

Meeting #: CofA 03/2026
Date: Monday, March 2, 2026
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Brenda Stan
Colin McCann
John Cappa

Members Absent Isaiah Banach
Sue Sarko

Staff Present Andrew Edwards
Jodi Conte
Shannon Larocque
Gimuel Ledesma
Alexander Lewis

1. Attendance

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Cappa called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Land Recognition Statement

Jodi Conte, Assistant Secretary-Treasurer, recited the land recognition statement.

4. Approval of Agenda

Moved By Colin McCann

Seconded By Brenda Stan

THAT the agenda for the March 2, 2026 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

J. Conte, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Applications for Consent

7.1 B3-2026P 178 Highway 20 W

Purpose of the Application

Consent Applications B3-2026P and B4-2026P were considered concurrently.

Application B3-2026P: Easement Application is made for consent to convey:

1. An easement in perpetuity over Part 2 to the benefit of Parts 4 and 5 (174 Highway 20 W) for the purpose of parking, access and waste collection; and
2. An easement in perpetuity over Parts 1 and 2 to the benefit of Parts 4 and 5 (174 Highway 20 W) for the purpose of stormwater management purposes.

Application B4-2026P: Easement Application is made for consent to convey an easement in perpetuity over Part 4 to the benefit of Parts 1 and 2 (178 Highway 20 W) for vehicular access. Part 3 is to be dedicated to Niagara Region for a road widening. Part 5 is to be retained to facilitate the development of a 5-storey residential building.

Representation

The agents, Eric Beauregard and William Heikoop of Upper Canada Consultants were in attendance.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Town of Pelham Tax Department
5. Niagara Region
6. Bell Canada

Applicants Comments

Eric Beauregard provided a presentation encompassing Consent application files B3-2026P and B4-2026P and Minor Variance application file A4-2026P. William Heikoop observed both properties share the same ownership and a concurrent site plan application is under review by the Town.

Committee members requested clarification on the building's number of storeys, parking, traffic flow near a busy retail area, and first-floor use. The Agent confirmed the proposed building is five storeys whereas zoning permits six. The Agent also advised that vehicular access between the two sites will be restricted, referencing the reduced side yard setback for the surface parking area, and confirmed that sufficient parking is provided. It was noted that the owner's office at 178 Highway 20 requires 16 parking spaces under zoning but provides 41, with surplus parking intended to be directed there and that both properties are under the same ownership. The Agent further advised that the proposed building will include a front lobby and amenity room, with approximately two-thirds of the rear accommodating 15 parking spaces beneath the building.

Public Comments

George Dewer provided comments respecting parking supply and adequacy, which were determined to relate to the minor variance application. At the request of Mr. Dewer, his comments were held for consideration under minor variance application A4-2026P.

The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan

Seconded By Colin McCann

THAT the public portion of the meeting be closed.

Carried

Member Comments

A committee member raised a question regarding Public Works' comment on how runoff would be managed during construction. Gim Ledesma, Engineering Technologist, advised that this would be addressed through the site plan application process.

Moved By Brenda Stan

Seconded By Colin McCann

Application B3-2026P made for consent to convey:

1. **An easement in perpetuity over Part 2 to the benefit of Parts 4 and 5 (174 Highway 20 W) for the purpose of parking, access and waste collection; and**
2. **An easement in perpetuity over Parts 1 and 2 to the benefit of Parts 4 and 5 (174 Highway 20 W) for the purpose of stormwater management purposes, are hereby: GRANTED**

Application B4-2026P made for consent to convey an easement in perpetuity over Part 4 to the benefit of Parts 1 and 2 (178 Highway 20 W) for vehicular access. Part 3 is to be dedicated to Niagara Region for a road widening. Part 5 is to be retained to facilitate the development of a 5- storey residential building is hereby: GRANTED

The above decisions are subject to the following conditions:

To the Satisfaction of the Director of Public Works

1. **Submit comprehensive Lot Grading and drainage Plans for the parcels demonstrating that the drainage neither relies on nor negatively impacts neighbouring properties and that all**

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

2. Install any missing services with 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 the works are complete.
3. Obtain and submit a Regional Temporary Works permit with the Temporary Works Permit application to the Town.
4. Obtain Driveway Access and Culvert Permits from the Town for the modification to the existing driveway/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards.

To the Satisfaction of the Director of Community Planning & Development

1. That approval of the consent applications are subject to minor variance application A4-2026P receiving approval.

To the Satisfaction of the Secretary-Treasurer

1. That the Secretary-Treasurer be provided with registrable legal descriptions of the subject parcels, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificates of Consent.
2. That the final certification fees of \$454 per application, 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 applications conform to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Planning Statement, and complies with the Town's Zoning By-law.
2. These Decisions are 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 Planning Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

Carried

7.2 B4-2026P 174 Highway 20 W

File B4-2026P was heard concurrently with B3-2026P. Refer to B3-2026P for minutes and decisions.

8. Applications for Minor Variance

8.1 A4-2026P 174 Highway 20 W

Purpose of the Application

Relief is sought to facilitate the development of a 5-storey residential building consisting of 30 units. The applicant is requesting relief from the following sections of the Zoning By-law:

Section 8.4.3 (Zone Requirements) Step Backs – to permit a minimum step back of 0 metres of the 3rd storey through the 5th storey whereas a minimum step back of 1.5 metres is required above the 3rd storey;

Section 8.4.3 (Zone Requirements) First Floor Window Height – to permit a minimum first floor window height of 0.15 metres, whereas the By-law permits a minimum first floor height of 0.3 metres;

Section 8.4.3 (Zone Requirements) First Floor Height – to permit a minimum first floor height of 3.66 metres, whereas the By-law permits a minimum first floor height of 4.5 metres;

Section 4.1.1(a) (Parking Space Requirements) Minimum Parking Requirements – to permit a minimum number of vehicular parking spaces of 1.13 spaces per dwelling unit (34 spaces), whereas the By-law requires a minimum of 1.25 vehicular parking spaces per dwelling unit (38 spaces);

Section 4.1.4.8 (Parking Space Requirements) Parking Area Location on Lot – to permit a minimum setback from the street for an uncovered surface parking area of 6.15 metres, whereas the By-law requires a minimum of 7.5 metres to any street line;

Section 4.1.4.8 (Parking Space Requirements) Parking Area Location on Lot - to permit a minimum setback from the side lot line to the east for an uncovered surface parking area of 1.5 metres, whereas the By-law requires a minimum of 3 metres to any side lot line;

Section 4.1.4.8 (Parking Space Requirements) Parking Area Location on Lot - to permit a minimum setback from the side lot line to the west for an uncovered surface parking area of 0 metres, whereas the By-law requires a minimum of 3 metres to any side lot line;

Section 4.1.4.8 (Parking Space Requirements) Parking Area Location on Lot - to permit a minimum setback from a rear lot line for an uncovered surface parking area of 1.5 metres, whereas the By-law requires a minimum of 3 metres to the rear lot line.

Representation

The agents, Eric Beauregard and William Heikoop of Upper Canada Consultants were in attendance.

Correspondence Received

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

Applicants Comments

William Heikoop noted the proposed parking, including the easement, will meet the building's needs, with resident parking beneath the building and on the neighbouring property, and visitor/drop-off spaces along the side and in a layby.

Public Comments

George Dewer's comments, previously provided during the consent application and held for this meeting included that the proposed 39 spaces may be insufficient for the luxury apartment building, citing couples with two cars, visitors, and future contractors. He provided additional comments questioning the site's walkability and lack of transit access and requested that Planning consider these concerns.

Tom McArthur raised concerns about garbage collection and its impact on parking. The Agent confirmed a designated area with earth bins for waste collection.

The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan

Seconded By Colin McCann

THAT the public portion of the meeting be closed.

Carried

Member Comments

The committee members noted the Town has reviewed and considered each requirement, and that concerns raised can be addressed through the site plan process.

A committee member inquired about the reduced parking and whether the easement sufficiently protects future access for tenants. Shannon Larocque, Planning Manager, explained that the minor variance is supported on the condition that the easement is approved and registered on title, ensuring access is protected even if the adjacent property is sold. The variance remains necessary to comply with the zoning bylaw, and any future purchaser must be aware of the restrictions.

Moved By Colin McCann

Seconded By Brenda Stan

Application for relief of Section 8.4.3 (Zone Requirements) Step Backs – to permit a minimum step back of 0 metres of the 3rd storey through the 6th storey whereas a minimum step back of 1.5 metres is required above the 3rd storey is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as eliminating the stepback creates minimal additional massing from the street and the height remains unchanged and complies with zoning related to**

height. Given the Highway 20 context and right-of-way width, no adverse shadowing, overlook, or visual impacts are expected.

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 enables an efficient building envelope while ensuring high-quality design, alignment with Official Plan urban design criteria, and an attractive, articulated site design.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

Application for relief of Section 8.4.3 (Zone Requirements) First Floor Window Height – to permit a minimum first floor window height of 0.15 metres, whereas the By-law permits a minimum first floor height of 0.3 metres is hereby: GRANTED

The above decision is based on the following reasons:

1. The variance is minor in nature as it does not materially alter the building's relationship with the streetscape. The facade maintains a high percentage of glazing presence and architectural detailing, and the adjustment is technical in scope, with no adverse impact on the overall quality of the Highway 20 corridor.
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 allows facade flexibility and an engaging street frontage along Highway 20, maintaining

glazing and architectural detail while supporting an efficient parking layout without detracting from urban design objectives.

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

Application for relief of Section 8.4.3 (Zone Requirements) First Floor Height – to permit a minimum first floor height of 3.66 metres, whereas the By-law permits a minimum first floor height of 4.5 metres is hereby: GRANTED

The above decision is based on the following reasons:

1. The variance is minor in nature as it does not compromise ground floor function or compatibility with the surrounding area. The proposed height continues to provide adequate interior clearance and street presence, and the overall massing and proportions remain largely unchanged.
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 supports efficient building design while maintaining compatibility, pedestrian-scaled first floor height, and an overall balanced, functional layout.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

Application for relief of Section 4.1.1(a) (Parking Space Requirements)

Minimum Parking Requirements – to permit a minimum number of vehicular parking spaces of 1.13 spaces per dwelling unit (34 spaces), whereas the By-law requires a minimum of 1.25 vehicular parking spaces per dwelling unit (38 spaces) is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature, requesting a reduction in the residential parking rate from 1.25 to 1.13 spaces per unit. The development still provides over one space per unit, with additional resident parking on an adjacent parcel, and is not expected to cause overflow onto surrounding streets.**
- 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 reduction in parking requirements is a technicality as the required amount of parking will be provided between the property and the adjacent property and will not negatively impact the surrounding area.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

Application for relief of Section 4.1.4.8 (Parking Space Requirements) Parking Area Location on Lot – to permit a minimum setback from the street for an uncovered surface parking area of 6.15 metres, whereas the By-law requires a minimum of 7.5 metres to any street line is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the limited parking encroachments do not compromise landscaping, drainage,**

circulation, or adjacent properties, and the building and landscaping will continue to enhance the streetscape.

- 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 provides design flexibility, positions the building closer to Highway 20 for desirable urban design, and limits parking encroachments without affecting landscaping or the corridor's character.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance**

**Application for relief of Section 4.1.4.8 (Parking Space Requirements)
Parking Area Location on Lot - to permit a minimum setback from the side lot line to the east for an uncovered surface parking area of 1.5 metres, whereas the By-law requires a minimum of 3 metres to any side lot line is hereby: GRANTED**

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the limited parking encroachments do not affect landscaping, drainage, circulation, or adjacent properties, and the building and landscaping will continue to enhance the streetscape.**
- 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 provides design flexibility, positions the building closer to Highway 20 for desirable urban**

design, and limits parking encroachments without affecting landscaping or the corridor's character.

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

**Application for relief of Section 4.1.4.8 (Parking Space Requirements)
Parking Area Location on Lot - to permit a minimum setback from the side lot line to the west for an uncovered surface parking area of 0 metres, whereas the By-law requires a minimum of 3 metres to any side lot line is hereby: GRANTED**

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the limited parking encroachments do not affect landscaping, drainage, circulation, or adjacent properties, and the building and landscaping will continue to enhance the streetscape.**
- 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 provides design flexibility, positions the building closer to Highway 20 for desirable urban design, and limits parking encroachments without affecting landscaping or the corridor's character.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

Application for relief of Section 4.1.4.8 (Parking Space Requirements) Parking Area Location on Lot - to permit a minimum setback from a rear lot line for an uncovered surface parking area of 1.5 metres, whereas the By-law requires a minimum of 3 metres to the rear lot line is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the limited parking encroachments do not affect landscaping, drainage, circulation, or adjacent properties, and the building and landscaping will continue to enhance the streetscape.**
- 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 provides design flexibility, positions the building closer to Highway 20 for desirable urban design, and limits parking encroachments without affecting landscaping or the corridor's character.**
- 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:

a) Enter into a Site Plan Agreement with the Town to the satisfaction of the Director of Community Planning and Development.

b) That a Record of Site Condition (RSC) must be filed prior to building permit issuance.

c) That the approval of the minor variance A4-2026P is subject to Consent applications B3-2026P and B4-2026P receiving final certification.

Carried

9. Minutes for Approval

Moved By Colin McCann

Seconded By Brenda Stan

THAT the Committee of Adjustment minutes dated January 12, 2026, be approved.

Carried

10. Adjournment

The hearing was adjourned at 4:53 pm.

Moved By Brenda Stan


Seconded By Colin McCann

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for April 7, 2026 at 4:00 p.m.

Carried



John Cappa, Chair



Jodi Conte, Assistant Secretary-Treasurer