

09-2024

September 3, 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**

7.1 A20-2024P - 16 Accursi Crescent

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Helen Bates

7.2 A21-2024P - 14 Accursi Crescent

See file A20-2024P for report and comments.

7.3 A22-2024P - 12 Accursi Crescent

See file A20-2024P for report and comments.

7.4 A23-2024P - 10 Accursi Crescent

See file A20-2024P for report and comments.

7.5 A24-2024P - 8 Accursi Crescent

See file A20-2024P for report and comments.

7.6 A25-2024P - 6 Accursi Crescent

See file A20-2024P for report and comments.

7.7 A26-2024P - 4 Accursi Crescent

See file A20-2024P for report and comments.

7.8 A27-2024P - 7 Accursi Crescent

See file A20-2024P for report and comments.

7.9 A28-2024P - 5 Accursi Crescent

See file A20-2024P for report and comments.

7.10 A29-2024P - 3 Accursi Crescent

See file A20-2024P for report and comments.

7.11 A30-2024P - 1 Accursi Crescent

See file A20-2024P for report and comments.

8. Applications for Consent
9. Minutes for Approval
10. Adjournment

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

Tuesday, September 03, 2024

Minor Variance Application: A20-A30-2024P

Municipal Address: 1, 3, 4, 5, 6, 7, 8, 10, 12, 14, 16 Accursi Crescent

Legal Description: Lots 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, and 23 Plan 59M-527

Roll number: Not assigned

Nature and Extent of Relief/ Permission Applied for:

The subject properties are located west of Haist Street, lying north of Welland Road, being Lots 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, and 23 on Plan 59M-527 in the Town of Pelham in the development known as Emerald Trail, municipally known as 1, 3, 4, 5, 6, 7, 8, 10, 12, 14, and 16 Accursi Crescent. The subject property is located on a portion of the former Pelham arena lands west of the Town owned park. Please refer to Figure 1 and Figure 2 for the location of the site, as well as the Draft Plan of Subdivision showing which units are requesting relief.

Figure 1. Location of Site

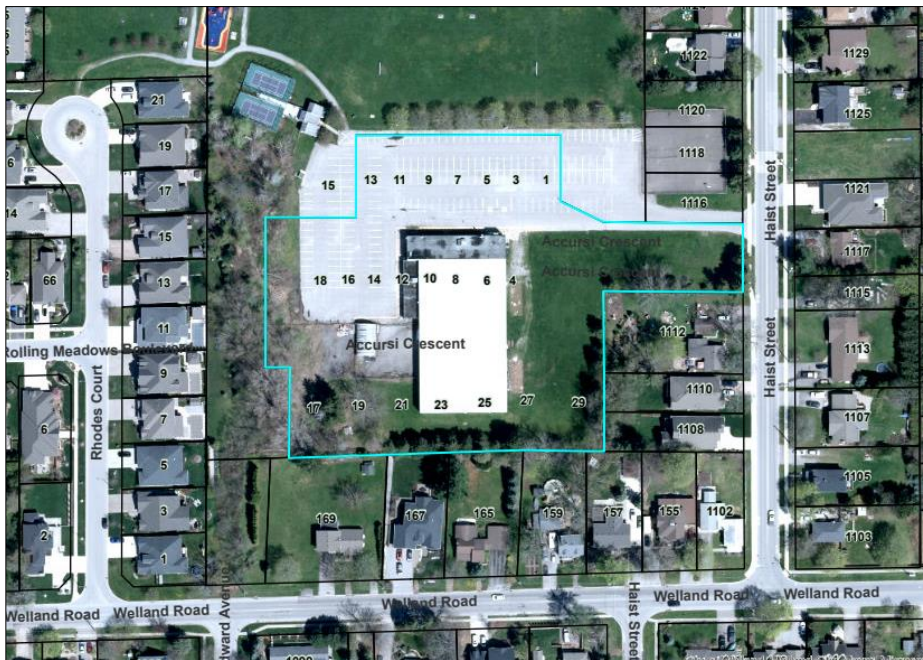
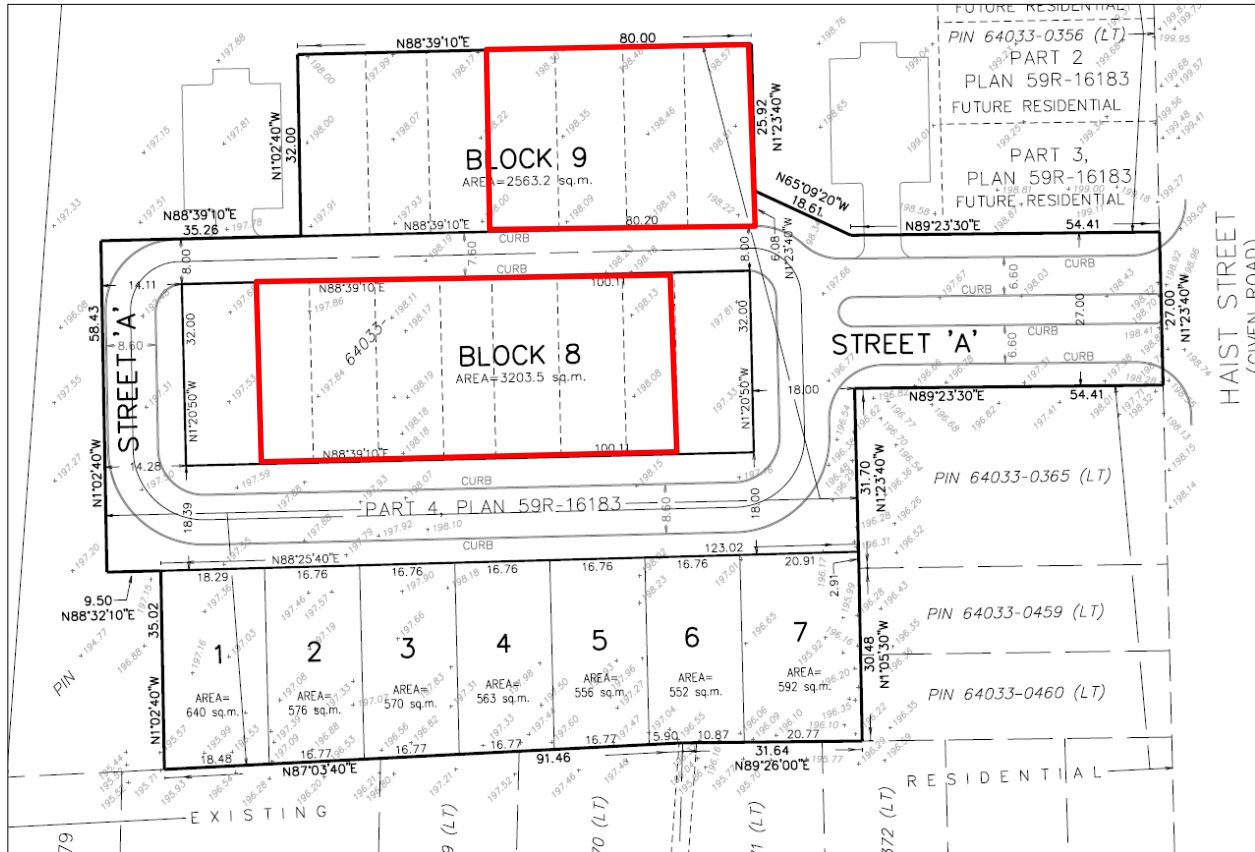


Figure 2. Draft Plan of Subdivision and Units Requesting Relief



The surrounding neighbourhood is comprised of residential uses, predominantly made up of single detached dwellings with some block townhouse dwellings, and open space/recreational uses being the Haist Street park, Steve Bauer Trail south of Welland Road and Harold Black Park further to the south. A storm water management facility is also located on the south side of Meadowvale Drive.

The subject properties are zoned Residential Multiple 1-88 (RM1-88) in accordance with Town of Pelham Comprehensive Zoning By-law 4481(2022), as amended.

Application for relief is made, to facilitate the construction of street townhouse dwellings. The applicant seeks relief from the following section(s) of the Zoning By-law:

1. A20-2024P – 16 Accursi Cres (Lot 9) - Section 6.4.4 – Requesting a maximum lot coverage of 57.32% whereas a maximum lot coverage of 50% is permitted.
2. A21-2024P – 14 Accursi Cres (Lot 10) - Section 6.4.4 – Requesting a maximum lot coverage of 53.41% whereas a maximum lot coverage of 50% is permitted.
3. A22-2024P – 12 Accursi Cres (Lot 11) - Section 6.4.4 – Requesting a maximum lot coverage of 53.40% whereas a maximum lot coverage of 50% is permitted.

4. A23-2024P – 10 Accursi Cres (Lot 12) - Section 6.4.4 – Requesting a maximum lot coverage of 57.32% whereas a maximum lot coverage of 50% is permitted.
5. A24-2024P – 8 Accursi Cres (Lot 13) - Section 6.4.4 – Requesting a maximum lot coverage of 53.01% whereas a maximum lot coverage of 50% is permitted.
6. A25-2024P – 6 Accursi Cres (Lot 14) - Section 6.4.4 – Requesting a maximum lot coverage of 53.40% whereas a maximum lot coverage of 50% is permitted.
7. A26-2024P – 4 Accursi Cres (Lot 15) - Section 6.4.4 – Requesting a maximum lot coverage of 57.32% whereas a maximum lot coverage of 50% is permitted.
8. A27-2024P – 7 Accursi Cres (Lot 20) - Section 6.4.4 – Requesting a maximum lot coverage of 52.99% whereas a maximum lot coverage of 50% is permitted.
9. A28-2024P – 5 Accursi Cres (Lot 21) - Section 6.4.4 – Requesting a maximum lot coverage of 56.43% whereas a maximum lot coverage of 50% is permitted.
10. A29-2024P – 3 Accursi Cres (Lot 22) - Section 6.4.4 – Requesting a maximum lot coverage of 56.47% whereas a maximum lot coverage of 50% is permitted.
11. A30-2024P – 1 Accursi Cres (Lot 23) – Section 6.4.4 – Requesting a maximum lot coverage of 52.40% whereas a maximum lot coverage of 50% is permitted.

Please note this report considers eleven concurrent applications for minor variance, being applications A20 through A30-2024P.

The Emerald Trail subdivision has received final approval and been registered. Servicing has taken place and construction is ready to begin.

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.

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 as residential uses, intensification and redevelopment are supported in the Settlement Area.

Growth Plan for the Greater Golden Horseshoe (2020)

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

It is Planning staff's opinion that the applications are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe as residential uses are supported in the Delineated Built-up Area.

Niagara Region Official Plan (2022)

The Niagara Region Official Plan (2022) provides the policy guidance for future development across the Region. The Plan designates the subject lands as 'Delineated Built-Up Area' within the Urban Area Boundary.

Section 2.3 provides policies to promote a variety of housing types composing complete communities. The policy base encourages a range of housing options to address current and future needs within the community.

It is Planning staff's opinion that the applications confirm with the policies of the Niagara Region Official Plan as residential uses and various housing types are supported in the Delineated Built-Up Area.

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.

Schedule A7 1120 Haist Street – Special Policy Area of the Town of Pelham Official Plan designates the property as Urban Living Area. The Urban Living Area designation allows for all types of residential uses.

Policy B1.1.2 outlines the public realm and private realm urban design criteria for the property in this designation. These elements have been reviewed as part of the subdivision approval and the minor variance applications do not propose to change the built form or negatively impact the public realm. As a result, there is no conflict with the policies contained in B1.1.2.

Section E1.5 of the Official Plan 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 cover letter with the application. The letter indicates the owner purchased the lots with complete designs for the townhouse dwellings that exceed the maximum 50% lot coverage. The proposed townhouse dwelling units are one storey in height, with an attached garage and driveway access to the rear. Covered porches are provided in both the front and rear yards.

The applicant wishes to maintain the existing layout of the units to avoid redesign to two storeys, or reducing the floor area of the unit/garage.

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

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

The subject lands are zoned Residential Multiple 1-88 (RM1-88) per the Town’s Comprehensive Zoning By-law. Under the regulations of the Zoning By-law, the minor variance applications request relief from:

- 1. Section 6.4.4** – a maximum lot coverage of 50% is permitted.

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

Minor Variance Test	Test Response/Explanation
The variance is minor in nature.	<p>Yes, the variances are minor in nature.</p> <p>The increased coverage on the subject property and adjacent properties is minimal as setback and height requirements will be met.</p> <p>The increased coverage is relatively minor when considering the overall lot area of the parcel. The increased coverage will not significantly alter the built environment or impact neighbouring properties. The increased coverage will maintain a generous portion of the lots as open space,</p>

	<p>ensuring the property's character remains consistent with the surrounding area.</p> <p>Staff are of the opinion the variances are minor in nature.</p>
<p>The variance is desirable for the development or use of the land.</p>	<p>Yes, the variances are desirable for the development or use of the land.</p> <p>The increase in lot coverage is desirable as it will permit design flexibility while maintaining adequate amenity area. The proposed bungalow townhome units are compatible with surrounding land uses, as dwellings of similar scale exist in the surrounding area. The variance will maintain the dwellings as bungalows, avoiding redesign of the units to include an additional storey in height.</p> <p>It is not expected the additional lot coverage will negatively impact the adjacent properties or surrounding area. A lot grading/drainage plan will be required to ensure the dwellings do not negatively impact drainage.</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 variances maintain the general intent and purpose of the Zoning By-law.</p> <p>The intent of the maximum lot coverage provision of the By-law is to maintain adequate space for landscaping, leisure, drainage, and to maintain neighbourhood streetscapes and compatibility. Further, the intent of the provision is to ensure that the building footprint of the dwelling is appropriate relative to the size of the property.</p> <p>The proposed increase will maintain the scale and character of the surrounding area. The lot will provide ample open space for landscaping, and drainage. The increase in lot coverage is not anticipated to limit or detract from the provision of outdoor amenity area and open space. An updated stormwater management report is requested to ensure that drainage can be adequately managed on each individual lot. This is recommended as a condition of approval.</p> <p>Staff are of the opinion that the proposed 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 variances maintain the general intent and purpose of the Official Plan.</p> <p>The general intent of the Urban Living Area designation is to allow for development of residential uses and accessory structures.</p> <p>Staff are of the opinion the variances will not compromise the objectives of the Official Plan, with respect to land use compatibility, storm water runoff and servicing capabilities. The subject land's use is within the permitted use of the Urban Living Area / Built Boundary designation. The variance will facilitate an appropriate development and does not conflict with any policies subject to fulfillment of the proposed conditions of approval, including a revised stormwater management report.</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 August 7, 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
 - All necessary building permits shall be obtained prior to construction commencing, to the satisfaction of the Chief Building Official.
- Public Works Department
 - With the increase of lot coverage for each property, a revised stormwater management report indicating revised calculations with respect to surface run-offs due to increased impervious surfaces is required.
 - 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.
 - Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.

One (1) public comment has been received, which is summarized as follows:
Helen Bates:

- *Helen Bates, who resides at a neighbouring property, phoned the Secretary-Treasurer on August 6, 2024, to advise that she has no objection to the proposal.*

Planning Staff Comments:

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

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

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

Planning Staff Recommendation:

Planning staff recommend that minor variance files A20-30/2024P **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.
- That revised stormwater management report indicating revised calculations with respect to surface run-off due to increased impervious surfaces be provided to the satisfaction of the Director of Public Works.
- That a Comprehensive Lot Grading and Drainage Plan be provided 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. Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Manager of Planning

Engineering Department Committee of Adjustment Report

For

**A20-2024P -16 Accursi Crescent
A21-2024P -14 Accursi Crescent
A22-2024P -12 Accursi Crescent
A23-2024P -10 Accursi Crescent
A24-2024P -8 Accursi Crescent
A25-2024P -6 Accursi Crescent
A26-2024P -4 Accursi Crescent
A27-2024P -7 Accursi Crescent
A28-2024P -5 Accursi Crescent
A29-2024P -3 Accursi Crescent
A30-2024P -1 Accursi Crescent**

July 23, 2024

Town staff have reviewed the following documentation for the purpose of **A20-2024P to A30-2024P** - Minor Variance applications for:

The subject land is zoned RM1-88 in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate the construction of a block townhouse dwelling unit. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 6.4.4 "Zone Requirements for a Block Townhouse Dwelling" – to permit a maximum lot coverage of 57.32% whereas the By-law permits a maximum lot coverage of 50%.

Minor Variance Files A20-2024P, A21-2024P, A22-2024P, A23- 2024P, A24-2024P, A25-2024P, A26-2024P, A27-2024P, A28-2024P, A29-2024P and A30-2024P are considered congruent collectively.

Introduction:

The former Pelham Arena property at 1114 Haist Street (formerly 1120 Haist Street) in the Town of Pelham. A pre-consultation meeting was held with Town staff, the Niagara Region, and Niagara Peninsula Conservation Authority (NPCA) on November 5, 2020. The purpose of the pre-consultation meeting was to review the proposed development and to identify studies and other information that would be required in support of the planning applications. Through the pre-consultation session it was identified that a 'Planning Justification Report' is required to support the draft plan of subdivision approval process. This Planning Justification Report specifically addresses the draft plan of subdivision for Part 4 of the property, which is the main arena part of the property.

The proposed development for Part 4 is a subdivision consisting of 16 townhouses and 7 single-family homes, which will be accessed from Haist Street on the east side of the property. The 7 single-family residences will be located along the south part of the property and back on to existing residences along Welland Road. Two townhouse blocks will be created. One townhouse block will be along the north part of the property facing the park. Seven townhouse units (two buildings of three and four units) are proposed in this block. The second townhouse block will be in the middle of the property and will consist of nine townhouse units (three buildings with three townhouse units each).

Eleven applications for minor variances at the developments on Accursi Crescent (Emerald Trails). Each application is regarding the same variance, which is a proposed increase of the maximum lot coverage of 50%.

Minor Variance Files A20-2024P, A21-2024P, A22-2024P, A23- 2024P, A24-2024P, A25-2024P, A26-2024P, A27-2024P, A28-2024P, A29-2024P and A30-2024P are considered congruent collectively.

Analysis:

Please see conditions below.

Public Works offer the following conditions:

- With the increase of lot coverage for each property, a revised stormwater management report indicating revised calculations with respects to surface run-offs due to increased impervious surfaces.
- 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. Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.

To: Sarah Leach

Cc: Andrew Edwards

From: Jessica Passant, Building Intake/Zoning Technician

Date: August 14th, 2024

Subject: Building Comments on Applications to the Committee of Adjustment for
1,3,4,5,6,7,8,10,12,14, and 16 Accursi Crescent

File Number(s): A20-2024P; A21-2024P; A22-2024P; A23-2024P; A24-2024P; A25-
2024P; A26-2024P; A27-2024P; A28-2024P; A29-2024P & A30-2024P

Comments:

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

Respectfully,

Jessica Passant

August 16, 2024

Helen Bates Comments

Helen Bates, who resides as a neighbouring property, phoned the Secretary-Treasurer on August 6, 2024, to advise that she has no objection to the proposal.