

10-2024

October 7, 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**

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	3. Town of Pelham Building	
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	See file A31-2024P for report and comments.	
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8.	Applications for Consent	
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10.	Adjournment	

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

Monday, October 07, 2024

Minor Variance Application: A31-A33-2024P

Municipal Address: 9, 11, and 13 Accursi Crescent

Legal Description: Lots 17, 18, 19, 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 17, 18, and 19 on Plan 59M-527 in the Town of Pelham in the development known as Emerald Trail, municipally known as 9, 11, and 13 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

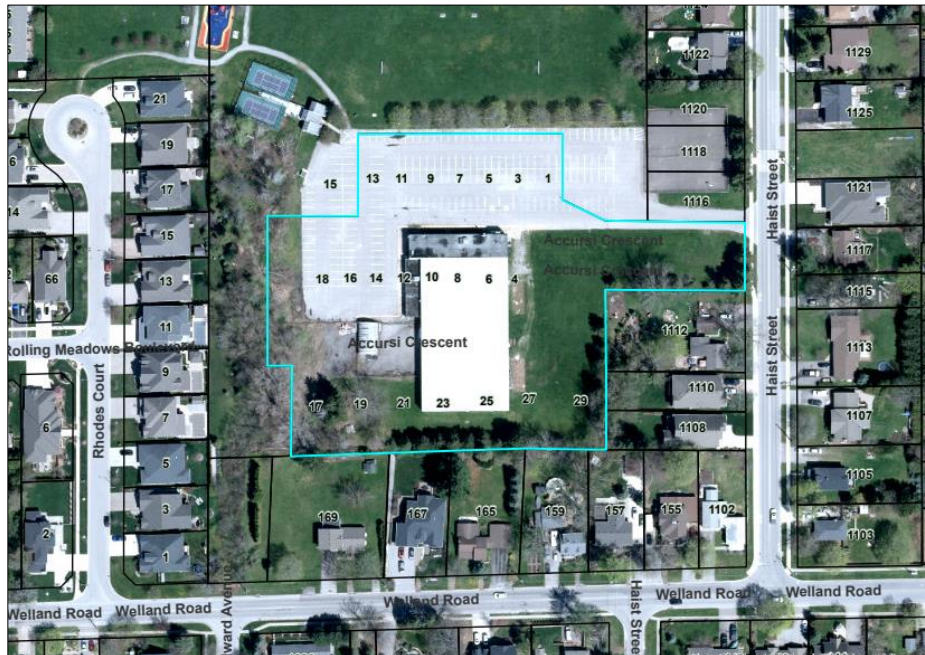
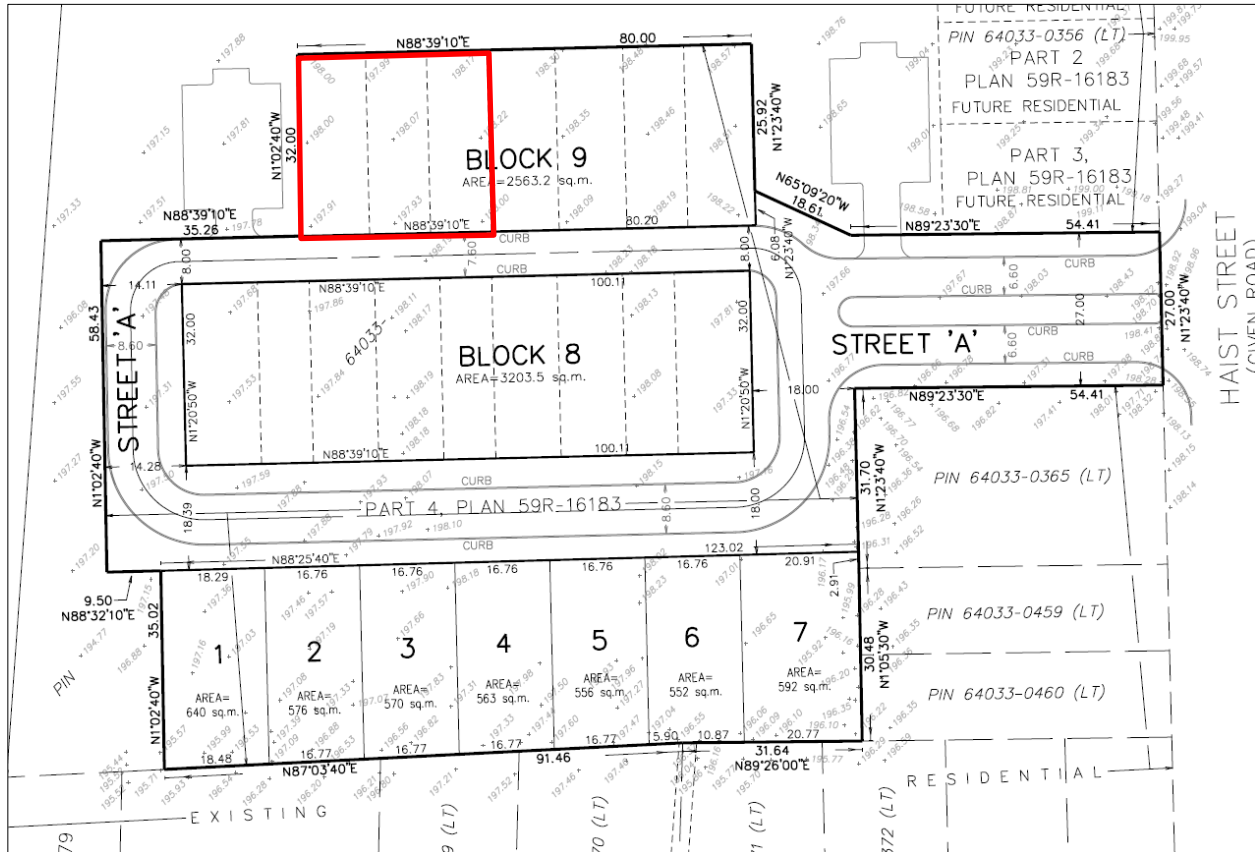


Figure 2. Draft Plan of Subdivision and Units Requesting Relief



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. A31-2024P – 13 Accursi Cres (Lot 17) - Section 6.4.4 – Requesting a maximum lot coverage of 51.38% whereas a maximum lot coverage of 50% is permitted.
2. A32-2024P – 11 Accursi Cres (Lot 18) - Section 6.4.4 – Requesting a maximum lot coverage of 56.48% whereas a maximum lot coverage of 50% is permitted.
3. A33-2024P – 9 Accursi Cres (Lot 19) - Section 6.4.4 – Requesting a maximum lot coverage of 52.98% whereas a maximum lot coverage of 50% is permitted.

Please note this report considers three concurrent applications for minor variance,

being applications A31 through A33-2024P. Staff note 11 applications for other lots within the subdivision were considered at the September 2024 hearing of the Committee of Adjustment.

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, 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>
The variance is desirable for the development or use of the land.	<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 22, 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.

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 A31-33/2024P **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 a 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

**A31-2024P: 13 Accursi Crescent
A32-2024P: 11 Accursi Crescent
A33-2024P: 9 Accursi Crescent**

August 26, 2024

Town staff have reviewed the following documentation for the purpose of **A31-2024P to A33-2024P** - 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, A30-2024P, A31-2024P, A32-2024P and A33-2024P 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, A30-2024P, A31-2024P, A32-2024P and A33-2024P 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: September 24th, 2024

Subject: Building Comments on Applications to the Committee of Adjustment for
9,11, and 13 Accursi Crescent

File Number(s): A33-2024P; A32-2024P; A31-2024P.

Comments:

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

Respectfully,

Jessica Passant

Consent Application: B15-2024P

**Municipal Address: 6 Elizabeth Drive
Legal Description: PLAN 29 LOT 8
Roll number: 2732 030 005 11400**

Location of Lands and Purpose of Application:

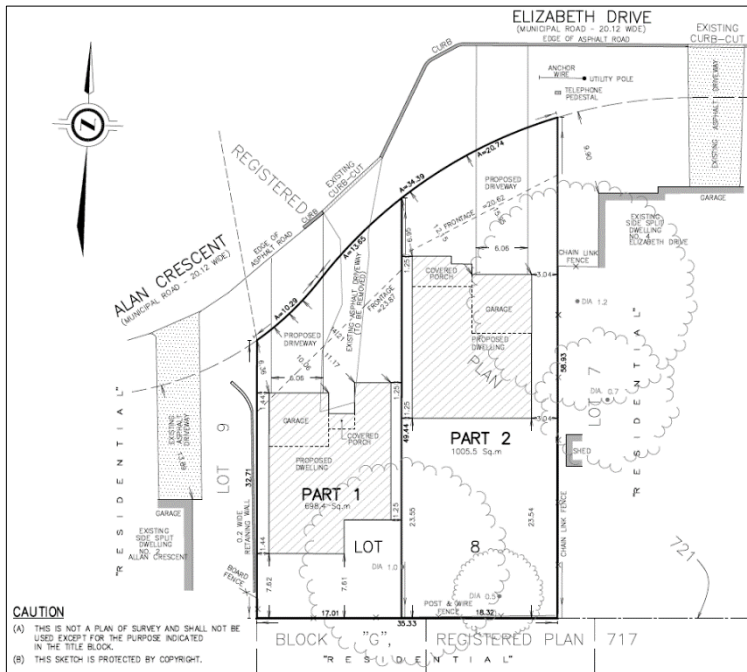
The subject parcel, shown as Parts 1 and 2 on Figure 2, has a frontage of approximately 45 metres on the south side of Elizabeth Drive, lying west of Pelham Street, being Lot 8, on Plan 29 in the Town of Pelham. Please see Figure 1.

Figure 1. Subject Lands



Application is made for consent to convey 698.4 square metres of land (Part 1), for the future construction of a single detached dwelling. Part 2 is to be retained for the future construction of a new single detached dwelling. Please refer to Figure 2 to review the severance sketch.

Figure 2. Severance Sketch



The parcel is located on south side of Elizabeth Drive, lying west of Pelham Street. The parcel generally rectangular in shape, however, it has an irregular front lot line, being located along a curve in the street. The lot is 1,703.9 square metres in area and has approximately 45.0 metres of frontage along Elizabeth Drive.

According to Zoning By-law 4481(2022), where the front lot line is not a straight line, frontage is determined from the lot centre line to a point 6.0m back from the front lot line measured horizontally at 90 degrees from the lot centre line between the side lot lines.

The lands slope from east to west with a grade differential of approximately 3 metres and are currently vacant. The lot is sparsely vegetated with two large deciduous trees to the rear and two mature Town owned street trees along the frontage of Part 2. There are various shrubs along the westerly property line and two mature trees on the neighbouring lot to the west located approximately 2.3 – 3.5 metres west of the property line. The canopy of the larger tree extends approximately 10.6 metres easterly into Part 2. See Figure 3.

Figure 3. Boundary Trees facing Southeast



At the current time it is unknown if the street trees are to be retained as house designs and a site servicing/grading plan has not yet been prepared. The lands previously contained a single detached dwelling that was demolished in 2023.

The surrounding land uses include:

North: Residential uses comprised of single detached dwellings along Elizabeth Drive and a condominium townhouse development.

East: Residential uses along Alan Crescent.

South: Residential uses along Brock Street.

West: Residential uses and Pelham Street.

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.

Section 2.6 of the PPS requires that significant built-heritage resources and significant cultural heritage landscapes be conserved. The Town’s Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. Accordingly, staff requested an archaeological assessment be prepared and submitted in support of the application.

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.

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.

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, 2022

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 Niagara Region Official Plan. Policy 2.2.2.5 requires 60% of all residential units occurring annually 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.

Policy 2.2.1.1 indicates that development in urban areas will integrate land use planning and infrastructure planning for a compact built form, diverse range and mix of housing types, unit sizes, a vibrant public realm, and a mix of land uses, range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs, convenient access to public and active transportation, parks, trails and open spaces. Opportunities for the integration of gentle density that considers the character of established residential neighbourhoods is also supported.

As the consent will contribute to the intensification rate, be served by existing infrastructure and introduce additional housing units which are in keeping with the character of the established neighbourhood, staff are of the opinion that the proposed consent 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 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 site is located along Elizabeth Drive which is identified as a local road. The site is located approximately 95 metres from an intersection with Pelham Street which is an Arterial Road. As such, the site is a candidate for intensification.
- 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 lot which is in keeping with the character

of the surrounding neighbourhood. The lot sizes and dimensions comply with the zoning requirements.

- 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;
- Elizabeth Drive is a local road according to Schedule C of the Official Plan. The proposed lots meet the relevant sections of the R1 zone and is generally consistent with the built form of the surrounding area. The density of the development is approximately 11.76 units per hectare.
- 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. Both the severed and retained lots are proposed to contain a single detached dwelling fronting Elizabeth Drive, consistent with the existing residential uses 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 zoning requirements for such uses. The proposed application is for the creation of a building lot.
- f) The provision of affordable housing in intensification areas will be encouraged; and,
- The developer is proposing a single detached dwelling on the new lot. The Town's Zoning By-law permits second dwelling units in single

detached dwellings and accessory buildings which would allow for an affordable housing option.

- 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 to the current application.

Section D4.2 sets forth the general policy basis for heritage and archaeological resources. It is noted that a nearby property, 8 Elizabeth Drive, was being considered for inclusion on a register of non-designated properties of cultural heritage value or interest. 8 Elizabeth Drive was a large farm parcel that was subdivided to create the existing established neighbourhood. However, the Town does not have a formal register of listed (non-designated) properties. The neighbourhood includes an eclectic mix of traditional and modern architectural styles that have emerged over the lifespan of the neighbourhood. Staff are of the opinion the proposed consent will not impact the heritage attributes of the nearby dwelling or established neighbourhood.

Section D4.3 sets forth the basis for the preservation of archaeological resources. The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. Accordingly, staff requested an archaeological assessment be prepared and submitted in support of the application. The applicant submitted a Stage 1-2 archaeological assessment which found no archaeological resources. Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, no further archaeological assessment of the Study Area was recommended. Staff will require the clearance letter from the Ministry of Citizenship and Multiculturalism prior to any site alteration.

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 Elizabeth Drive 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. Public Works did not identify any concerns in this regard. In addition, driveway and entrance permits will be required as a condition of consent to ensure driveways meet Town engineering standards.

- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- The proposed lots meet or exceed the requirements of the R1 zone. No zoning relief is required to facilitate the development.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- Yes, municipal services exist and are available to be used. Site servicing will be required as a condition of consent.
- 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.
- 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 located on or adjacent to the property.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
- Yes. Generally speaking the Regional Official Plan encourages intensification within Settlement Areas within built-up areas where municipal services are available. Please refer to Regional Official Plan section of this Report.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
- N/A.

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

Zoning By-law 4481 (2022), as amended

The subject lands are zoned Residential 1 (R1) in accordance with Zoning By-law 4481 (2022). Both the lands to be severed and the lands to be retained comply with the standards of the Zoning By-law.

House designs have not yet been completed by the Owner. Any new construction on the property will be required to meet zoning requirements in terms of setbacks, height, and lot coverage.

Agency and Public Comments:

On September 11, 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
 - The Building Department has no comments or conditions at this time.
- Public Works Department
 - That the existing Curb cut to be restored in accordance with the Town Standards
 - Site Servicing Plan/Functional servicing report.
 - Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate. Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.
 - Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.
 - Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards.
 - 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.
 - That the applicant provide a cash in lieu should the applicant remove Town owned tree per Town tree policy.

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

- Vince and Carla Andronico

- Expressed concern with the higher elevation of the property and potential drainage issues for neighbouring properties; Concern about the removal of large, mature trees on the lot affecting neighbourhood character; Request as many trees as possible are retained; Concern about potential impact of construction on mature trees on adjacent lot.
- Ted Galotta
 - Phoned the Planner on September 26, 2024 to express concern with neighbourhood compatibility, overlook, and issues of height given the grade differential of the neighbourhood.

Planning Staff Comments:

A pre-consultation meeting was held with the applicant(s) for the property owner and staff from the Town, and Niagara Region Planning & Development Services on March 1, 2024, to discuss the subject application.

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

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 and not impact neighbouring properties. A condition is being recommended in this regard.

Staff understand the concerns related to potential tree loss. Trees provide valuable benefits such as shade, erosion control, noise and privacy buffering, wildlife habitat, and improved air quality. The Town encourages retaining street and private trees and to mitigate potential impacts where possible. As such, staff are recommending a condition of approval requiring the applicant to prepare a tree preservation plan and revise the grading plan to include the boulevard and boundary trees on the grading plan and outline any necessary tree protection measures (e.g. protective fencing, erosion and sediment control fencing, etc.). At the time of writing, the applicant indicated it is unclear whether the boulevard trees are to be retained.

It is also intended that this condition will address the concerns from the adjacent property owners about the impact to the boundary tree. The tree preservation plan should include the boundary tree on the neighbouring property to the west. In terms of potential liability issues, this would be a civil matter between the neighbouring property owners. However, it is the intention that the tree preservation plan will identify any necessary measures to potential impacts to the boundary tree.

With respect to the concerns related to overlook and height, the applicant is required to meet the maximum height requirement of the R1 zone – which is 12 metres. This is the same permission for the adjacent residential uses and the applicant is not requesting an increase to this height. Staff recognize the topographical conditions of the neighbourhood, with the grade increasing to the west. It is noted the property is

located towards the bottom of the slope of Elizabeth Drive. As such, issues of overlook are partially mitigated naturally through the existing topography of the area.

Compatibility does not necessarily mean the same as, rather the ability to coexist harmoniously. The application is proposing two new single detached dwellings in a neighbourhood consisting of 1 to 2 storey single detached dwellings. The proposed dwelling type is similar to what exists in the surrounding neighbourhood. Notwithstanding house designs have not yet been completed, any new construction is required to comply with the Zoning By-law in terms of lot coverage, setbacks, and height. As such, staff are of the opinion the proposal is compatible with the surrounding 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.

The proposal, if approved would permit the creation of an additional residential lot in a neighbourhood comprised of primarily single detached dwellings. Planning staff do not anticipate land use compatibility issues 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 with Provincial, Regional and Local Plans. The resulting parcel complies with applicable zoning 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 B15-2024P **be approved** subject to the following condition(s):

THAT the applicant:

- That the applicant prepare and submit a Site Servicing Plan/Functional servicing report, to the satisfaction of the Director of Public Works, or designate.
- Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate. Please be advised that no side yard walkways that impede side yard swales shall be permitted.

- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.
- Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards.
- 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.
- That the applicant prepare a Tree Preservation and Protection Plan to the satisfaction of the Directors of Public Works and Director of Community Planning and Development.
- That the Owner conform with Town Tree Maintenance Policy S802-01.
- That the owner provide the Ministry of Citizenship and Multiculturalism clearance letter and acknowledge 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.
- 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

**B15-2024P
6 Elizabeth Drive**

September 17, 2024

Town staff have reviewed the following documentation for the purpose of **B15-2024P – 6 Elizabeth Drive** consent application for:

Application is made for consent to partial discharge of mortgage and consent to convey 698.4 square metres of land (Part 1), for future construction of a single detached dwelling. Part 2 is to be retained for the future construction of a single detached dwelling.

Introduction:

The Subject Lands are a vacant lot located on the south side of Elizabeth Drive, north of Brock Street, west of Pelham Street and southeast of Alan Crescent. The lands measure approximately 1,703.9 square metres (0.17 hectares) in total lot area, a depth of 32.71 (107.31 feet) along the western portion of the lands and 58.93 metres (193.34 feet) along the eastern portion of the lands, and a frontage along the south side of Elizabeth Drive and Alan Crescent of 44.49 metres (145.96 feet). The lands previously contained a detached dwelling, but are now vacant.

The Owner is proposing to sever the Subject Lands for the future construction of single-detached dwellings on both the subject parcel (Part 1) and remnant parcel (Part 2).

Application is made for consent to partial discharge of mortgage and consent to convey 698.4 square metres of land (Part 1), for future construction of a single detached dwelling. Part 2 is to be retained for the future construction of a single detached dwelling.

Analysis:

See attached comments and conditions below.

Public Works offer the following comment:

- That the existing Curb cut to be restored in accordance with the Town Standards

Public Works offer the following conditions:

- Site Servicing Plan/Functional servicing report.
- Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate. Please be advised that no sideyard walkways that impede sideyard swales shall be permitted.
- Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.
- Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards.
- 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.
- That the applicant provide a cash in lieu should the applicant remove Town owned tree per Town tree policy.

To: Sarah Leach

Cc:

From: Jessica Passant, Building Intake/Zoning Technician

Date: September 24th, 2024

Subject: Building Comments on Applications to the Committee of Adjustment for
6 Elizabeth Dr

File Number: B15-2024P

Comments:

- The Building Department has no comments or conditions at this time.

Respectfully,

Jessica Passant

Jodi Legros

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>
Sent: Friday, September 20, 2024 2:39 PM
To: Jodi Legros
Subject: Pelham - 6 Elizabeth Drive - B15-2024

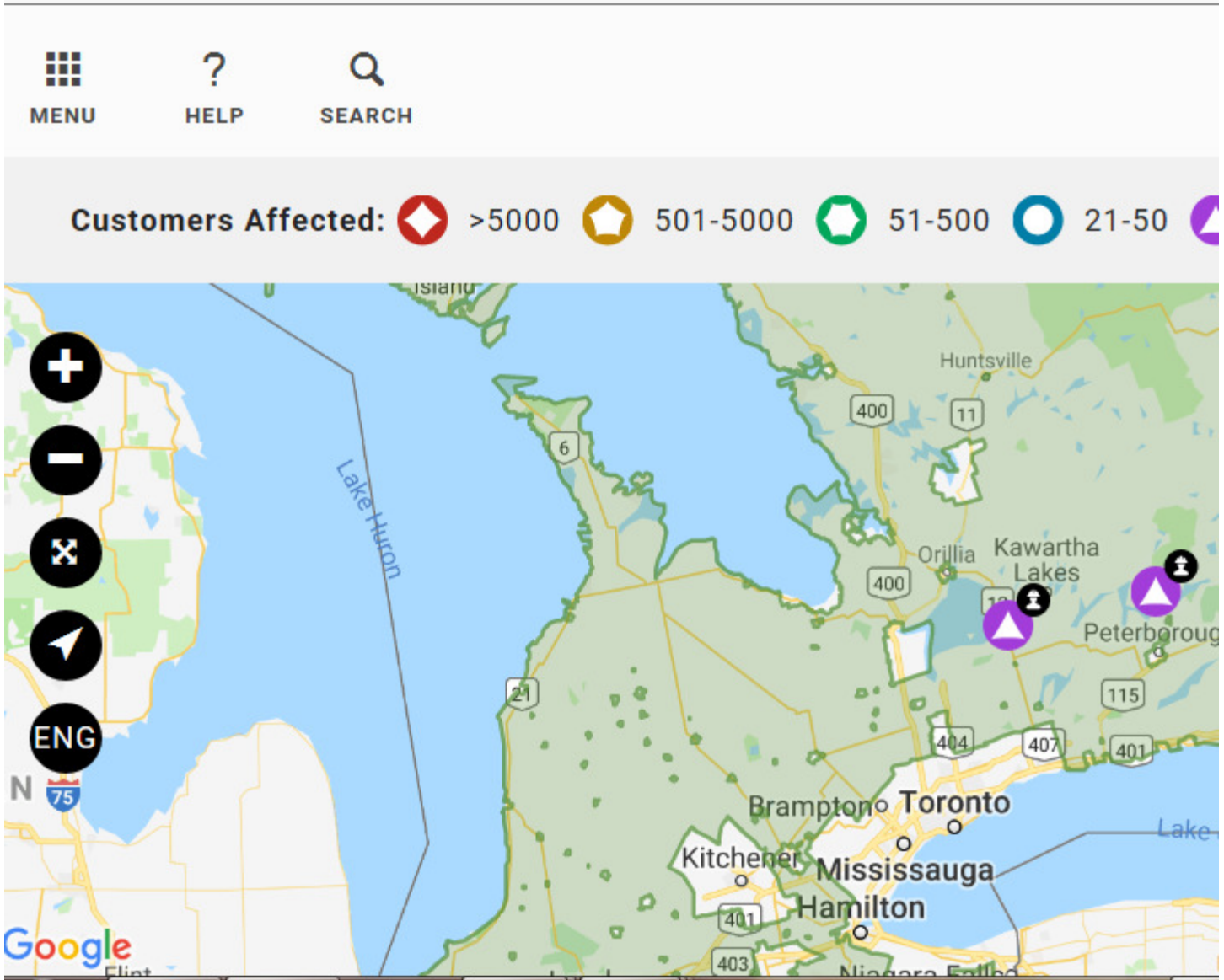
Hello,

We are in receipt of your Application for Consent, B15-2024 dated September 11th, 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

Vince and Carla Andronico

[REDACTED]
Fonthill, Ontario L0S 1E0
[REDACTED]
[REDACTED]

September 23, 2024

Town of Pelham
Committee of Adjustment

File Number: B15-2024P

Subject Lands: 6 Elizabeth Drive Pelham ON

Legal Description: Lot 8, Plan 721

Dear Secretary Treasurer,

I hope this letter finds you well. We have several reservations regarding the potential impacts this severance and subsequent development may have on our property and the surrounding environment.

1. Elevation and Runoff Concerns: The lot in question is at a higher elevation compared to our property, and we are particularly concerned about water runoff from the new development. Any alterations to the lot, including grading and construction, could potentially lead to increased water flow onto our property, causing potential flooding, erosion, and damage. We request that appropriate drainage measures be put in place to ensure that water runoff is properly managed to prevent any negative impact on neighboring properties.

2. Impact on Existing Trees and Green Space: There are several large, mature trees on the lot, which contribute significantly to the local ecosystem, providing shade, habitat for wildlife, and maintaining the aesthetic character of the neighborhood. We are concerned that the severance and development may result in the removal of these trees, which would not only negatively affect the environment but also alter the character of the area. We request that measures be taken to preserve as many of the existing trees as possible and to mitigate the environmental impact of any removals that are necessary.

3. Impact on Mature Tree on our Lot: Additionally, there is a significant tree on our lot whose canopy extends over the severed lot. We are concerned that if this tree is cut or significantly disturbed during the foundation digging, it could adversely affect its health and potentially lead to its death. We would appreciate any information on how this will be managed during construction. We would also like to address the potential liability issues that may arise if the construction activities directly result in the loss of this tree. Will the town of Pelham pay for the removal of the dead tree if that happens and replace it?

We kindly ask that these concerns be taken into serious consideration during the planning and approval process for the severance and development of this lot. We are also open to discussing potential solutions and collaborating to ensure that any future development is done responsibly and with minimal impact on the neighborhood. Thank you for your time and attention to this matter. We look forward to your response and any further opportunities to address these concerns.

Sincerely,

Vince and Carla Andronico

A handwritten signature in black ink, appearing to read 'VCA', with a horizontal line extending to the right from the end of the signature.

Meeting #: 08-2024
Date: Tuesday, August 6, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Colin McCann
 Don Rodbard
 John Cappa

Members Absent Brenda Stan
 Isaiah Banach

Staff Present Sarah Leach
 Andrew Edwards
 Derek Young
 Jodi Legros
 Pamela Duesling
 Shannon Larocque

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, Secretary-Treasurer Sarah Leach called the meeting to order at approximately 4:06 pm. S. Leach 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

S. Leach recited the land recognition statement.

4. Approval of Agenda

Moved By Colin McCann

Seconded By Don Rodbard

THAT the agenda for the August 6, 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

There were no requests for withdrawal or adjournment.

7. Applications for Minor Variance

7.1 A16-2024P - 25 Highway 20 East

Purpose of the Application

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;

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 angular plane on the west side of the lot, whereas no encroachment into the angular plane is permitted.

Representation

The Applicant, Roger Toma and Architect, Brett Lyver were present.

Correspondence Received

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

Applicants Comments

None.

Public Comments

David Koudys raised several concerns, including increased traffic, headlights shining into his home at night, people regularly coming and going, lack of parking, absence of a privacy fence, noise, water run-off and potential occupants of the hotel.

Mike Hogan offered no objection to the proposal.

Heather Hogan described the trees proposed for removal as "garbage trees" and did not object to their removal.

Brett Lyver, the Architect, stated there will be a privacy fence on both sides and expressed the ability to block light.

Roger Toma, the Applicant, stated his intention to ensure the neighbours remain comfortable and happy. He committed to minimizing excessive lighting, ensuring proper access to washrooms, and replacing the removed trees. He also noted that the Town has by-laws in place to address nuisances.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:24 pm and confirmed no e-mails have been received concerning the subject application. S. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Don Rodbard

Seconded By Colin McCann

THAT the public portion of the meeting be closed.

Carried

Member Comments

Chair Cappa was absent during the consideration of this file.

A Member asked how many parking spots were proposed to which R. Toma responded six.

Moved By Don Rodbard

Seconded By Colin McCann

THAT Application for relief of 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, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the proposed renovation/conversion of the existing dwelling to a hotel will utilize the existing footprint of the dwelling and will not alter the existing front yard setback, or the percentage of the frontage occupied by the structure.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will allow the existing dwelling to be converted to a commercial use, which is an example of adaptive reuse.**
- 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.**

AND THAT Application for relief of 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, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it is not anticipated to detract from the streetscape and will facilitate the conversion of the existing dwelling for commercial use.**
- 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 allow the existing dwelling to be converted to a commercial use, which is an example of adaptive reuse.**

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.

AND THAT Application for relief of 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, is hereby GRANTED

The above decision is based on the following reasons:

1. The variance is minor in nature as it is not anticipated to detract from the streetscape and will facilitate the conversion of the existing dwelling for commercial use.
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 allow the existing dwelling to be converted to a commercial use, which is an example of adaptive reuse.
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.

AND THAT Application for relief of 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, is hereby: GRANTED

The above decision is based on the following reasons:

1. **The variance is minor in nature as no windows or living space encroach into the angular plane, and as such, issues of overlook are mitigated.**
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 minor encroachment into the angular plane is not anticipated to result in a built form that is inappropriate for the lands.**
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. **Enter into a site plan agreement to the satisfaction of the Director of Community Planning and Development.**
1. **To the Satisfaction of the Director of Public Works**
 1. **Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**

Carried

7.2 A17-2024P - 1311 Effingham Street

Chair Cappa joined the hearing.

Purpose of the Application

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.

Representation

The Applicants, Brian and Wendy Kremer were present.

Correspondence Received

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

Applicants Comments

None.

Public Comments

None.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:33 pm and confirmed no e-mails have been received concerning the subject application. S. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Colin McCann

Seconded By John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

None.

Moved By Colin McCann

Seconded By John Cappa

THAT Application for relief of 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, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. 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.**
- 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 as it will permit design flexibility while maintaining adequate area for amenity space, drainage, and private sewage system servicing capabilities.**
- 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:

- 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. **The applicant prepare and submit a Tree Protection Plan, to the satisfaction of the Town.**
 2. **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.**
2. **To the Satisfaction of the Director of Public Works**
 1. **Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**

Carried

7.3 A19-2024P - Block 173 of Saffron Meadows

Purpose of the Application

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.

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.

Representation

The Agent, Eric Beauregard was present.

Correspondence Received

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

Applicants Comments

Eric Beauregard, the Agent, expressed agreement with the staff recommendation report.

Public Comments

None.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:39 pm and confirmed no e-mails have been received concerning the subject application. S. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Colin McCann

Seconded By Don Rodbard

THAT the public portion of the meeting be closed.

Carried

Member Comments

None.

Moved By Don Rodbard

Seconded By Colin McCann

THAT Application for relief of 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, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. 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.**
- 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 allow for appropriate development of a wraparound covered porch on a corner lot.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**
- 7. The Applicant is aware that no sideyard walkways that impede sideyard swales shall be permitted.**

The above decision is subject to the following conditions:

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

Prior to Building Permit:

- 1. To the Satisfaction of the Director of Public Works**
 - 1. Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**

8. Applications for Consent

8.1 B14-2024P - 28 Lorimer Street

Purpose of the Application

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

Representation

The Agent, Ron Vahrmeyer was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hydro One
5. Patti Tomczyk
6. Kathryn Silkiewicz

Applicants Comments

Ron Vahrmeyer, the Agent, expressed agreement with the staff recommendation report.

Public Comments

Kathryn Silkiewicz expressed concerns about potential flooding and the loss of privacy and shade resulting from tree removal. Additionally, she questioned the legitimacy and accuracy of the survey.

Linda Stoop voiced concerns about severing a valuable piece of property, including exacerbated flooding and the removal of trees.

In response, R. Vahrmeyer explained that the grading work will be conducted to ensure water is properly managed and does not flow where it shouldn't. He also confirmed that the survey was conducted by an

authorized surveyor in Ontario and assured that tree removal would be minimized as much as possible.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:51 pm and confirmed no e-mails have been received concerning the subject application. S. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Colin McCann

Seconded By John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair highlighted the inclusion of a condition to address grading and drainage. Derek Young, Manager of Engineering, clarified that the Town can only manage surface water, not the water table.

A Member inquired whether it would be appropriate to impose a condition requiring the rebuilding of the existing barrier fence. Shannon Larocque, Manager of Planning, responded that the Committee could impose such a condition, though it was not initially recommended by the Planning department since it pertains to the removal of the shed rather than the fence.

R. Vahrmeyer, unsure of the current conditions, mentioned that if there was an attached fence that needed to be removed, it would be reinstalled.

The Chair highlighted the inclusion of a condition to address grading and drainage. Derek Young, Manager of Engineering, clarified that the Town can only manage surface water, not the water table.

A Member inquired whether it would be appropriate to impose a condition requiring the rebuilding of the existing barrier fence. Shannon Larocque, Manager of Planning, responded that the Committee could impose such a condition, though it was not initially recommended by the Planning department since it pertains to the removal of the shed rather than the fence.

R. Vahrmeyer, unsure of the current conditions, mentioned that if there was an attached fence that needed to be removed, it would be reinstalled.

Moved By Colin McCann
Seconded By John Cappa

THAT Application is made for consent to partial discharge of mortgage and consent to convey 420.82 square metres of land (Part 1), for future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 28 Lorimer Street 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 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.**
- 4. That Part 1 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.**
- 5. That the applicant provide a Functional Servicing Report including a full stormwater management strategy.**

To the Satisfaction of the Director of Community Planning & Development

1. 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.
2. That 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.
3. That the applicant be responsible for replacing/re-installing any gaps in fencing created as a result of severance file B14-2024P.

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:

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.

1. 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.
2. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and

complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

Carried

8.2 B13-2024P - 764 Canboro Road

Purpose of the Application

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.

Representation

The Agent, Todd Barber was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hydro One
5. Niagara Region
6. Bell Canada
7. Bill and Ann Van Lochem

Applicants Comments

Todd Barber, the Agent, noted that semi-detached homes are a legal conforming use on the property, and his client chose a less dense development option. He also stated that he has no concerns regarding the requests from Bell Canada.

Public Comments

Debbie van Maaren expressed concerns that the development would not blend in with the existing neighbourhood and raised issues related to traffic and safety, noting that some sidewalks slope toward the road.

Brittany Brochu echoed these concerns, including the potential influx of vehicles, and inquired whether the properties were intended for rental or ownership.

Ann VanLochem voiced concern that not all neighbours had received notice of the meeting. She also raised issues about increased traffic and the lack of medians.

S. Leach indicated that notice of the meeting was distributed to residents within a 60-metre radius.

The Chair mentioned that he had no questions regarding the consent and commended the Town for addressing the concerns. Derek Young, Manager of Engineering, noted that the engineering drawings had not yet been reviewed.

A Member inquired whether the Town was prepared to proceed with the proposed detached garage. Shannon Larocque, Manager of Planning, responded that building code requirements must be met before a building permit can be issued. In response to Brittany Brochu's questions, S. Larocque indicated that parking would be accommodated in both the garage and the driveway.

S. Leach read aloud an email from Debbie van Maaren, in which she expressed additional concerns about safety, neighborhood conformity, parking, and water and sewer issues.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 5:20 pm and confirmed no e-mails have been received concerning the subject application. S. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Colin McCann

Seconded By John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member noted that increased traffic is a natural consequence of community growth. While expressing sympathy for concerns about the changing streetscape, the Member pointed out that as development progresses, older homes will inevitably be replaced. The Member also

observed that, in addition to the garage, the lot appears to have space for at least three or four vehicles without needing to resort to on-street parking.

D. Young expressed concern about the proposal. S. Larocque explained that a condition for the lot grading and drainage plan was included to give the applicant the opportunity to prepare a proposal for review and approval. T. Barber expressed surprise at the concern, noting that the grading plan had been with the Town for some time.

Moved By Colin McCann

Seconded By Don Rodbard

THAT Application 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, 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 no existing utilities cross the proposed new property line. Should any services cross this new property line nor rely on adjacent properties.**
- 2. 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.**
- 3. 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.**
- 4. 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.

To the Satisfaction of the Director of Community Planning & Development

- 1. 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.**
- 2. 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.**

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, in relation to the Stage 1 and 2 Archaeological Assessment, a formal acceptance letter from the Ministry of Citizenship and Multiculturalism must be circulated to the Niagara Region prior to the issuance of a building permit.**

Carried

9. Applications for Minor Variance (Continued)

9.1 A14-2024P - 764 Canboro Road - Part 1

File A14-2024P and A15-2024P were considered concurrently.

Purpose of the Application

Application A14-2024P 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.

Application A15-2024P 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.

Representation

The Agent, Todd Barber was present.

Correspondence Received

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

Applicants Comments

Todd Barber, the Agent, mentioned that there are large farmhouses in the area and that the second dwelling unit (SDU) was designed to blend in with the existing houses, creating the impression that it is not a semi-detached dwelling. He also noted that a variance is being sought due to a miscommunication with the Planning department, which he believes will ultimately enhance the development.

Public Comments

Debbie van Maaren sought clarification on whether the proposal includes two or three units. It was clarified that there are currently two units proposed, with the potential for an additional unit, which is not being proposed at this time.

Brittany Brochu expressed concern regarding the concern raised by the Manager of Engineering.

S. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 5:48 pm and confirmed no e-mails have been received concerning the subject application. S. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Colin McCann

Seconded By John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

A Member inquired whether the driveway allows two cars to pass each other. Todd Barber confirmed that two cars can pass in front of the garage, but not within the single laneway. He also mentioned that he does not anticipate much traffic.

A Member inquired whether the driveway allows two cars to pass each other. Todd Barber confirmed that two cars can pass in front of the garage, but not within the single laneway. He also mentioned that he does not anticipate much traffic.

Moved By Colin McCann
Seconded By John Cappa

THAT Application A14-2024P for relief of 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, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it is anticipated to have negative impacts on the streetscape or adjacent properties. The structure will appear as one building.**
- 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 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.**
- 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:

- 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 the minor variance A14-2024P is subject to Consent File B13/2023P obtaining final approval.**
2. **To the Satisfaction of the Director of Public Works**
 1. **Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**

Carried

Moved By Colin McCann
Seconded By John Cappa

THAT Application A15-2024P for relief of 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, is hereby: GRANTED;

The above decision is based on the following reasons:

1. **The variance is minor in nature as it is anticipated to have negative impacts on the streetscape or adjacent properties. The structure will appear as one building.**
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 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.**
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:

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 the minor variance A15-2024P is subject to Consent File B13/2023P obtaining final approval.**
2. **To the Satisfaction of the Director of Public Works**
 1. **Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**

Carried

9.2 A15-2024P 764 Canboro Road - Part 2

File A15-2024P was considered concurrently with file A14-2024P. See file A14-2024P for minutes and decision.

10. Minutes for Approval

Moved By Colin McCann

Seconded By Don Rodbard

THAT the Committee of Adjustment minutes dated June 3rd and July 2nd, 2024, be approved.

Carried

11. Adjournment

Moved By John Cappa

Seconded By Colin McCann

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for September 3, 2024 at 4:00 p.m.

Carried

John Cappa, Chair

Sarah Leach, Secretary-Treasurer