study.

Regional staff recommend that a Tree Protection Plan be implemented to the Town's satisfaction during construction and that replacement plantings of native trees be considered should tree removals be necessitated.

For future reference if any further development is proposed in the future, NOP Policy 3.1.5.8.1 states that the following applies within the PNHS, regardless of whether the site is in a KNHF, KHF, VPZ or adjacent lands:

- New development or site alteration within a PNHS shall demonstrate that the disturbed area will not exceed 25% of the total developable area, the impervious surface will not exceed 10%, and at least 30% of the total developable area will remain or be returned to natural self-sustaining vegetation.

Private Servicing

A sewage system permit was issued for the property in 2001, however, no inspection notes or final use permit was located within the file. At the site inspection, Regional Private Sewage System staff noted that a two-compartment septic tank is located north of the dwelling and appears to gravity feed to a sewage system bed in the front yard. There were no visible defects found with the sewage system at the time of the inspection.

The garage and main floor addition will not encroach onto the existing sewage system and enough usable land remains on the property for installation of a replacement sewage system. Staff note that the main floor addition, which includes living space, bedroom, and fixture units, will add sewage system flows; therefore, a new sewage system is required.

The plans indicate that the proposed addition to the garage will only be used for storage purposes. Please be advised that should any living space, bedrooms or fixture units be added to the garage, the sewage system will need to be upgraded to accommodate these additional flows as well.

Regional staff have no objection to the application from a private servicing perspective provided a new sewage system permit is obtained to accommodate the proposed addition.

Conclusion

The application is consistent with the PPS and conforms to Provincial and Regional policies. As such, Regional Growth Strategy and Economic Development staff offers no objection to the application, provided a new sewage system permit is obtained prior to the issuance of a building permit to accommodate increased flows from the proposed dwelling addition. Staff suggest that a condition to this effect be included in the development agreement between the Owner and the Town of Pelham.

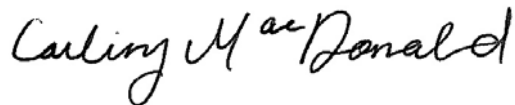
PLMV202400764

July 15, 2024

As noted above, staff recommend that a Tree Protection Plan be implemented to the Town's satisfaction during construction and that replacement plantings of native trees be considered should tree removals be necessitated.

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca

Kind regards,

A handwritten signature in black ink that reads "Carling MacDonald". The signature is written in a cursive, flowing style.

Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Caitlin Goodale, Private Sewage System Inspector, Niagara Region
Yves Scholten, Planning Ecologist, Niagara Region



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

Tuesday, August 06, 2024

Minor Variance Application: A19-2024P

Municipal Address: Proposed 73 William Street

Legal Description: Block 173, 59M-505

Roll number: 2732 030 020 16030

Nature and Extent of Relief/ Permission Applied for:

The subject land is located on the west side of Klager Avenue, lying north of William Street, being Block 173 on Plan 59M-505, in the Town of Pelham. The Block is known municipally as 73-79 William Street. Staff note the Block will be split into four (4) lots through an application for part lot control at a later date. It is noted that the variance is only necessary for the proposed 73 William Street, being the end unit.

The subject land is zoned Residential Multiple 1-96 (RM1-96) in accordance with Pelham Zoning By-law 4481(2022). Application for relief is made to facilitate the construction of a street townhouse dwelling.

The applicant seeks relief from the following section(s) of the Zoning By-law:

- i. **Section 10 Exceptions – RM1-96 - Section 3(d) “Minimum Exterior Side Yard”** – to permit a minimum exterior side yard setback for a covered porch of 1.6m whereas the By-law requires a minimum exterior side yard setback of 2.0m.

The applicant submitted building permits for the townhouse block in June of 2024. During the zoning review, it was identified that the covered porch on the western end unit (being 73 William Street) encroached into the required exterior side yard. As a result, the applicant has applied for a minor variance to permit the encroachment of the covered front porch into the exterior side yard.

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 (PPS) (2020)

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

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

The subject land is located in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development. Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

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

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 Designated Greenfield Area per the Growth Plan. New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that: a) supports the achievement of complete communities; b) supports active transportation; and, c) encourages the integration and sustained viability of transit services.

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

Niagara Region Official Plan (2022)

The Niagara Region Official Plan, 2022 provides the policy guidance for future development across the Region.

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

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

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

Town of Pelham Official Plan (2014)

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

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

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

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

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

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

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

The subject lands are zoned Residential Multiple 1-96 (RM1-96) per Town of Pelham Comprehensive Zoning By-law 4481. Under the regulations of the Zoning By-law the minor variance application requests relief from:

- i. **Section 10 Exceptions – RM1-96 - Section 3(d) "Minimum Exterior**

Side Yard” – to permit a minimum exterior side yard setback for a covered porch of 1.6m whereas the By-law requires a minimum exterior side yard setback of 2.0m.

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
<p>The variance is minor in nature.</p>	<p>Yes, the variance is considered minor in nature. The porch encroaches 0.4 additional metres into the required exterior side yard.</p> <p>In the opinion of staff, the variance is minor in nature as the reduction to the setback is not anticipated to result in a negative impact on the adjacent uses, the streetscape, or substantially remove amenity space on the lot. No visibility impacts are anticipated for the corner of William and Arsenault, as the lot contains a daylight triangle which will remain unobstructed. Increasing the width of the covered porch closer to the exterior lot line will enhance the functionality of the amenity space.</p> <p>As such, staff are of the opinion the variance is minor in nature.</p>
<p>The variance is desirable for the development or use of the land.</p>	<p>Yes, the variance is desirable for the development or use of the land.</p> <p>The requested variance is not anticipated to have a negative impact on the character of the surrounding area. The variances would allow for appropriate development of a wraparound covered porch on a corner lot. The covered porch is not anticipated to have a significant visual impact on the streetscape. The construction would be in character of the area which includes residential uses and uses accessory thereto.</p> <p>As such, staff are of the opinion the variance is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes, the variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The intent of the exterior side yard setback is to maintain distance from the street to increase visibility for drivers, avoid over-development of lots, and allow for enhanced landscaping along corner lots.</p> <p>The porch maintains adequate visibility at the intersection of William and Arsenault, allows for adequate landscaping, and does not result in overdevelopment of the site. The reduction in exterior side yard setback is adequately from the front lot line. A large daylighting triangle exists on the property providing ample visibility at the corner of the street.</p> <p>As such, staff are of the opinion the variance maintains the general intent and purpose of the Zoning By-law.</p>

<p>The variance maintains the general intent and purpose of the Official Plan.</p>	<p>Yes, the variance maintains the general intent and purpose of the Official Plan.</p> <p>Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan policies. The Official Plan states that development and redevelopment shall maintain and enhance the character and stability of residential neighbourhoods with regards to scale and density.</p> <p>The requested variances would not have a negative impact on the character of the surrounding area. The variance would allow for appropriate development on an existing lot. Further, the development would appear to comply with the Town’s Urban Design Guidelines.</p> <p>As such, 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 10, 2024, 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 application will be required upon planning approval
- Public Works Department
 - Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.
 - Comprehensive Lot Grading and Drainage Plan will be required, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.

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.

Based on the analysis given in the 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 A19/2024P **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.
- Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**A19-2024P
73-79 William Street**

July 23, 2024

Town staff have reviewed the following documentation for the purpose of **A19-2024P-** Minor Variance application for:

The subject land is zoned Residential Multiple 1-96 (RM1-96) in accordance with Pelham Zoning By-law 4481(2022). Application for relief is made to facilitate the construction of a street townhouse dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 10 Exceptions – RM1-96 - Section 3(d) “Minimum Exterior Side Yard” – to permit a minimum exterior side yard setback for a covered porch of 1.6m whereas the By-law requires a minimum exterior side yard setback of 2.0m.

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

- Proposed Grading Plan for BLK 173 by Upper Canada Consultants, dated September 18, 2023
- Building Elevations(Rinaldi Homes) by Raimondo Architects, dated September 29, 2023

This full report contains following comments in conjunction with Minor Variance application A19-2024P – 73-79 William Street.

Introduction:

The subject lands, known as Block 173 of Saffron Meadows Phase 3 (“Subject Lands”) are located at the south easterly end of Pelham within the Saffron Meadows subdivision. The lands are situated south of Port Robinson Road, west of Klager Avenue, north of William Street, and east of the Station Street.

The Subject Lands are located within the Delineated Built-Up Area in accordance with the Niagara Official Plan. The lands are identified as being within the East Fonthill Secondary Plan Area in accordance with the Town’s Official Plan, and are designated EF- Medium Density Residential. The lands are zoned Site Specific Residential Multiple One (RM1-96), permitting the use of street townhouse dwellings.

This full report contains following comments in conjunction with Minor Variance application A19-2024P – 73-79 William Street and shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Analysis:

Please see comment and conditions below.

Public Works offer the following comment:

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

Public Works offer the following conditions:

- Comprehensive Lot Grading and Drainage Plan will be required, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.

Sarah Leach

To: Jessica Passant
Cc: Jodi Legros; Andrew Edwards
Subject: RE: CofA Comment Reminder

From: Jessica Passant <jpassant@pelham.ca>
Sent: Tuesday, July 23, 2024 1:12 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Jodi Legros <JLegros@pelham.ca>; Andrew Edwards <AEdwards@pelham.ca>
Subject: RE: CofA Comment Reminder

Good morning Sarah,

A17-2024P: 1311 Effingham St – A building permit application will be required upon planning approval.

A19-2024P: Part of 73-79 William St – A building permit application will be required upon planning approval.

B13-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A14-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A15-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

B14-2024P: 28 Lorimer St – Any future proposed construction will require a building permit application.



Jessica Passant, Dipl. T. (Arch)

Building Intake/Zoning Technician

Town of Pelham

D: 905-980-6683 | E: building-info@pelham.ca

T: 905-892-2607 x344

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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**Community Planning and Development Department
Committee of Adjustment**
Tuesday, August 06, 2024

Consent Application: B14-2024P

Municipal Address: 28 Lorimer Street
Legal Description: PLAN 27 LOT 60
Roll number: 2732 020 003 07700

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 20.5m on the south side of Hurricane Road, lying west of Lorimer Street, being Lot 60 on Plan 719 in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 420.82 square metres of land (Part 1), for the future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 28 Lorimer Street.

The parcel is located on the southwest corner of Lorimer Street and Hurricane Road. The parcel is rectangular in shape being 1,123.09 square metres in area, with 22.86 metres of frontage along Lorimer Street and 52.9 metres of frontage along Hurricane Road. The lands are generally flat in topography and currently contain a 1 storey brick dwelling and accessory structure. A framed shed in the rear yard of the existing lot is proposed to be removed to facilitate the consent.

Surrounding land uses include low to medium density residential dwellings.

Applicable Planning Policies:

Planning Act

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 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 their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on a range of densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated considering the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

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 proposed consent is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and intensification.

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

Greenbelt Plan (2017)

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

Growth Plan for the Greater Golden Horseshoe (2020)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019, that affect a planning matter will conform to this Growth Plan, subject to any

legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

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

The 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.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The proposed residential lot will help the Town to meet its delineated built boundary intensification targets. The existing water and sanitary sewer mains already extend along the frontage of the proposed lot but would be better utilized with additional building connections. As a result, the consent satisfies the policies of the Growth Plan.

Niagara Region Official Plan

The Niagara Region Official Plan, 2022 provides the policy guidance for future development across the Region.

The lands are designated Built-Up Area in the new Official Plan. Policy 2.2.2.5 requires 60% of all residential units occurring annually are to be in the Built-Up Areas and in Pelham, this translates into an annual intensification rate of 25% of new residential units within the Built-Up Area.

As the consent will contribute to the intensification rate, staff are of the opinion that the proposed consent conforms with the Regional Official Plan.

Town of Pelham Official Plan

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.

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

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

- a) Schedules A1 and A2 to this Plan identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration for other sites in the Urban Living Area designation provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with an arterial or collector road;
 - The proposed new lot abuts Hurricane Road which is identified as a Collector 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 surrounding neighbourhood is characterized by low to medium density residential dwellings, comprised of mainly one to two storey single detached dwellings. The proposed consent will facilitate the development of an additional single detached dwelling which is in keeping with the character of the surrounding neighbourhood.
- 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 property abuts Hurricane Road which is not a local Road. Not applicable.
- 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 and medium density residential uses. The existing dwelling on Lorimer Street is to be retained. The severed lands are proposed to contain a single detached dwelling fronting Hurricane Road, consistent with the other residential uses and permissions allowed in 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 and accessory buildings subject to meeting the zoning by-law requirements for such uses. The proposed application is for a new single detached dwelling.
- f) The provision of affordable housing in intensification areas will be encouraged; and,
- The new lot will allow for one additional single detached dwelling to be constructed. The Town does have policies that permit second dwelling units in single detached dwellings and accessory buildings that if employed would help foster housing affordability.
- 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 Lorimer Street for the retained lot and Hurricane Road for the proposed lot, which are both public roads.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- No traffic hazards are anticipated from the proposed consent. Public Works did not identify any concerns in this regard.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- The proposed consent for residential use meets the requirements of the R1 zone.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- Yes, municipal services exist on Hurricane Road.
- e) Will not have a negative impact on the drainage patterns in the area;
- A Lot Grading Plan will be required as a condition of approval demonstrating that drainage will be maintained on-site and not negatively impact on adjacent properties.
- f) Will not affect the development ability of the remainder of the lands, if they are designated for development by this Plan;
- N/A. The retained lot will be retained for existing residential use.
- 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.

The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. The majority of the property as it currently exists has experienced recent significant, intrusive or extensive ground disturbance as defined by the Province in relation to the construction of the dwelling and the in-ground swimming pool. As such, the requirement for an archaeological assessment has been waived.

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.

Pelham Zoning By-law No. 4481 (2022), as amended

The subject lands are zoned Residential 1 (R1) in accordance with Zoning By-law No. 4481 (2022). Both the lands to be severed and the lands to be retained are in compliance with the standards of the Zoning By-law.

Agency and Public Comments:

On July 10, 2024 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
 - Any future proposed construction will require a building permit application.
- Public Works Department
 - 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.
 - Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.
 - 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.
 - The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively

impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.

- Part 1 is to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
- That the applicant provide a Tree preservation plan (include trees on lot grading plan) and that the applicant provide a cash in lieu should the applicant remove Town owned tree per Town tree policy.
- Functional Servicing Report including a full stormwater management strategy.

Two (2) public comments have been received at the time of writing this report which are summarized below:

Patricia Tomczyk

- Objects to the proposal; Expressed concern with the potential of the proposal to exacerbate flooding and drainage concerns in the area; Concern with the aging storm sewer infrastructure along Hurricane Road and its adequacy to handle the additional runoff; Concern with tree removal and loss of tree canopy; Expressed concern with vacancy of existing dwellings and new development in the area; Expressed concern with the accuracy of the severance sketch; Questions the feasibility of the driveway and garage layout in the proposed drawing; Highlights the lack of details in the drawing regarding property coverage.

Kathryn Silkiewicz

- Objects to the proposal; Expressed concerns with privacy; Concerned with the removal of trees on soil stability and drainage; Concern with loss of fencing; Raised adverse possession rights.

Planning Staff Comments:

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 2, 2022, to discuss the subject application.

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

The pre-consultation notes for the project indicated that efforts should be made to retain the street trees when considering driveway location. The severance sketch submitted with the applicant shows the location of the existing trees along the northern property line. The driveway has been shown in a location that would appear to not necessitate tree removal. However, a tree preservation plan is recommended as a condition of approval which shall identify trees to be retained and remain undisrupted.

With respect to the comments raised by the public, the following responses are given.

With respect to concerns related to flooding and drainage, a lot grading and drainage plan is required. The plan will ensure that the stormwater from the proposed lot will be managed on site. A condition is being recommended that requires the proponent to prepare a grading and drainage plan to the satisfaction of the Director of Public Works that demonstrates that appropriate on-site drainage can occur without adversely impacting adjacent properties. Public Works has also requested a stormwater management report be prepared to demonstrate the storm sewer along Hurricane Road has sufficient capacity to handle the additional runoff.

Staff understand the concerns with tree loss. As a condition of approval, staff are requesting the applicant prepare a tree preservation plan which shall indicate which trees are proposed for removal and identify methods for preservation of remaining trees along the Hurricane Road frontage. Staff note the mature trees along the southern property line of the lot would appear to be contained within the property to the south and will continue to provide a buffer to the adjacent residential use.

With respect to the comment regarding housing availability and vacancy, this is a function of market demand. The proposal, if approved would permit the creation of an additional residential lot which will contribute to housing choice. A smaller lot may lend to a more affordable product.

With respect to the lot coverage comment made, the proposal will be required to comply with the maximum 50% lot coverage requirement of the R1 zone. The severance sketch does not illustrate the location of the dwelling, rather it shows a potential building envelope of ~169.5 m² that meets the setbacks of the R1 zone. A dwelling can be comfortably sited in this envelope while still maintaining adequate amenity area and setbacks. It is unclear if a garage is proposed. However, the driveway maintains adequate dimensions to meet the required parking spaces. Staff note the drawing has been prepared and signed by a licensed Ontario Land Surveyor

It is not anticipated the new lot will result in privacy impacts or overlook impacts over and above what is normal for a residential use. The dwelling will maintain the required setbacks from proposed lot lines. In addition, the rear yard lot line is proposed along the neighbouring property to the south, which requires a minimum setback of 7.5 metres. Residential amenity space will continue to back on to rear yard residential amenity space. Any future dwelling will be required to meet the height requirement of the Zoning By-law to ensure compatibility.

With respect to the loss of fencing, this is a matter between neighbouring landowners. There is no requirement for a property to be fenced, and the removal of the frame shed is permitted. As such, the Town does not have the authority nor the ability to intervene in a civil matter. It is suggested the issue is addressed between the involved parties.

The claim respecting long-term use of the neighbouring property is also a civil matter between two property owners.

The proposal is generally 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. Adequate parking and private amenity areas are provided for both the retained and created lots.

Based on the analysis in the sections above, Planning staff are of the opinion that the proposed consent is consistent with the PPS, and conforms to Provincial, Regional and local Plans. The resulting parcel will comply with applicable Zoning By-law regulations and upon satisfaction of the conditions of approval is 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 B14/2024P **be approved** subject to the following condition(s):

THAT the applicant:

- 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.
- 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.
- The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.

- Part 1 is to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
- That the applicant provide a tree preservation plan (including trees on lot grading plan) and that the applicant provide a cash in lieu should the applicant remove Town owned tree per Town tree policy.
- That the applicant provide a Functional Servicing Report including a full stormwater management strategy.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$436, 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.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**B14-2024P
28 Lorimer Street**

July 23, 2024

Town staff have reviewed the following documentation for the purpose of **B14-2024P – 28 Lorimer Street** consent application for:

Application is made for consent to partial discharge of mortgage and consent to convey 420.82 square metres of land (Part 1), for the future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 28 Lorimer Street.

Introduction:

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 20.5m on the southside of Hurricane Road, lying west of Lorimer Street, being Lot 60 on Plan 719 in the Town of Pelham.

Consent Application is being made to sever a 420.82 sq. metre vacant parcel of land from the property known municipally as 28 Lorimer Street for future residential use for a single detached dwelling. The remnant 702.27 sq. metre parcel of land is to be retained for continued use of the existing single detached dwelling on site.

Analysis:

Survey Plan

See attached conditions below.

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.

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

Public Works offer the following conditions:

- That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
- 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.
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- Part 1 is to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
- That the applicant provide a Tree preservation plan (include trees on lot grading plan) and That the applicant provide a cash in lieu should the applicant remove Town owned tree per Town tree policy.
- Functional Servicing Report including a full stormwater management strategy.

Sarah Leach

To: Jessica Passant
Cc: Jodi Legros; Andrew Edwards
Subject: RE: CofA Comment Reminder

From: Jessica Passant <jpassant@pelham.ca>
Sent: Tuesday, July 23, 2024 1:12 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Jodi Legros <JLegros@pelham.ca>; Andrew Edwards <AEdwards@pelham.ca>
Subject: RE: CofA Comment Reminder

Good morning Sarah,

A17-2024P: 1311 Effingham St – A building permit application will be required upon planning approval.

A19-2024P: Part of 73-79 William St – A building permit application will be required upon planning approval.

B13-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A14-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A15-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

B14-2024P: 28 Lorimer St – Any future proposed construction will require a building permit application.



Jessica Passant, Dipl. T. (Arch)

Building Intake/Zoning Technician

Town of Pelham

D: 905-980-6683 | E: building-info@pelham.ca

T: 905-892-2607 x344

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

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Jodi Legros

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>
Sent: Tuesday, July 16, 2024 11:11 AM
To: Jodi Legros
Subject: Pelham - 28 Lorimer Street - B14-2024

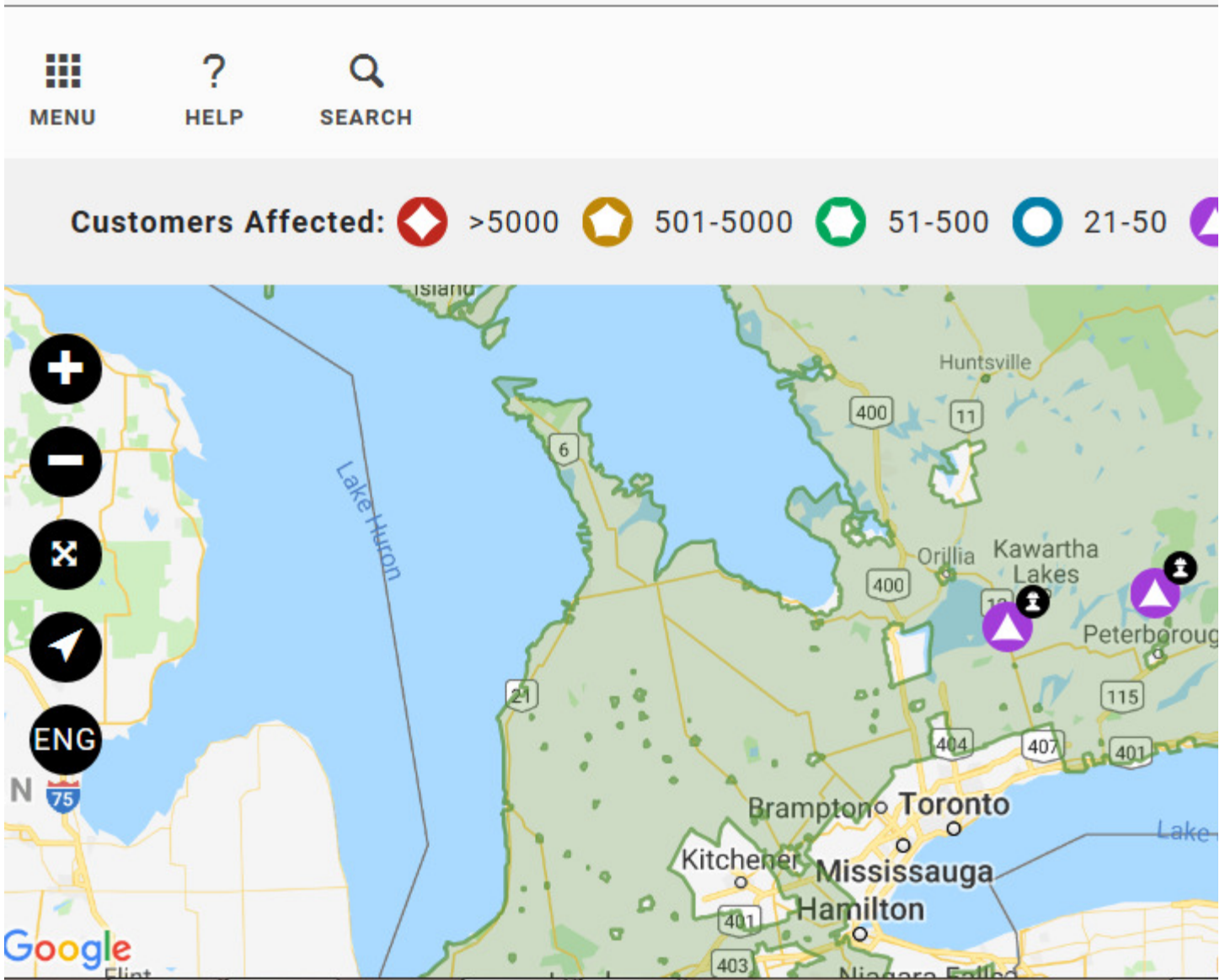
Hello,

We are in receipt of your Application for Consent, B14-2024 dated July 10th, 2024. 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:
[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

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



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

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

RE: File Number B14-2024P

I am writing to provide comments on the above-mentioned file regarding the partial discharge of mortgage and consent to convey 420.82 square metres of land for future construction of a single detached dwelling. [REDACTED]. For ease of reference, I have divided my comments into three sections based on my specific concerns.

Flooding:

My main concern with the proposal is the potential to increase flooding in the area. The house at 28 Lorimer was very recently extensively excavated in order to address a flooding problem in the existing home. For those who may not be aware of the Town's Backflow Prevention Program, in October of 2014, backflow valves we subsidized by the town in homes north of Hurricane on Lorimer. The property in question is on the south corner of Lorimer and Hurricane. The property under consideration for conveyance in this proposal is adjacent to the area subsidized as identified for potential flooding.

The house at 4 Hurricane Road has recently been struggling with basement flooding as well. The sump pump at that location runs nonstop around the clock. My property and the property in question for this proposal lie in between the existing home at 28 Lorimer and 4 Hurricane Road. Covering the majority of the property at 28 Lorimer with a driveway, garage and home will no doubt exacerbate the flooding problem in the area. The sewers on Hurricane Road between Lorimer and Pelham Street have been replaced three times within the past five years. The storm sewers that run down Chestnut Street ending at Hurricane have similarly been problematic with work being repeatedly done over the past five years. As recently as this year the road caved in at the southwest corner of Chestnut and Hurricane due to excessive storm sewer water. The northwest corner of Chestnut and Hurricane has also required repeated repairs to the storm sewer.

The lot at 28 Lorimer will effectively be able to absorb little (if any) rainfall compared to its current capability as the lot proposed for severance and subsequent building is presently 100% lawn, trees and shrubs. I have personally done a quick count of roughly **50 trees** that will be impacted by the proposal under consideration. Some of these trees show as being undisturbed on the drawings. These are trees that are mature and very tall. The proposed dwelling cannot be built without access to the property by removing these trees. Those not removed will without question die very quickly afterward due to damage to their root systems as is currently happening to the trees at 3 Hurricane following development on that site. Along the west property line there are at several cedar trees that will need to be removed to make room for the proposed building itself. The loss of yard and trees will have a significant impact on the tree canopy in the area, air quality and of course flooding!

No doubt we have all seen the recent photographs of what transpired in Toronto and Burlington neighbourhoods as the result of heavy rainfall. Climate change is real. We know that specific types of housing is needed. I am a strong advocate for creation of places for people to live. We do need to plan responsibly though and develop the Town in a sustainable way – this is indeed a heavy responsibility, but one you have agreed to bear as committee members. Decisions regarding development should always be guided by actual need, both with regard to specific type and price points. A comprehensive plan that targets specific housing need should be followed. In the absence of a comprehensive and targeted plan we cannot hit the desired target. In support of such a comprehensive approach the Town must provide adequate infrastructure to ensure that proper services can and will be provided. Flooding and pooling of water in this area is already of concern.

Housing:

I understand the need for additional housing and the benefits of meeting the provincial targets for housing increases. However, the particular neighbourhood in question is experiencing challenges filling currently vacant and occupied homes for sale, as well as vacant land. The build being proposed is directly across the street from a house at 9 Hurricane Road which has been on the market in excess of 120 days (4 months). The current listing shows 33 days, however there was a 90 day listing with a different realtor prior to the 33 days. It has been a considerable length of time since anyone has been seen touring the house with any interest in purchasing it. During this entire time the house has been vacant. The vacancy is of concern because in the not too distant past the home at 28 Lorimer (the subject of this file) was left vacant for an extended period of time with squatters smashing the window and moving in. Vacant homes are a magnet for crime of various sorts. Pelham has precious few policing resources to deal with such crime.

The home at 31 Lorimer (directly across the street facing 28 Lorimer) is also currently for sale. The listing for this home indicates that as of today it has been on the market for 32 days. This home is currently occupied. Similar to the listing at 9 Hurricane, no house showings or potential buyers have been seen visiting the home. This would seem to support the notion that homes available for sale in the neighborhood in question do not necessarily translate into putting people or families into them.

There are two vacant building lots currently for sale within a block of the property in questions as well. The property located at 1A Hurricane Road is a vacant building lot that has been for sale since October of 2020 with no current potential buyers. Another vacant lot is for sale on the corner of Mayfair and Lorimer (5 Mayfair). To the best of my knowledge there are no current potential buyers for that building lot. The vacant building lot on Mayfair has essentially become neglected and overgrown.

Condominium projects in town have similarly been stalled for several years now with some builders going bankrupt. There are at least three proposed condominium projects within blocks of 28 Lorimer Street (one of highway 20 and two on Pelham Street) that are not progressing and have seen no movement for the past several years. At least two of those projects have become fenced off and neglected.

In addition to the absence of buyers for the aforementioned properties and projects, there are two townhouse condominium communities located at 1599 and 1616 Pelham Street where homes are pretty much always available for sale.

In summary of the housing issue, it seems that the problem is not the lack of available housing in this neighbourhood or within the Town of Pelham. At the April 3, 2023 meeting regarding the development of 26 Chestnut (file number B5/2023P) I suggested that comprehensive plan for development that is sustainable is needed as opposed to considering individual proposals in isolation without planning or direction to guide decision making. This request under consideration is another example of a request being considered as a “one off” without concern for when we hit the infrastructure tipping point. We are in need of real leadership regarding sustainable development that meets clearly identified specific needs of the Town for housing in an environmentally responsible and sustainable way. The infrastructure in this particular area (Hurricane Road and Lorimer Street) is clearly inadequate. How does the Town plan to address the problem? To date is has been a patchwork of digging up sewers and implementing unsuccessful fixes on a regular and frequent basis.

Proposed drawing:

This section will be brief, but it is important to note a few questions I have regarding the drawings provided with the proposal for 28 Lorimer. They are listed below.

- 1) While I am neither a mathematician, nor an engineer my calculations seem to indicate that it would not be possible for a car to make a 90 degree turn from a driveway 3 metres wide into a garage of 5 or 6 metres wide. So let us all be honest about the fact that the owners will be coming back to the Town with an urgent request to remove all remaining trees and shrubs along Hurricane to provide access to the proposed garage directly from Hurricane Road along the entire length of the garage.
- 2) The calculations are lacking, making it impossible to calculate what percentage of the property will be paved and/or covered by a building.
- 3) This is a surprisingly poor drawing having been done by a professional surveyor. There are precious few comments online about them and they have no website. Has the Town considered or verified the accuracy of the survey provided?

In closing I would like to thank the Town and the Committee for the opportunity to provide comments and concerns for consideration. It is my sincere desire to have the Town continue to grow in diversity and to attract and retain new people and families to the community. We do however, need to be responsible in meeting targets in the right way and for the right reasons. Creation of a safe and healthy community with adequate infrastructure should be at the centre of development decisions. Thank you for your consideration.

Sincerely

Patricia Tomczyk

██████████
Fonthill (Pelham), Ontario ██████████

Sarah Leach

To: kathryn silk
Subject: RE: Official objection to the proposed severance of Lot 60 on plan 719. File # B14-2024P

From: kathryn silk [REDACTED]
Sent: Wednesday, July 24, 2024 1:51 PM
To: Sarah Leach <SLeach@pelham.ca>
Subject: Re: Official objection to the proposed severance of Lot 60 on plan 719. File # B14-2024P

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

Dear Members of the Committee of Adjustment,

I am writing to formally object to the proposed severance of Lot 60 of plan 719 (28 Lorimer street, Pelham), located at the corner of Lorimer Street and Hurricane Road in Fonthill. As a neighbouring land owner, I have significant concerns regarding the potential impact this division will have on my property and overall quality of life.

Firstly, allowing this division will significantly compromise the characteristics of my Lot. The current layout and spacing between our properties provide a much-valued sense of privacy. Severing Lot 60 and any subsequent development will encroach upon this privacy, creating an intrusive and uncomfortable living environment.

Additionally, the proposed removal of the shed on Lot 60 to facilitate the severance will leave a large opening in the fenced yard between these two properties. This opening directly impacts my property as the shed currently serves as a critical barrier that ensures the safety and containment of my dog. Without this structure, I will face considerable stress and practical difficulties, as I will no longer be able to let my dog run loose in my yard without the fear of escape. The loss of this secure space is not just an inconvenience but a significant concern for the safety of my pet and the security of my property.

Moreover, the trees along the edge of Lot 60 provide essential shade and privacy. These trees are instrumental to my health and mental well-being, offering a peaceful environment and a natural barrier from neighboring properties. The potential removal of these trees not only threatens this tranquility but also raises serious environmental concerns. The roots of these trees hold the soil together, and their removal could lead to erosion of my property and increase the risk of flooding. This could have devastating effects on my property, creating additional maintenance issues and reducing the land's stability and usability.

Furthermore, it is important to note that part of the fence straddles the property line between the lots. I have consistently maintained the side of the property that faces my Lot. According to certain property laws, my maintenance of this side of the fence may grant me certain rights to the land. This factor should be taken into consideration when assessing the proposal for severance, as it further complicates the potential division and its impacts.

In light of these significant concerns, I strongly advise against the proposal to sever Lot 60. The changes will detrimentally affect the characteristics and livability of my Lot, impacting my privacy, safety, and overall quality of life.

I trust that the Committee will consider these objections seriously and recognize the profound implications this proposal has on my property. Thank you for your attention to this matter.

Yours sincerely,

Kathryn Silkiewicz



**Community Planning and Development Department
Committee of Adjustment**
Tuesday, August 06, 2024

Consent Application: B13-2024P

Municipal Address: 764 Canboro Road

Legal Description: PLAN 16 PT LOT 9 NP 703

Roll number: 2732 010 015 05100

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 12.19m on the south side of Canboro Road, lying north of Welland Road, being Part Lot 9, Plan 703, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 1,052 square metres of land (Part 1), for the future construction of a semi-detached dwelling. Part 2 is to be retained for future construction of a semi-detached dwelling.

The existing parcel is located on the south side of Canboro Road approximately 220 metres east of the intersection of Maple and Canboro. The parcel has a frontage of 24.38 metres along Canboro Road, and is approximately 2,158 m² in lot area. The lands currently contain a dwelling and accessory buildings. The lands generally slope towards the rear of the property.

The proposed development on the subject lands consists of one set of two storey semi-detached dwellings with an accessory structure containing a garage on the lower level and a secondary dwelling unit on the upper level. The consent application will allow the semi-detached units to be in separate ownership.

This application is being considered concurrently with Minor Variance Files A14-2024P and A15-2024P.

Applicable Planning Policies:

Planning Act

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 land is in a ‘Settlement Area’ (Fenwick) according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on a range of densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated considering the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

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 proposed consent is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and intensification.

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

Greenbelt Plan (2017)

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

Growth Plan for the Greater Golden Horseshoe (2020)

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

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

The 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.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The additional semi-detached lot will contribute to the delineated built boundary intensification targets, add a new housing option for a complete community and make use of existing water and sanitary sewer mains which already extend along the frontage of the property.

Niagara Region Official Plan

The Niagara Region Official Plan (2022) provides the policy guidance for future development across the Region.

The lands are designated as Built-Up Area in the Niagara Region Official Plan. Policy 2.2.2.5 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 within the Built-Up Area.

The proposed semi-detached lot will contribute toward the intensification rate within the Built-Up Area. Staff are of the opinion that the proposed consent conforms with the Regional Official Plan.

Town of Pelham Official Plan

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.

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

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

- a) Schedules A1 and A2 to this Plan identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration for other sites in the Urban Living Area designation provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with an arterial or collector road;
 - The proposed new lot abuts Canboro Road 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 surrounding neighbourhood is characterized by low to medium density residential dwellings, comprised of mainly one to two storey single detached dwellings. Further to the west are commercial uses. The proposed consent will facilitate the development of a semi-detached which is a permitted use in the R1 zone and in keeping with the character of the surrounding neighbourhood.
- 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;

- Canboro Road is not a local road. Not applicable.
- 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 residential uses. The lands are proposed to contain a semi-detached dwelling, consistent with the other residential uses and permissions allowed in the surrounding area and in the Zoning By-law.
- 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 semi-detached dwellings and accessory buildings 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 lot will allow for an additional dwelling to be constructed. The Town does have policies that permit second dwelling units in single and semi-detached dwellings and accessory buildings that if employed would help foster housing affordability.
- 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 Canboro Road for both the severed and retained lots, which is 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 from the proposed consent. Town Public Works staff did not raise any concerns in this regard.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - The proposed consent for residential use is in keeping with the intent of the Zoning By-law. No zoning relief as a result of the consent is required from the regulations of the R1 zone for the semi-detached dwellings. A related variance is sought for an accessory structure.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - Municipal services are available on Canboro Road.
- e) Will not have a negative impact on the drainage patterns in the area;
 - A Lot Grading Plan will be required as a condition of approval demonstrating that drainage will be maintained on-site and not negatively impact adjacent properties to the satisfaction of the Director of Public Works.
- f) Will not affect the development ability of the remainder of the lands, if they are designated for development by this Plan;
 - N/A. The retained lot will be retained for existing residential use.
- 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.

The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. Accordingly, an archaeological assessment was identified as a complete application requirement. The applicant submitted an archaeological assessment along with the application, as well as the Ministry Clearance letter. No artifacts or other archaeological resources were identified during the Stage 2 archaeological assessment.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan as it facilitates intensification within an existing neighbourhood, allows separate ownership of the units but does not change built form and does not conflict with any policies subject to the satisfaction of the conditions of approval.

Agency and Public Comments:

On July 3, 2024, 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 application will be required upon planning approval.
- Public Works Department
 - The Engineering Department has no comments or concerns in relation to the severance proposed. However, the Engineering Department has not reviewed or approved the engineering grading and drainage plan submitted as part of the package.
 - Proposed Lots are to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
- Bell Canada
 - Subsequent to review of the Severance Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands to protect existing aerial facilities, supply service to the properties, and to maintain service in the area. According to our records, Bell's aerial cable runs 70 M South of Canboro Rd as identified in the sketch provided.

- Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable, then to extend from the pole to a minimum of 1.0m past any anchor installation to be measured 0.5m on either side of the guy, as can be accommodated, would satisfy our needs.
- Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.
- We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement and LTTS documents for our approval prior to registration, along with an acknowledgement and direction for our execution.
- Niagara Region:
 - In accordance with NOP Policy 6.4.2.6, staff has reviewed the *Stage 1 & 2 Archaeological Assessment* prepared by Archaeological Consultants Canada (dated May 8, 2024). No archaeological resources were identified during the Stage 2 assessment and, therefore, no further archaeological assessment of the property was recommended. Staff requests that an acceptance letter from the Ministry of Citizenship and Multiculturalism be circulated to the Region prior to the issuance of a building permit.
 - The following archaeological advisory clause is provided for the applicant's information:
 - *"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."*

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

Bill and Ann Van Lochem

- Expressed concern with safety along Canboro Road; Expressed concern with introducing semi-detached dwelling into a neighbourhood of primarily single detached dwellings.

Planning Staff Comments:

As noted earlier in this report, the Province and the Region of Niagara through their Official Plan have set intensification 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-up area.

The proposal is generally 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.

Based on the analysis in the sections above, Planning staff are of the opinion that the proposed consent is consistent with the PPS, and conforms to Provincial, Regional and local Plans. The resulting parcel will comply with applicable Zoning By-law regulations upon the granting of the concurrent minor variance applications and is 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 B13/2024P **be approved** subject to the following condition(s):

THAT the applicant:

- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$436, 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.
- Lots are to be individually serviced with sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
- Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.
- That the Applicant confirm no existing utilities cross the proposed new property line. Should any services cross this new property line nor rely on adjacent properties.

- 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.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- That the Owner provide a written agreement that they will grant Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**B13-2024P
764 Canboro Road**

July 9, 2024

Town staff have reviewed the following documentation for the purpose of **B13-2024P – 764 Canboro Road** consent application for:

Application is made for consent to partial discharge of mortgage and consent to convey 1052 square metres of land (Part 1), for the future construction of a semi-detached dwelling. Part 2 is to be retained for future construction of a semi-detached dwelling.

This application is being considered concurrently with Minor Variance Files A14-2024P and A15- 2024.

Introduction:

The subject land is located on the south side of north of Welland Road, lying north of Welland Road in the Town of Pelham.

Legally the property is described as 764 Canboro Road, Part of Lot 15, Concession 9, Town of Pelham, Historic County of Welland, Regional Municipality of Niagara, Ontario. The subject property measures 0.25 hectares ("ha") in size.

The purpose and effect of the application is to create two (2) new parcels for future residential use. The applications propose to sever two (2) parcels from the remnant parcel, resulting in a total of two (2) parcels on lands known municipally as 764 Canboro Road in the Town of Pelham. A semi-detached dwelling is proposed in this parcel with second dwelling units. The site present on the lands along with a detached garage.

This application is being considered concurrently with Minor Variance Files A14-2024P and A15- 2024.

Analysis:

Public Works offer the following General Comments:

The Engineering Department has no comments or concerns in relation to the severance proposed. However, the Engineering Department has not reviewed or approved the engineering grading and drainage plan submitted as part of the package.

Public Works offer the following General Condition:

- Proposed Lots are to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.

Sarah Leach

To: Jessica Passant
Cc: Jodi Legros; Andrew Edwards
Subject: RE: CofA Comment Reminder

From: Jessica Passant <jpassant@pelham.ca>
Sent: Tuesday, July 23, 2024 1:12 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Jodi Legros <JLegros@pelham.ca>; Andrew Edwards <AEdwards@pelham.ca>
Subject: RE: CofA Comment Reminder

Good morning Sarah,

A17-2024P: 1311 Effingham St – A building permit application will be required upon planning approval.

A19-2024P: Part of 73-79 William St – A building permit application will be required upon planning approval.

B13-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A14-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A15-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

B14-2024P: 28 Lorimer St – Any future proposed construction will require a building permit application.



Jessica Passant, Dipl. T. (Arch)

Building Intake/Zoning Technician

Town of Pelham

D: 905-980-6683 | E: building-info@pelham.ca

T: 905-892-2607 x344

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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Jodi Legros

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>
Sent: Wednesday, July 10, 2024 4:36 PM
To: Jodi Legros
Subject: Pelham - 764 Canboro Road - B13-2024P

Hello,

We are in receipt of your Application for Consent, B13-2024P dated July 3rd, 2024. 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:
[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

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

Customers Affected:  >5000  501-5000  51-500  21-50 



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

Sarah Leach

From: Macdonald, Carling <Carling.Macdonald@niagararegion.ca>
Sent: Monday, July 15, 2024 9:58 AM
To: Sarah Leach
Cc: Andrew Edwards
Subject: 764 Canboro Road (PLMV202400840, PLMV202400839, PLCS202400838) - Regional Comments

Hi Sarah,

Please see the Regional comments for 764 Canboro Road below. Let me know if you have any questions.

Regional Comments (764 Canboro Road)

The subject property falls within the Region's mapped Area of Archaeological Potential, as identified on Schedule 'K' of the NOP. Additionally, staff note that the property is located within 300 m of a registered archaeological site (AgGu-237). 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.

In accordance with NOP Policy 6.4.2.6, staff has reviewed the *Stage 1 & 2 Archaeological Assessment* prepared by Archaeological Consultants Canada (dated May 8, 2024). No archaeological resources were identified during the Stage 2 assessment and, therefore, no further archaeological assessment of the property was recommended. Staff requests that an acceptance letter from the Ministry of Citizenship and Multiculturalism be circulated to the Region prior to the issuance of a building permit.

The following archaeological advisory clause is provided for the applicant's information:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

The Niagara Region Archaeological Management Plan can be found at:

<https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>

Thank you,
Carling

Carling MacDonald
Development Planner
Growth Management and Planning Division
Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7



P: (905) 980-6000 ext. 3387
W: www.niagararegion.ca
E: Carling.Macdonald@niagararegion.ca



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Bell Canada
Fl-2, 140 Bayfield St.
Barrie, Ontario
L4M 3B1

Fax: 705-726-4600
Tel: 416-343-4415
E-mail: laurie-ann.lee@bell.ca



July 18, 2024

Town of Pelham
20 Pelham Town Square
P.O Box 400
Fonthill, ON
L0S 1E0

Attention: Jodi Legros - JLegros@pelham.ca email only

Dear Jodi:

Subject: *Application for Consent – Severance*
764 Canboro Road
Part Lot 9, Plan 703 (Part 1 on the sketch
CofA File: B13-2024 Bell File: 905-24-174

Subsequent to review of the Severance Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands to protect existing aerial facilities, supply service to the properties, and to maintain service in the area. According to our records, Bell's aerial cable runs 70 M South of Canboro Rd as identified in the sketch provided.

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

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

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

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

Yours truly,

Laurie-Ann Lee

Laurie-Ann Lee
Right of Way Associate
(Encl.)



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

From: noreply@pelham.ca <noreply@pelham.ca> On Behalf Of Ann Van Lochem

Sent: Monday, July 29, 2024 8:57 PM

To: Andrew Edwards <AEdwards@pelham.ca>

Subject: Property on Canboro Rd in Fenwick

We are concerned about the former Braden's property! There is a misunderstanding about the property. I understand there will be 2 semi's on that lot! We have a great concern about it! We have a neighbour who has a bigger property and she wants to divide it but town said no! We have a developer with money who wants to divide this single dwelling lot into 4 family homes! Something so wrong about that!

Canboro Rd is a narrow busy road where cars park on the south side! They park with one wheel on the sidewalk and the rest is about 1/3 on the road way! Some time there's a work truck with a big trailer on the back all dark and it scares me that one night a car is going to fly right into that trailer!

I really hope the town seriously looks into this! We want to keep out small town with single family homes.

Our residents needed to be treated to same as these big money developers A concerned resident at [REDACTED] Fenwick Bill and Ann Van Lochem

Origin:

<https://www.pelham.ca/Modules/contact/search.aspx?s=2uLtzJt5lA5HlmgAojQl5lA5H6JtjAeQuAleQuAl>

This email was sent to you by Ann Van Lochem [REDACTED] > through <https://www.pelham.ca/>.



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

Tuesday, August 06, 2024

Minor Variance Application: A14-2024P & A15-2024P

Municipal Address: 764 Canboro Road

Legal Description: PLAN 16 PT LOT 9 NP 703

Roll number: 2732 010 015 05100

Nature and Extent of Relief/ Permission Applied for:

The subject parcel, shown as Parts 1 and 2 on the attached sketch, has a frontage of 12.19m on the south side of Canboro Road, lying north of Welland Road, being Part Lot 9, Plan 703, 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 structure (detached garage and second dwelling units).

The applicant seeks relief from the following section(s) of the Zoning By-law:

- a) **Section 3.28.1(b)(ix) "Second Dwelling Units – Urban Area"** – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m.

The existing parcel is located on the south side of Canboro Road approximately 220 metres east of the intersection of Maple and Canboro. The parcel has a frontage of 24.38 metres along Canboro Road, and is approximately 2,158 m² in lot area. The lands currently contain a dwelling and accessory buildings. The lands generally slope towards the rear of the property.

The proposed development on the subject lands consists of one set of two storey semi-detached dwellings with a detached accessory structure containing a garage on the lower level and a secondary dwelling unit on the upper level. The variance pertains to the detached accessory structure. The Zoning By-law requires a minimum interior side yard setback of 1 metre for accessory structures. The property owner has submitted a concurrent application for consent which result in the division of the accessory structure along the centre wall, similar to a semi-detached dwelling. The Town's Zoning By-law does not contemplate instances where accessory structures on two separate lots have a shared wall. As such, zoning relief is required.

This application is being considered concurrently with Consent File B13-2024P.

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 for 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 (PPS) (2020)

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

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

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development. Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

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

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 the 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 per the Growth Plan which supports residential uses. Staff are of the opinion that the proposed variance conforms with the Growth Plan.

Niagara Region Official Plan (2022)

The Niagara Region Official Plan (“NOP”) provides the policy guidance for future development across the Region.

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

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

Planning staff are of the opinion the proposed variance confirms with the Regional Official Plan as it will facilitate compact built form.

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

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

In making a determination of whether a variance is minor as required in Item Four, Committee will 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.

Section E1.5 states in part:

... 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 cover letter explaining why the shared wall on the accessory structure is desirable. Reducing the interior side yard setback will enhance the look as it creates the guise of a single building that takes on the look of a barn. Allowing a reduction to the interior side yard setback still maintains the original goals of the by-law, which is to maintain a functional lot and achieve appropriate spatial separation from abutting land uses.

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

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

The subject lands are zoned Residential 1 (R1) per Town of Pelham Comprehensive Zoning By-law 4481. Under the regulations of the Zoning By-law the minor variance application requests relief from:

- a) **Section 3.28.1(b)(ix) “Second Dwelling Units – Urban Area”** – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m.

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
<p>The variance is minor in nature.</p>	<p>Yes, the variance is considered minor in nature.</p> <p>The structure requiring relief is a detached accessory structure containing a garage on the main floor, and a total of two second dwelling units on the upper level. Upon finalization of the consent, both parts will have one second dwelling unit and garage space on the ground floor.</p> <p>Given the slope of the property towards to the rear of the property, the structure is not anticipated to have a significant visual impact from the public realm. The structure will appear as one building.</p> <p>Staff note the Zoning By-law does not currently contemplate instances where accessory buildings are attached along a common property line. This instance is not uncommon for semi-detached and townhouse dwelling developments with detached garages and is present in other semi-detached and townhouse developments with site specific zoning across the Town.</p> <p>The requested variance is not anticipated to have negative impacts on the streetscape or adjacent properties. The proposed development is generally compatible with the surrounding area.</p> <p>As such, staff are of the opinion the variance is minor in nature.</p>

<p>The variance is desirable for the development or use of the land.</p>	<p>Yes, the variance is desirable for the development or use of the land.</p> <p>The variance will facilitate appropriate development for the site. The requested variance is desirable as it is not anticipated to result in negative impacts on adjacent properties, will facilitate the construction of a detached garage and SDU on each future lot which is permitted in the zoning by-law, will not alter the function of the subject property, and is not anticipated to alter the streetscape in a significant way.</p> <p>As such, staff are of the opinion the variance is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes, the variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The intent of the minimum interior side yard setbacks for accessory structures is to ensure adequate separation from neighbouring properties is maintained, there remains adequate space for drainage and access, and to limit the visual impact of accessory buildings. Given the development proposes a semi-detached dwelling on the site, a combined accessory structure for the site is considered appropriate. No objections were raised by Town Public Works about the side yard setback with respect to drainage. The proposed development maintains the intent of the by-law to maintain a functional lot and achieve appropriate spatial separation from abutting land uses.</p> <p>As such, staff are of the opinion the variance maintains the general intent and purpose of the Zoning By-law.</p>
<p>The variance maintains the general intent and purpose of the Official Plan.</p>	<p>Yes, the variance maintains the general intent and purpose of the Official Plan.</p> <p>The surrounding neighbourhood is generally characterized by one to two storey single detached dwellings. The Official Plan states that development and redevelopment 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 policies. The proposed detached garage/Second Dwelling Unit is generally compatible with and generally in keeping with the low-density residential character of the neighbourhood.</p> <p>The proposal is generally consistent in built form, scale, and massing with existing development and the character of the area.</p> <p>As such, staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>

Agency and Public Comments:

On July 3, 2024, 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 application will be required upon planning approval.
- Public Works Department
 - The Engineering Department has no comments or concerns in relation to the side yard setbacks proposed. However, the Engineering Department has not reviewed or approved the engineering grading and drainage plan submitted as part of the package.
 - Proposed Lots are to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.

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

Planning Staff Comments:

Based on the analysis given in the 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 files A14/2024P and A15/2024P **be approved** subject to the following condition(s):

THAT 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.
- 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 variances are subject to Consent File B13/2023P obtaining final approval.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**A14-2024P
764 Canboro Road**

July 9, 2024

Town staff have reviewed the following documentation for the purpose of **A15-2024P – 764 Canboro Road** Minor Variance application for:

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

Section 3.28.1(b)(ix) “Second Dwelling Units – Urban Area” – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m.

This application is being considered concurrently with Consent File B13-2024P and Minor Variance File A14-2024P.

Introduction:

The subject land is located on the south side of north of Welland Road, lying north of Welland Road in the Town of Pelham.

Legally the property is described as 764 Canboro Road, Part of Lot 15, Concession 9, Town of Pelham, Historic County of Welland, Regional Municipality of Niagara, Ontario. The subject property measures 0.25 hectares ("ha") in size.

The purpose and effect of the application is to create two (2) new parcels for future residential use. The applications propose to sever two (2) parcels from the remnant parcel, resulting in a total of two (2) parcels on lands known municipally as 764 Canboro Road in the Town of Pelham. A semi-detached dwelling is proposed in this parcel with second dwelling units. The site present on the lands along with a detached garage.

This application is being considered concurrently with Consent File B13-2024P and Minor Variance File A15-2024P.

Analysis:

Public Works offer the following Comment:

The Engineering Department has no comments or concerns in relation to the side yard setbacks proposed. However, the Engineering Department has not reviewed or approved the engineering grading and drainage plan submitted as part of the package.

Public Works offer the following General Condition:

- Proposed Lots are to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.

Sarah Leach

To: Jessica Passant
Cc: Jodi Legros; Andrew Edwards
Subject: RE: CofA Comment Reminder

From: Jessica Passant <jpassant@pelham.ca>
Sent: Tuesday, July 23, 2024 1:12 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Jodi Legros <JLegros@pelham.ca>; Andrew Edwards <AEdwards@pelham.ca>
Subject: RE: CofA Comment Reminder

Good morning Sarah,

A17-2024P: 1311 Effingham St – A building permit application will be required upon planning approval.

A19-2024P: Part of 73-79 William St – A building permit application will be required upon planning approval.

B13-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A14-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A15-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

B14-2024P: 28 Lorimer St – Any future proposed construction will require a building permit application.



Jessica Passant, Dipl. T. (Arch)

Building Intake/Zoning Technician

Town of Pelham

D: 905-980-6683 | E: building-info@pelham.ca

T: 905-892-2607 x344

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

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Sarah Leach

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Sent: Monday, July 15, 2024 9:58 AM
To: Sarah Leach
Cc: Andrew Edwards
Subject: 764 Canboro Road (PLMV202400840, PLMV202400839, PLCS202400838) - Regional Comments

Hi Sarah,

Please see the Regional comments for 764 Canboro Road below. Let me know if you have any questions.

Regional Comments (764 Canboro Road)

The subject property falls within the Region's mapped Area of Archaeological Potential, as identified on Schedule 'K' of the NOP. Additionally, staff note that the property is located within 300 m of a registered archaeological site (AgGu-237). 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.

In accordance with NOP Policy 6.4.2.6, staff has reviewed the *Stage 1 & 2 Archaeological Assessment* prepared by Archaeological Consultants Canada (dated May 8, 2024). No archaeological resources were identified during the Stage 2 assessment and, therefore, no further archaeological assessment of the property was recommended. Staff requests that an acceptance letter from the Ministry of Citizenship and Multiculturalism be circulated to the Region prior to the issuance of a building permit.

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The Niagara Region Archaeological Management Plan can be found at:

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Thank you,
Carling

Carling MacDonald
Development Planner
Growth Management and Planning Division
Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7



P: (905) 980-6000 ext. 3387

W: www.niagararegion.ca

E: Carling.Macdonald@niagararegion.ca



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

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Sent: Monday, July 29, 2024 8:57 PM

To: Andrew Edwards <AEdwards@pelham.ca>

Subject: Property on Canboro Rd in Fenwick

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I really hope the town seriously looks into this! We want to keep out small town with single family homes.

Our residents needed to be treated to same as these big money developers A concerned resident at [REDACTED] Fenwick Bill and Ann Van Lochem

Origin:

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This email was sent to you by Ann Van Lochem [REDACTED] > through <https://www.pelham.ca/>.



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

Tuesday, August 06, 2024

Minor Variance Application: A14-2024P & A15-2024P

Municipal Address: 764 Canboro Road

Legal Description: PLAN 16 PT LOT 9 NP 703

Roll number: 2732 010 015 05100

Nature and Extent of Relief/ Permission Applied for:

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The applicant seeks relief from the following section(s) of the Zoning By-law:

- a) **Section 3.28.1(b)(ix) "Second Dwelling Units – Urban Area"** – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m.

The existing parcel is located on the south side of Canboro Road approximately 220 metres east of the intersection of Maple and Canboro. The parcel has a frontage of 24.38 metres along Canboro Road, and is approximately 2,158 m² in lot area. The lands currently contain a dwelling and accessory buildings. The lands generally slope towards the rear of the property.

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This application is being considered concurrently with Consent File B13-2024P.

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 for 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 (PPS) (2020)

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

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

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development. Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

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

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 the 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 per the Growth Plan which supports residential uses. Staff are of the opinion that the proposed variance conforms with the Growth Plan.

Niagara Region Official Plan (2022)

The Niagara Region Official Plan ("NOP") provides the policy guidance for future development across the Region.

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

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

Planning staff are of the opinion the proposed variance confirms with the Regional Official Plan as it will facilitate compact built form.

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

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

In making a determination of whether a variance is minor as required in Item Four, Committee will 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.

Section E1.5 states in part:

... 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 cover letter explaining why the shared wall on the accessory structure is desirable. Reducing the interior side yard setback will enhance the look as it creates the guise of a single building that takes on the look of a barn. Allowing a reduction to the interior side yard setback still maintains the original goals of the by-law, which is to maintain a functional lot and achieve appropriate spatial separation from abutting land uses.

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

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

The subject lands are zoned Residential 1 (R1) per Town of Pelham Comprehensive Zoning By-law 4481. Under the regulations of the Zoning By-law the minor variance application requests relief from:

- a) **Section 3.28.1(b)(ix) “Second Dwelling Units – Urban Area”** – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m.

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
<p>The variance is minor in nature.</p>	<p>Yes, the variance is considered minor in nature.</p> <p>The structure requiring relief is a detached accessory structure containing a garage on the main floor, and a total of two second dwelling units on the upper level. Upon finalization of the consent, both parts will have one second dwelling unit and garage space on the ground floor.</p> <p>Given the slope of the property towards to the rear of the property, the structure is not anticipated to have a significant visual impact from the public realm. The structure will appear as one building.</p> <p>Staff note the Zoning By-law does not currently contemplate instances where accessory buildings are attached along a common property line. This instance is not uncommon for semi-detached and townhouse dwelling developments with detached garages and is present in other semi-detached and townhouse developments with site specific zoning across the Town.</p> <p>The requested variance is not anticipated to have negative impacts on the streetscape or adjacent properties. The proposed development is generally compatible with the surrounding area.</p> <p>As such, staff are of the opinion the variance is minor in nature.</p>

<p>The variance is desirable for the development or use of the land.</p>	<p>Yes, the variance is desirable for the development or use of the land.</p> <p>The variance will facilitate appropriate development for the site. The requested variance is desirable as it is not anticipated to result in negative impacts on adjacent properties, will facilitate the construction of a detached garage and SDU on each future lot which is permitted in the zoning by-law, will not alter the function of the subject property, and is not anticipated to alter the streetscape in a significant way.</p> <p>As such, staff are of the opinion the variance is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes, the variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The intent of the minimum interior side yard setbacks for accessory structures is to ensure adequate separation from neighbouring properties is maintained, there remains adequate space for drainage and access, and to limit the visual impact of accessory buildings. Given the development proposes a semi-detached dwelling on the site, a combined accessory structure for the site is considered appropriate. No objections were raised by Town Public Works about the side yard setback with respect to drainage. The proposed development maintains the intent of the by-law to maintain a functional lot and achieve appropriate spatial separation from abutting land uses.</p> <p>As such, staff are of the opinion the variance maintains the general intent and purpose of the Zoning By-law.</p>
<p>The variance maintains the general intent and purpose of the Official Plan.</p>	<p>Yes, the variance maintains the general intent and purpose of the Official Plan.</p> <p>The surrounding neighbourhood is generally characterized by one to two storey single detached dwellings. The Official Plan states that development and redevelopment 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 policies. The proposed detached garage/Second Dwelling Unit is generally compatible with and generally in keeping with the low-density residential character of the neighbourhood.</p> <p>The proposal is generally consistent in built form, scale, and massing with existing development and the character of the area.</p> <p>As such, staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>

Agency and Public Comments:

On July 3, 2024, 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 application will be required upon planning approval.
- Public Works Department
 - The Engineering Department has no comments or concerns in relation to the side yard setbacks proposed. However, the Engineering Department has not reviewed or approved the engineering grading and drainage plan submitted as part of the package.
 - Proposed Lots are to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.

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

Planning Staff Comments:

Based on the analysis given in the 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 files A14/2024P and A15/2024P **be approved** subject to the following condition(s):

THAT 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.
- 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 variances are subject to Consent File B13/2023P obtaining final approval.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**A15-2024P
764 Canboro Road**

July 9, 2024

Town staff have reviewed the following documentation for the purpose of **A15-2024P – 764 Canboro Road** Minor Variance application for:

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

Section 3.28.1(b)(ix) “Second Dwelling Units – Urban Area” – to permit an interior side yard setback for an accessory structure of 0m whereas the By-law requires 1m.

This application is being considered concurrently with Consent File B13-2024P and Minor Variance File A14-2024P.

Introduction:

The subject land is located on the south side of north of Welland Road, lying north of Welland Road in the Town of Pelham.

Legally the property is described as 764 Canboro Road, Part of Lot 15, Concession 9, Town of Pelham, Historic County of Welland, Regional Municipality of Niagara, Ontario. The subject property measures 0.25 hectares ("ha") in size.

The purpose and effect of the application is to create two (2) new parcels for future residential use. The applications propose to sever two (2) parcels from the remnant parcel, resulting in a total of two (2) parcels on lands known municipally as 764 Canboro Road in the Town of Pelham. A semi-detached dwelling is proposed in this parcel with second dwelling units. The site present on the lands along with a detached garage.

This application is being considered concurrently with Consent File B13-2024P and Minor Variance File A14-2024P.

Analysis:

Public Works offer the following Comment:

The Engineering Department has no comments or concerns in relation to the side yard setbacks proposed. However, the Engineering Department has not reviewed or approved the engineering grading and drainage plan submitted as part of the package.

Public Works offer the following General Condition:

- Proposed Lots are to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.

Sarah Leach

To: Jessica Passant
Cc: Jodi Legros; Andrew Edwards
Subject: RE: CofA Comment Reminder

From: Jessica Passant <jpassant@pelham.ca>
Sent: Tuesday, July 23, 2024 1:12 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Jodi Legros <JLegros@pelham.ca>; Andrew Edwards <AEdwards@pelham.ca>
Subject: RE: CofA Comment Reminder

Good morning Sarah,

A17-2024P: 1311 Effingham St – A building permit application will be required upon planning approval.

A19-2024P: Part of 73-79 William St – A building permit application will be required upon planning approval.

B13-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A14-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

A15-2024P: 764 Canboro Rd – A building permit application will be required upon planning approval.

B14-2024P: 28 Lorimer St – Any future proposed construction will require a building permit application.



Jessica Passant, Dipl. T. (Arch)

Building Intake/Zoning Technician

Town of Pelham

D: 905-980-6683 | E: building-info@pelham.ca

T: 905-892-2607 x344

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

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Sarah Leach

From: Macdonald, Carling <Carling.Macdonald@niagararegion.ca>
Sent: Monday, July 15, 2024 9:58 AM
To: Sarah Leach
Cc: Andrew Edwards
Subject: 764 Canboro Road (PLMV202400840, PLMV202400839, PLCS202400838) - Regional Comments

Hi Sarah,

Please see the Regional comments for 764 Canboro Road below. Let me know if you have any questions.

Regional Comments (764 Canboro Road)

The subject property falls within the Region's mapped Area of Archaeological Potential, as identified on Schedule 'K' of the NOP. Additionally, staff note that the property is located within 300 m of a registered archaeological site (AgGu-237). 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.

In accordance with NOP Policy 6.4.2.6, staff has reviewed the *Stage 1 & 2 Archaeological Assessment* prepared by Archaeological Consultants Canada (dated May 8, 2024). No archaeological resources were identified during the Stage 2 assessment and, therefore, no further archaeological assessment of the property was recommended. Staff requests that an acceptance letter from the Ministry of Citizenship and Multiculturalism be circulated to the Region prior to the issuance of a building permit.

The following archaeological advisory clause is provided for the applicant's information:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

The Niagara Region Archaeological Management Plan can be found at:

<https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>

Thank you,
Carling

Carling MacDonald
Development Planner
Growth Management and Planning Division
Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7



P: (905) 980-6000 ext. 3387
W: www.niagararegion.ca
E: Carling.Macdonald@niagararegion.ca



My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

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

From: noreply@pelham.ca <noreply@pelham.ca> On Behalf Of Ann Van Lochem

Sent: Monday, July 29, 2024 8:57 PM

To: Andrew Edwards <AEdwards@pelham.ca>

Subject: Property on Canboro Rd in Fenwick

We are concerned about the former Braden's property! There is a misunderstanding about the property. I understand there will be 2 semi's on that lot! We have a great concern about it! We have a neighbour who has a bigger property and she wants to divide it but town said no! We have a developer with money who wants to divide this single dwelling lot into 4 family homes! Something so wrong about that!

Canboro Rd is a narrow busy road where cars park on the south side! They park with one wheel on the sidewalk and the rest is about 1/3 on the road way! Some time there's a work truck with a big trailer on the back all dark and it scares me that one night a car is going to fly right into that trailer!

I really hope the town seriously looks into this! We want to keep out small town with single family homes.

Our residents needed to be treated to same as these big money developers A concerned resident at [REDACTED] Fenwick Bill and Ann Van Lochem

Origin:

<https://www.pelham.ca/Modules/contact/search.aspx?s=2uLtzJt5lA5HlmgAojQl5lA5H6JtjAeQuAleQuAl>

This email was sent to you by Ann Van Lochem [REDACTED] > through <https://www.pelham.ca/>.

Meeting #: 06-2024
Date: Monday, June 3, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Brenda Stan
Colin McCann
John Cappa

Members Absent Don Rodbard
Isaiah Banach

Staff Present Andrew Edwards
Jodi Legros
William Tigert
Gim 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

Ms. Jodi Legros, Deputy Secretary-Treasurer, recited the land recognition statement.

4. Approval of Agenda

Moved By Colin McCann
Seconded By Brenda Stan

THAT the agenda for the June 3, 2024, 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. Legros, Deputy Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Applications for Consent

7.1 B10-2024P - 594 River Road

Purpose of the Application

Application B10-2024P made for consent to convey 244 square metres of land (Part 1), to be added to the abutting property to the east (Part 3), for future construction of an attached garage. Part 2 is to be retained for continued residential use of the dwelling known municipally as 594 River Road.

Representation

The Agent, Rob Fiedler of NPG Planning Solutions Inc. and Mr. Mark VanDenEnde, the owner of 572 River Road were present.

Correspondence Received

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

Applicants Comments

Mr. Rob Fiedler, the Applicant's Agent from NPG Planning Solutions, attended the meeting alongside the owner of 572 River Road. Mr. Fiedler expressed agreement with the staff recommendation and the conditions set forth, without providing any additional comments.

Public Comments

No comments

Jodi Legros, Deputy Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:11 pm and confirmed no e-mails have been received concerning the subject application. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan

Seconded By Colin McCann

That the public portion of the meeting be closed.

Carried

Member Comments

No comments

Moved By Brenda Stan

Seconded By Colin McCann

Application B10-2024P is made for consent to convey 244 square metres of land (Part 1), to be added to the abutting property to the east (Part 3), for future construction of an attached garage. Part 2 is to be retained for continued residential use of the dwelling known municipally as 954 River Road, is hereby: GRANTED

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all**

drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.

- 2. 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.**
- 3. That the applicant obtain a Driveway Entrance Permit for the construction of new or modification to existing driveway(s). This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.**

To the Satisfaction of the Director of Community Planning & Development

- 1. That all necessary zoning approvals (minor variance) be obtained for both Part 2 and Parts 1 and 3.**

To the Satisfaction of the Secretary-Treasurer

- 1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- 2. That the final certification fee of \$436, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

This decision is based on the following reasons:

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

criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

Carried

8. Applications for Minor Variance

8.1 A11-2024P - 572 River Road

Minor variance files A11-2024P and A12-2024P were considered concurrently.

Purpose of the Application

Application A11-2024P for relief is made, to facilitate the construction of an attached garage and to rectify zoning deficiencies as a result of a consent application B10-2024P. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.1.3 “Minimum Front Yard” – to permit a minimum front yard setback of 5.53m whereas the By-law requires a minimum front yard setback of 8.0m; Section 5.1.3 “Minimum Interior Side Yard” – to permit a minimum interior side yard setback of 4.2m whereas the By-law requires a minimum interior side yard setback of 8.0m; Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 17% whereas the By-law permits a maximum lot coverage of 10%; Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 39.3m whereas the By-law requires a minimum lot frontage of 180.0m; Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1326 m² whereas the By-law requires a minimum lot area of 4000m².

Application A12-2024P is for relief to rectify zoning deficiencies as a result of a consent application B10-2024P. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 46.0m whereas the By-law requires a minimum lot frontage of 180.0m; and Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1729m² whereas the By-law requires a minimum lot area of 4000m²; and Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 15% whereas the By-law permits a maximum lot coverage of 10%; and Section 5.1.4 “Maximum Lot Coverage Accessory Structures” – to permit a maximum lot coverage

for accessory structures of 7% whereas the By-law permits a maximum lot coverage accessory structures of 1%.

Application A11-2024P for relief is made, to facilitate the construction of an attached garage and to rectify zoning deficiencies as a result of a consent application B10-2024P. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.1.3 “Minimum Front Yard” – to permit a minimum front yard setback of 5.53m whereas the By-law requires a minimum front yard setback of 8.0m; Section 5.1.3 “Minimum Interior Side Yard” – to permit a minimum interior side yard setback of 4.2m whereas the By-law requires a minimum interior side yard setback of 8.0m; Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 17% whereas the By-law permits a maximum lot coverage of 10%; Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 39.3m whereas the By-law requires a minimum lot frontage of 180.0m; Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1326 m² whereas the By-law requires a minimum lot area of 4000m².

Application A12-2024P is for relief to rectify zoning deficiencies as a result of a consent application B10-2024P. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 46.0m whereas the By-law requires a minimum lot frontage of 180.0m; and Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1729m² whereas the By-law requires a minimum lot area of 4000m²; and Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 15% whereas the By-law permits a maximum lot coverage of 10%; and Section 5.1.4 “Maximum Lot Coverage Accessory Structures” – to permit a maximum lot coverage for accessory structures of 7% whereas the By-law permits a maximum lot coverage accessory structures of 1%.

Representation

The Agent, Rob Fiedler of NPG Planning Solutions Inc. was present.

Correspondence Received

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

6. Hydro One

Applicants Comments

Mr. Fiedler concurs with the staff report and agrees with the conditions, noting his appreciation to the Planning staff for their helpfulness during the pre-consultation process in laying out all the required information.

Public Comments

No comments

Jodi Legros, Deputy Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:26 pm and confirmed no e-mails have been received concerning the subject application. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan

Seconded By Colin McCann

That the public portion of the meeting be closed.

Carried

Member Comments

Member McCann requested clarification on whether the items related to information on the septic bed are still outstanding, noting that this issue remains unresolved with the Niagara Peninsula Conservation Authority (NPCA), along with a report on erosion and sediment control. Mr. Fiedler confirmed that these matters will remain part of the process to obtain a permit with the NPCA.

Moved By Colin McCann

Seconded By Brenda Stan

Application A11-2024P for relief of Section 5.1.3 “Minimum Front Yard” – to permit a minimum front yard setback of 5.53m whereas the By-law requires a minimum front yard setback of 8.0m, is hereby: GRANTED

The above decision is based on the following reasons:

1. **The variance is minor in nature as the rural residential/agricultural character of the neighbourhood is not anticipated to be impacted through the proposed variance. As well, the lot area remains available to handle stormwater runoff, the existing septic system, and preserve amenity area.**
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 the setback will enable the proposed accessory structure to be setback further from the Welland River and stable top of slope.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

Application A11-2024P for relief of Section 5.1.3 “Minimum Interior Side Yard” – to permit a minimum interior side yard setback of 4.2m whereas the By-law requires a minimum interior side yard setback of 8.0m, is hereby: GRANTED

The above decision is based on the following reasons:

1. **The variance is minor in nature as negative impacts are anticipated on the adjacent property as adequate distance separates the nearest residential neighbour from the location of the proposed attached garage.**
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 the structure is located in an appropriate location.**

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

**Application A11-2024P for relief of Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 17% whereas the By-law permits a maximum lot coverage of 10%, is hereby:
GRANTED**

The above decision is based on the following reasons:

1. The variance is minor in nature as no negative impacts are anticipated on the adjacent properties as adequate distance separates the nearest residential neighbour from the location of the addition to the dwelling.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land as it will permit design flexibility while maintaining adequate amenity area.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

**Application A11-2024P for relief of Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 39.3m whereas the By-law requires a minimum lot frontage of 180.0m, is hereby:
GRANTED**

The above decision is based on the following reasons:

1. The variance is minor in nature as no adverse impacts are anticipated.

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 reduced lot frontage and area does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water services.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

Application A11-2024P for relief of Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1326 m² whereas the By-law requires a minimum lot area of 4000m², is hereby: GRANTED

The above decision is based on the following reasons:

1. **The variance is minor in nature as no adverse impacts are anticipated.**
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 reduced lot frontage and area does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water services.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decisions are subject to the following conditions:

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

Prior to Building Permit:

- 1. To the Satisfaction of the Director of Community Planning and Development**
 - 1. That the approval of minor variance A11-2024P is subject to Consent File B10/2024P obtaining final approval.**
- 2. To the Satisfaction of the Director of Public Works**
 - 1. 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.**
 - 2. 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.**
 - 3. The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.**
- 3. To the Satisfaction of the Niagara Peninsula Conservation Authority**
 - 1. Obtain permit approval from the Niagara Peninsula Conservation Authority and pay all required fees.**

Carried

Application A12-2024P for relief of Section 5.1.3 “Minimum Lot Frontage” – to permit a minimum lot frontage of 46m whereas the By-law requires a minimum lot frontage of 180.0m, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impacts are anticipated.**
- 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 does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water services.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

Application A12-2024P for relief of Section 5.1.3 “Minimum Lot Area” – to permit a minimum lot area of 1729m² whereas the By-law requires a minimum lot area of 4000m², is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impacts are anticipated.**
- 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 does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water services.**

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

Application A12-2024P for relief of Section 5.1.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 15% whereas the By-law permits a maximum lot coverage of 10%, is hereby:

The above decision is based on the following reasons:

1. The variance is minor in nature as no negative impacts are anticipated on the adjacent properties as adequate distance separates the dwelling from the location of the addition to the dwelling on the neighbouring 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 the increase in lot coverage will maintain adequate amenity area and space for access, maintenance, and drainage.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

Application A12-2024P for relief of Section 5.1.3 “Maximum Lot Coverage Accessory Structures” – to permit a maximum lot coverage for accessory structures of 7% whereas the By-law permits a maximum lot coverage accessory structures of 1%, is hereby:

The above decision is based on the following reasons:

1. The variance is minor in nature as adequate yard setbacks will be maintained for access to the rear, drainage, and

maintenance. As well, adequate lot area remains for the sanitary system.

- 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 the increase in lot coverage will maintain adequate amenity area and space for access, maintenance, and drainage.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decisions are subject to the following conditions:

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

Prior to Building Permit:

- 1. To the Satisfaction of the Director of Community Planning and Development**
 - 1. That the approval of minor variance A12-2024P is subject to Consent File B10/2024P obtaining final approval.**
- 2. To the Satisfaction of the Director of Public Works**
 - 1. 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.**
 - 2. 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.

3. **The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.**

8.2 A12-2024P 594 River Road

Application A12-2024P was considered concurrently with A11-2024P. See A11-2024P for minutes and decision.

9. Minutes for Approval

Moved By Colin McCann
Seconded By Brenda Stan

THAT the Committee of Adjustment minutes dated May 6, 2024, be approved.

Carried

10. Adjournment

The hearing was adjourned at 4:33 pm.

Moved By Brenda Stan
Seconded By Colin McCann

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for July 2, 2024 at 4:00 p.m.

Carried

Isaiah Banach, Chair

Sarah Leach, Secretary-Treasurer

Meeting #: 07-2024
Date: Tuesday, July 2, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Don Rodbard
Isaiah Banach
John Cappa

Members Absent Brenda Stan
Colin McCann

Staff Present Sarah Leach
Jodi Legros
Shannon Larocque
Gim 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 Banach called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Land Recognition Statement

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

4. Approval of Agenda

Moved By Don Rodbard
Seconded By John Cappa

THAT the agenda for the July 2, 2024, Committee of Adjustment meeting be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interest and General Nature Thereof

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

6. Requests for Withdrawal or Adjournment

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

7. Applications for Minor Variance

7.1 A13-2024P - 304 Welland Road

Purpose of the Application

The subject land is zoned Specialty Agriculture (SA) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate the construction of a covered porch. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 5.2.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 13.5% whereas the By-law allows a maximum lot coverage of 10%.

Representation

The Applicants, Katlyn and Matthew Baxter were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Louise Engel and David Johnson

Applicants Comments

No comments.

Public Comments

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:06 pm and confirmed no e-mails have been received concerning 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 John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Members offered no comments or concerns.

Moved By John Cappa

Seconded By Isaiah Banach

Application A13-2024P made for relief of Section 5.2.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 13.5% whereas the By-law allows a maximum lot coverage of 10%, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no negative impacts are anticipated on the adjacent properties in terms of drainage, visual impacts or with respect to private servicing.**
- 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 construction of an appropriate addition to the existing dwelling and expand the amenity area through the addition of a covered porch.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis**

and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

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

Carried

8. Applications for Consent

8.1 B11-2024P - 1395 Station Street

Purpose of the Application

Application is made for consent to partial discharge of mortgage and consent to convey 1,173 square metres of land (Part 1), for future development. Part 2 is to be retained for future development.

Representation

The Applicant, James Frank was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Hydro One
6. Mary Tucker

Applicants Comments

Mr. Frank agreed with the recommendation report.

Public Comments

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:13 pm and confirmed no e-mails have been received concerning 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 John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair indicated that the application appeared to satisfy the requirements under the Planning Act. The Members offered no additional comments or concerns.

Moved By John Cappa

Seconded By Don Rodbard

Application B11-2024P made for consent to partial discharge of mortgage and consent to convey 1,173 square metres of land (Part 1), for future development. Part 2 is to be retained for future development, is hereby: GRANTED

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. That the applicant confirm 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.**
- 2. 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.**
- 3. That the applicant submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties and that all drainage will be contained within the respective lot.**

To the Satisfaction of the Director of Community Planning & Development

- 1. That the applicant provide the associated storm sewer oversizing fees for Part 1 (1,173 square metres) in the amount of \$11,556.32. The cost-sharing fee for the remaining Part 2 (7,948 square metres) of 1395 Station Street is \$219,859.68. This will be required at time of development submission.**
- 2. That the applicant provide a payment of \$1000.00 to the Town of Pelham for a Street tree to be planted on the boulevard in front of the property as part of the Station Street road reconstruction.**

To the Satisfaction of the Secretary-Treasurer

- 1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- 2. That the final certification fee of \$436, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

This decision is based on the following reasons:

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

8.2 B12-2024P - 690 Quaker Road

Purpose of the Application

Application is made for consent to convey an easement in perpetuity over Part 2, to the benefit of 698 Quaker Road to permit access and maintenance to an existing accessory structure. Part 1 is to be retained for continued use of the residential property known municipally as 690 Quaker Road.

Representation

The Agent, Matt Kernahan was present.

Correspondence Received

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

Applicants Comments

Mr. Kernahan agreed with the staff report, except for the condition requiring a lot grading and drainage plan. He mentioned that after discussions with staff, he understands that staff are willing to waive this condition, pending the Committee's approval.

Shannon Larocque, Senior Planner, confirmed that staff are agreeable to removing the condition, as it will be addressed during the building permit process.

Public Comments

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:23 pm and confirmed no e-mails have been received concerning the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By John Cappa
Seconded By Don Rodbard

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Members offered no comments or concerns.

Moved By Isaiah Banach
Seconded By John Cappa

Application B12-2024P made for consent to convey an easement in perpetuity over Part 2, to the benefit of 698 Quaker Road to permit access and maintenance to an existing accessory structure. Part 1 is to be retained for continued use of the residential property known municipally as 690 Quaker Road, is hereby: GRANTED

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. That the Applicant confirm that no existing utilities cross the property line. Relocation shall be the applicant's responsibility.**

To the Satisfaction of the Secretary-Treasurer

- 1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- 2. That the final certification fee of \$436, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

This decision is based on the following reasons:

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial**

Policy Statement, and complies with the Town's Zoning By-law.

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

Carried

9. Adjournment

The hearing was adjourned at 4:26 pm.

Moved By Isaiah Banach

Seconded By Don Rodbard

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for August 6, 2024 at 4:00 p.m.

Carried

Isaiah Banach, Chair

Sarah Leach, Secretary-Treasurer