

Committee of Adjustment **AGENDA**

Committee of Adjustment Hearing 5/2015

Wednesday, August 05, 2015

Start time 4:00 PM

Town of Pelham Municipal Building - Council Chambers

AGENDA

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**
3. **Disclosure of Pecuniary Interest and General Nature Thereof**
4. **Requests for Withdrawal or Adjournment**
5. **Applications for Minor Variance**
 - 5.1. **File A6/2015P - Terri Demelo**

Background:

 1. Town of Pelham Planning Department
 2. Town of Pelham Building Department
 3. Town of Pelham Public Works Department
6. **Applications for Consent**
 - 6.1. **File B6/2015P - Brian and Anne Ker**

Background:

 1. Town of Pelham Planning Department
 2. Town of Pelham Building Department
 3. Town of Pelham Public Works Department
7. **Adjournment**

Issue Summary Report

5.1. File A6/2015P - Terri Demelo

#20150727003

Meeting : Committee of Adjustment Hearing 5/2015

Meeting Date : 2015/08/05 16:00

Meeting Type : Committee of Adjustment Hearing

Background

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



July 30, 2015

Mrs. Nancy J. Bozzato, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Dear Mrs. Bozzato:

**Re: Minor Variance Application A6/2015P (DeMelo)
22 Joyce Crescent, Pelham, ON
Lot 55, Plan 59M-403, Pelham, ON
Roll No. 273202001003455**

The subject application is for minor variances from the following sections of Zoning By-law Number 1136 (1987), as amended:

- Section 30.184(g) to permit a rear yard setback of 3.5 metres (11.48 feet), whereas 7.5 metres (24.6 feet) is required; and,
- Section 30.184(c) to increase the maximum permitted lot coverage to 50 percent (50%), whereas a maximum of 45 percent (45%) is permitted.

Relief is requested to facilitate the construction of a single detached dwelling (refer to Appendix 1). The effective purpose of the minor variance application is to reduce the rear yard setback requirement by 53.3 percent (53.3%) and increase the maximum lot coverage by 11 percent (11%).

The subject parcel is located on the east side of Joyce Crescent, between Buckley Terrace and Haist Street, being Lot 55 on Plan 59M-403 and known municipally as 22 Joyce Crescent in the Town of Pelham.

Applicable Planning Policies

Provincial Policy Statement (2014)

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014. According to Policy 1.1.3.1, settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.



Greenbelt Plan (2005)

The subject parcel is located outside of the Greenbelt Plan Area and its policies are not applicable to this application.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan (Consolidated, August 2014) designates the subject parcel as 'Urban Area Boundary/Designated Greenfield Area'. Policy 4.G.7.2 states that urban areas will be the focus of the Region's long term growth and development. Additionally, Policy 4.C.5.1 states that Designated Greenfield Areas will be planned as compact, complete communities by making a significant contribution to the growth of respective urban areas.

Town Official Plan (2014)

The Town's Official Plan, 2014 designates the subject parcel as 'Low Density Residential' and 'Greenfield Overlay'. The permitted uses in the 'Low Density Residential' designation include single detached dwellings and uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, parks, open space linkages, places of worship and day nurseries.

The permitted uses in the 'Greenfield Overlay' designation are those of the underlying land use designation. It is a Provincial and Regional requirement that lands identified as Greenfield be developed in such a manner as to attain a minimum population/employment density of 50 people and jobs per hectare. The subject property is located within the North West Fonthill Secondary Plan which is a high priority Greenfield Area.

Town Zoning By-law No. 1136 (1987)

The Town of Pelham's Zoning By-law No. 1136 (1987), as amended, identifies the subject parcel as 'Residential 1, Exception Number 184' (R1-184). The permitted uses in the 'R1-184' Zone include one single detached dwelling; uses, buildings and structures accessory to the foregoing uses; and, home occupations.

The Committee of Adjustment, in 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 | Explanation |
|-------------------------------------|--|
| 1. The variance is minor in nature. | <p>Given the location of the subject property, Planning Staff are of the opinion that the variances are considered minor. The rear yard setback and lot coverage will be adjusted from the zone requirement to accommodate the construction of a single detached dwelling on an irregular-shaped lot.</p> <p>Planning staff are of the opinion that there shall not be a negative impact on adjacent properties as there will be sufficient amenity space provided around the proposed dwelling. This will provide sufficient space for future maintenance and preserve privacy between adjacent properties.</p> |



| | |
|---|---|
| <p>2. The variance is desirable for the development or use of the land.</p> | <p>The variances are considered desirable for the development or use of the land in that the rear yard setback and the lot coverage will maintain the amenity area of the proposed dwelling and shall not increase shadowing onto adjacent properties. The subject property is also surrounded by similar lots with single detached dwellings.</p> <p>Planning Staff is of the opinion that the variances will maintain the urban, residential character of the area.</p> |
| <p>3. The variance maintains the general intent and purpose of the Zoning By-law.</p> | <p>The variances maintain the general intent and purpose of the Zoning By-law as the increase in the lot coverage and the reduction of the rear yard setback requirement for the proposed dwelling are minor in nature and are of an appropriate scale.</p> <p>The proposed use is also permitted within the 'Residential 1, Exception 184' (R1-184) Zone.</p> |
| <p>4. The variance maintains the general intent and purpose of the Official Plan.</p> | <p>The variance maintains the general intent and purpose of the Official Plan as the use is permitted in the 'Low Density Residential' and 'Greenfield Overlay' designations.</p> |

On June 11th, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, Fire) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- The Department of Public Works has no objection to the application; provided that the proposed rear yard setback of 3.5 metres (11.48 feet) does not impact existing drainage and grading (refer to Appendix 3).
- The Building Department has no objection to the application, provided that the applicant obtains all required building permits prior to construction commencing on the subject property (refer to Appendix 4).

No comments were received from the public.

Planning Staff is of the opinion that the application meets the tests required to permit minor variances and it is consistent with Provincial policies and Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. The authorization of the minor variances is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File A6/2015P be approved.

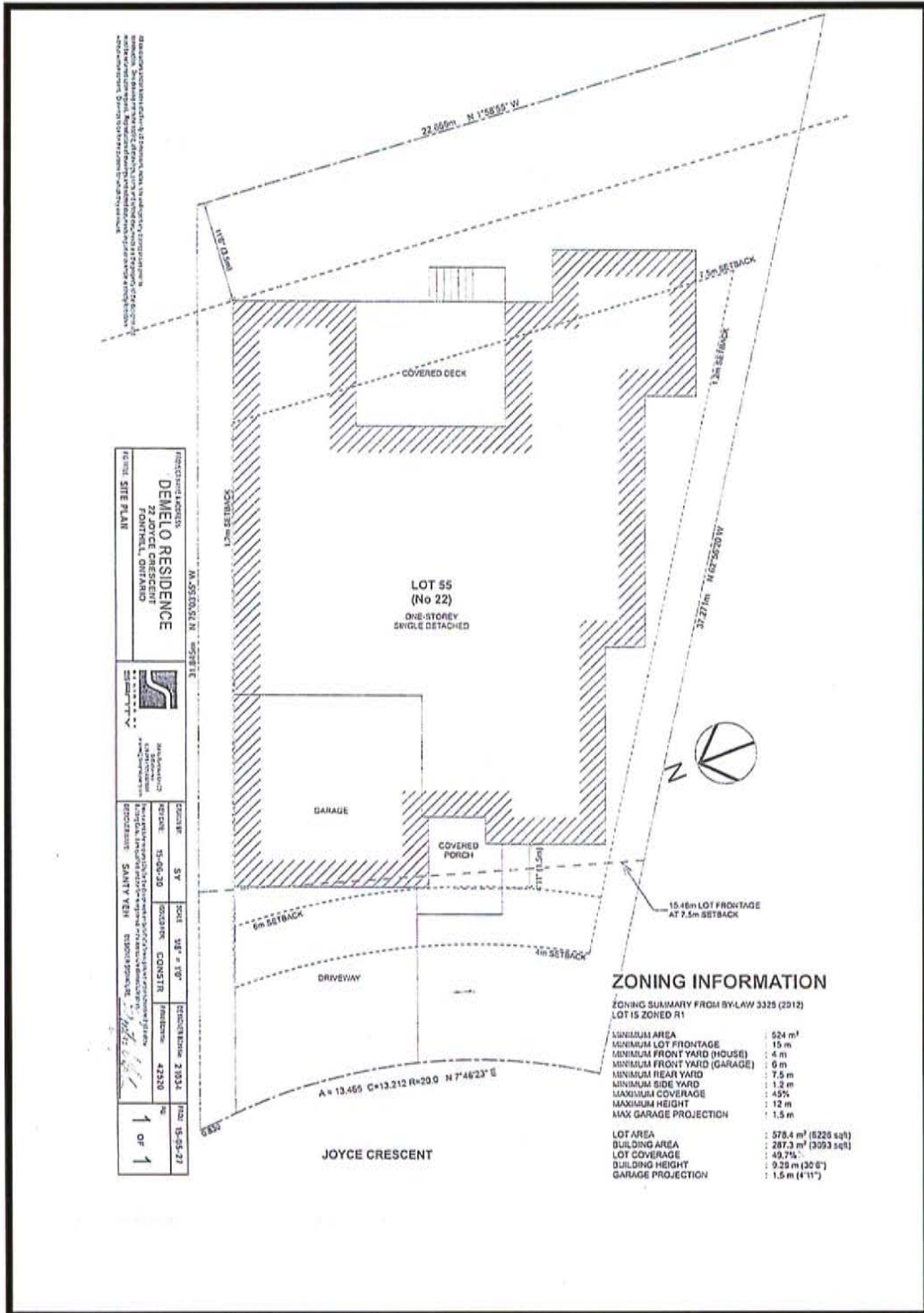
Submitted by,






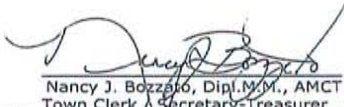

Andrew Gameiro,
Planner



Appendix 1: Submitted Site Drawing




Appendix 2: Public Notice

| | | |
|--|--|---|
|  vibrant • creative • caring | | www.pelham.ca |
| In the matter of the Planning Act, R.S.O. 1990, as amended And in the matter of an application for minor variance or permission on behalf of: | | |
| <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> NOTICE OF PUBLIC HEARING </div> | WHAT: | FILE A6/2015P TERRI DEMELO |
| | WHO: | Lot 55, Plan 59M-403, 22 Joyce Crescent, Pelham |
| | WHEN: | WEDNESDAY, AUGUST 5, 2015 AT 4:00 P.M. |
| | WHERE: | Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario |
| Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above. | | |
| DESCRIPTION & LOCATION OF SUBJECT LANDS: The subject land is located on the east side of Joyce Crescent, between Buckley Terrace and Haist Street, being Lot 55 on Plan 59M-403 and known municipally as 22 Joyce Crescent in the Town of Pelham. The subject land is depicted on the Key Map below and is shown on the sketch accompanying this notice. | | |
| NATURE & EXTENT OF RELIEF / PERMISSION APPLIED FOR: The subject land is zoned Residential 1 R1-184 in accordance with Pelham Zoning By-law 1136(1987), as amended. Relief from the By-law is requested to permit a rear yard setback distance of 3.5 metres whereas 4 metres is required (Section 2(g)), and to increase the permitted lot coverage to 50% whereas Section 2(c) permits 45%. | | |
| <i>*Key Map not to scale</i> | | |
| Information  | WHAT IS THIS? This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, approvals or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing. | |
| HAVE YOUR SAY | YOUR INPUT IS ENCOURAGED! WE ARE LISTENING! <i>The Committee would appreciate receiving your written comments regarding this application by JULY 23, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i> The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings. | |
|  pelham.ca | NEED MORE INFORMATION? CONTACT US! TOWN OF PELHAM COMMITTEE OF ADJUSTMENT 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: NJBozzato@pelham.ca | |
|  Nancy J. Bozzato, Dipl.M.M., AMCT Town Clerk / Secretary-Treasurer | | |
| Dated this 10 th day of July, 2015 | | |
| Legal Notice  | IMPORTANT INFORMATION! If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal. | |
| Town of Pelham Committee of Adjustment | | |

From the Department of



Appendix 3: Department of Public Works Comments



Pelham
NIAGARA

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TOWN OF PELHAM

JUL 23 2015

RECEIVED

Memorandum

Public Works Department - Engineering

To: Nancy J. Bozzato, Dipl.M.M., AMCT

CC: Andrea Clemencio, Director of Public Works

From: Peter Dimitroulias, C.E.T.

Date: July 23, 2015

File #: A6/2015P


Subject: Minor Variance
Terri Demelo
Lot 55, PlanM-403
22 Joyce Crescent, Pelham

Please note the following comments of the Public Works Department, regarding the above-noted application.

The following submitted drawings have been considered for the purpose of this application:

- Demelo Residence, 22 Joyce Crescent Fonthill, ON, Dated: June 30, 2015

From the Department of



Public Works

20 Pelham Town Square P.O Box 400 - Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca





Vibrant • Creative • Caring

Committee of adjustment comments:

- 1) Provided the proposed rear yard setback (3.5m) does not impact any existing drainage and grades, public works have no objections or comments.

These are the Public Works Department's comments at this time. If additional information is required, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Dimitrouliās", is written over a light blue circular stamp.

Peter Dimitrouliās, C.E.T.
Engineering Technologist



20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055

pelham.ca



20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055

pelham.ca

Appendix 4: Building Department Comments



File: A6/2015P
Address: Lot 55, Plan 59M-403, 22 Joyce Crescent, Pelham
Agent: Jon Whyte
Owner: Terri Demelo

July 13, 2015

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development





File: A6/2015P
Address: Lot 55, Plan 59M-403, 22 Joyce Crescent, Pelham
Agent: Jon Whyte
Owner: Terri Demelo

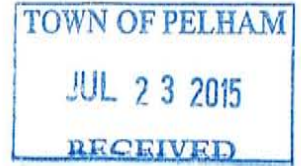
July 13, 2015

Nancy Bozzato
Town Clerk/Secretary-Treasurer

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Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development



Memorandum

Public Works Department - Engineering

To: Nancy J. Bozzato, Dipl.M.M., AMCT

CC: Andrea Clemencio, Director of Public Works

From: Peter Dimitroulias, C.E.T.

Date: July 23, 2015

File #: A6/2015P

Subject: Minor Variance
Terri Demelo
Lot 55, PlanM-403
22 Joyce Crescent, Pelham

Please note the following comments of the Public Works Department, regarding the above-noted application.

The following submitted drawings have been considered for the purpose of this application:

- Demelo Residence, 22 Joyce Crescent Fonthill, ON, Dated: June 30, 2015





Committee of adjustment comments:

- 1) Provided the proposed rear yard setback (3.5m) does not impact any existing drainage and grades, public works have no objections or comments.

These are the Public Works Department's comments at this time. If additional information is required, please contact the undersigned.

Sincerely,

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Peter Dimitroulias, C.E.T.
Engineering Technologist



Issue Summary Report

6.1. File B6/2015P - Brian and Anne Ker

#20150727004

Meeting : Committee of Adjustment Hearing 5/2015

Meeting Date : 2015/08/05 16:00

Meeting Type : Committee of Adjustment Hearing

Background

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



July 30, 2015

Mrs. Nancy J. Bozzato, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Dear Mrs. Bozzato:

**Re: Consent (Severance) Application B6/2015P (Brian & Anne Ker)
1204 Maple Street, Pelham
Part of Lot 16, Concession 9
Roll No. 273201001609800**

The subject application is for consent to convey 0.47 hectares (1.16 acres) of vacant land for single family residential use. 0.68 hectares (1.68 acres) of land with a dwelling known municipally as 1204 Maple Street and shown as Part 3 on the attached drawing, is to be retained for continued single family residential use.

The subject parcel, shown as Parts 1 and 2 on the attached survey sketch, has 24.42 metres (80.11 feet) of frontage on the west side of Maple Street, lying north of Canboro Road, being Part Lot 16, Concession 9 and known municipally as 1204 Maple Street.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014. According to Policy 1.1.3.1, settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The Greenbelt Plan (2005)

The subject parcel is located outside of the Greenbelt Plan Area and its policies are not applicable to this application.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan (Consolidated, August 2014) designates the subject parcel as 'Urban Area Boundary – Built-up Area'. Policy 4.G.7.2 states that 'Urban Areas' will be the focus of the Region's long term growth and development.



Policy 4.C.2.1 states that each municipality will develop and implement through its local Official Plan and other supporting documents, a strategy and policies for promoting intensification. Policy 4.C.2.1 also states that local Official Plans shall encourage intensification throughout the built-up area.

Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, designates the subject parcel as 'Urban Living Area/Built Boundary'. The permitted uses in the 'Urban Living Area/Built Boundary' designation include: single detached residential dwelling units; accessory apartments in single-detached dwellings (subject to Policy B1.1.4); semi-detached, townhouse, multiple and apartment dwellings (subject to Policy B1.1.5); home occupations (subject to Policy B1.1.6); bed and breakfast establishments in single detached dwellings (subject to Policy B1.1.7); private home daycare; and, complementary uses such as residential care facilities, daycare centres, institutional uses and convenience commercial uses (subject to Policy B1.1.8).

According to Policy D5.2.1, any new lots created by consent for any purpose requires the Committee of Adjustment to be satisfied that the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan; and
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.

Town of Pelham Zoning By-law number 1136 (1987), as amended

The subject parcel is zoned 'Residential Village 1' (RV1) according to Zoning By-law No. 1136 (1987), as amended. The 'Residential Village 1' zone permits the use of the land for one single detached dwelling on one lot and uses, buildings and structures accessory thereto; and, home occupations.

Additionally, Section 6.13 of the Zoning By-law states that no person shall, within any residential zone or commercial zone, except as provided for in the 'Residential Village 1' (RV1) zone or 'Rural Commercial' (RC) zone, erect, alter or use any building or structure unless such lot is serviced by a public water supply and sanitary sewer system.

Planning Staff Comments

According to the application and attached survey sketch, Parts 1 and 2 consist of vacant land, while Part 3 contains an existing two (2) storey dwelling with a swimming pool. Parts 1 and 2 (severed portion), and Part 3 (retained portion) will be utilized for single detached residential purposes.



The subject parcel is surrounded by similar single-detached dwellings to the north, south and east sides. The lands located to the west (rear) of the subject parcel are agricultural and/or rural in character.

With respect to the Official Plan, under Policy D.5.2.1, the retained and severed portion of the subject parcel will front on and will be directly accessed from Maple Street. In addition, the site does not pose a traffic hazard as there are no visibility concerns due to topography.

Planning staff are of the opinion that the newly created lot conforms to the provisions of the Town's Zoning By-law, provided that the lot can be serviced with appropriate water supply and means of sewage disposal. The Town's Department of Public Works will address servicing requirements and drainage. The approval of this application shall be subject to any conditions imposed by the Department of Public Works.

The subject application will not affect the develop ability of the remainder of the lands and conforms with the Regional lot creation policy as articulated in the Regional Official Plan. In addition, the provincial Minimum Distance Separation Formulae is not applicable to this application.

Planning Staff note that the Niagara Peninsula Conservation Authority's (NPCA) Niagara Natural Environment Information Mapping Screening Area (NNEIMSA) affects the subject parcel. The NPCA will provide comments regarding the environmental features on the subject property. The approval of this application shall be subject to any conditions imposed by the NPCA.

Any future development on the severed parcel will be subject to a building permit application. As such, future development must comply with the requirements of the Town's Zoning By-law, Ontario Building Code and all applicable law.

On July 13th, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, Fire) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- The Niagara Peninsula Conservation Authority (NPCA) comments, dated July 22nd, 2015, offers no objection to the application (refer to Appendix 3).
- The Department of Public Works and Utilities comments (refer to Appendix 4), dated July 23, 2015, noted the following conditions of approval:
 - That the applicant confirms no existing water or sewer services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands;
 - That the applicant submit a comprehensive overall lot grading/drainage plan and a lot servicing plan, encompassing Parts 1, 2 and 3 of the subject property, and obtain approval from the Town of Pelham Public Works Department. The plan must show all proposed and existing services to ensure that all lots are serviced with individual water and storm services as applicable and that the location of these services are contained within the proposed lot. The plan shall also detail the location of the new driveway; and,



- That the applicant ensures that the lot is serviced with a 20 mm water service and 100 mm storm sewer lateral in accordance with the Town of Pelham standards. Installation of any missing services will require authorization obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine if the services are in satisfactory condition prior to inspection. The provision of all services shall be completed prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).
- The Building Department has no objection to the application (refer to Appendix 5).

No comments were received from the public.

Planning Staff is of the opinion that the application for consent to sever is consistent with Provincial policies and Regional Official Plan, and complies with the Town's Official Plan and Zoning By-law. The authorization of the consent is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File B6/2015P be approved, subject to the following conditions:

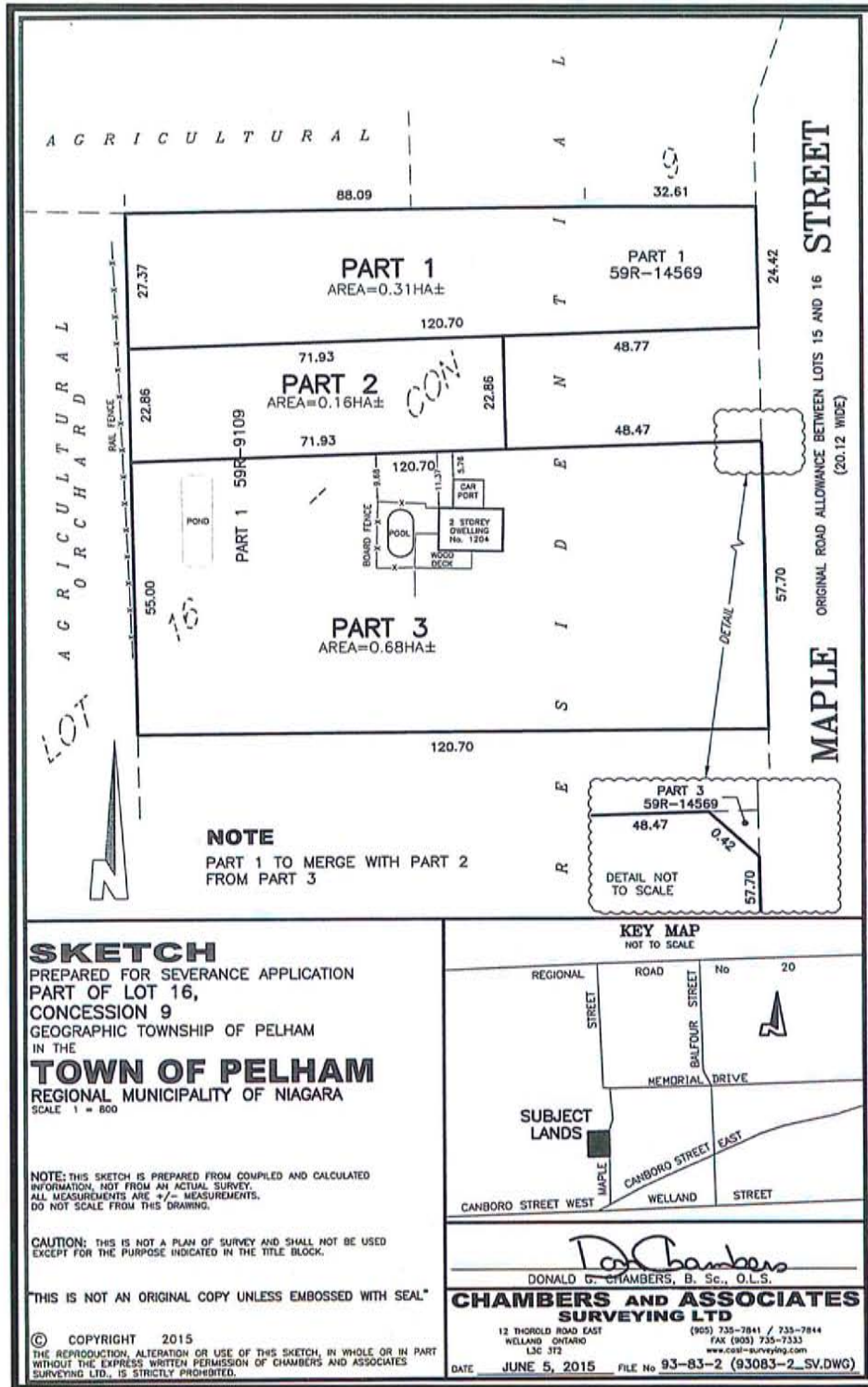
- The lot is serviced by a public water supply and sanitary sewer system;
- That the applicant confirms no existing water or sewer services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands;
- That the applicant submit a comprehensive overall lot grading/drainage plan and a lot servicing plan, encompassing Parts 1, 2 and 3 of the subject property, and obtain approval from the Town of Pelham Public Works Department. The plan must show all proposed and existing services to ensure that all lots are serviced with individual water and storm services as applicable and that the location of these services are contained within the proposed lot. The plan shall also detail the location of the new driveway; and,
- That the applicant ensures that the lot is serviced with a 20 mm water service and 100 mm storm sewer lateral in accordance with the Town of Pelham standards. Installation of any missing services will require authorization obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine if the services are in satisfactory condition prior to inspection. The provision of all services shall be completed prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).

Submitted by,





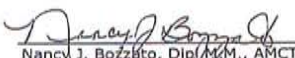



Andrew Gameiro
Planner

Appendix 1: Submitted Site Drawing




Appendix 2: Public Notice

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| In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and; In the matter of an application for consent on behalf of: | |
| NOTICE OF PUBLIC HEARING | WHAT: FILE B6/2015P WHO: BRIAN G. KER AND ANNE M. KER Part of Lot 16, Concession 9, 1204 Maple Street, Pelham |
| | WHEN: WEDNESDAY, AUGUST 5, 2015 AT 4:00 P.M. |
| | WHERE: Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario |
| | Notice is hereby given that an application for consent under the above noted file number will be heard by the Committee of Adjustment for the Town of Pelham on the date and at the time and place shown above. |
| | LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION: The subject parcel, shown as Parts 1 and 2 on the attached sketch, has 24.42 metres of frontage on the west side of Maple Street, lying north of Canboro Road, being Part Lot 16, Concession 9 and known municipally as 1204 Maple Street, in the Town of Pelham. Application is made for consent to convey 0.47 hectare of vacant land for single family residential use. 0.68 hectare of land, with a dwelling known municipally as 1204 Maple Street and shown as Part 3 on the drawing, is to be retained for continued single family residential use. |
|  | WHAT IS THIS? This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application they may be forwarded in writing to the Secretary-Treasurer at the address above or you may appear in person or by counsel and make a verbal presentation to the Committee. |
|  | YOUR INPUT IS ENCOURAGED! WE ARE LISTENING! <i>The Committee would appreciate receiving your written comments regarding this application by July 23, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i> The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings. |
|  | NEED MORE INFORMATION? CONTACT US! TOWN OF PELHAM COMMITTEE OF ADJUSTMENT 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: NJBozzato@pelham.ca Dated this 13 th day of July, 2015  Nancy J. Bozzato, Dip. P.M., AMCT Town Clerk / Secretary-Treasurer |
|  | IMPORTANT INFORMATION! If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal. |
| Town of Pelham Committee of Adjustment | |



Appendix 3: Niagara Peninsula Conservation Authority Comments



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

July 22, 2015

File No. MPR 2.11

Committee of Adjustment
Town of Pelham
20 Pelham Square Box 400
Fonthill, Ontario L0S 1E0

Attn: Nancy Bozzato

Subject: B6/2015
1204 Maple Street

NPCA staff have reviewed the above noted file and offers the following information.

This application has been made to sever Parts 1 and 2 as shown on the severance sketch as vacant land which will merge together (creating a 0.47ha parcel) for future single family residential use. Part 3, a 0.68 ha parcel of land with a dwelling will be retained for continued residential use.

NPCA Comments:

A review of NPCA mapping indicates that the subject property is not impacted by any lands regulated by the Conservation Authority in accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

Region of Niagara's Natural Heritage Comments:

The subject lands are located within a Highly Vulnerable Aquifer (HVA) making it a potentially "Hydrogeologically Sensitive Area". In accordance with an existing Memorandum of Understanding, the NPCA is to provide plan and review comments and technical clearance on all planning applications as they pertain to the Region of Niagara's Environmental Policies, on their behalf. Regional Policy 7.A.2.9 states that development shall not have significant negative impacts on ground water quality or quantity. The following comments are offered in this context.


NPCA staff have been working with the Applicant on this file to create a large enough parcel of land to ensure there is sufficient land area on both parcels to adequately dilute the septic waste within the property limits so as to minimize the potential impacts to the identified HVA.

After reviewing the application and severance sketch, the NPCA is satisfied that the proposed lot will be sufficiently sized to adequately protect the aquifer.

Conclusion:


Subject to all other applicable Regional and Local policies, the NPCA offers no objections to the approval of this proposal.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,

Sarah Mastroianni
Watershed Planner (ext. 249)



Appendix 4: Department of Public Works Comments



Vibrant - Creative - Caring

TOWN OF PELHAM
JUL 23 2015
RECEIVED

Memorandum

Public Works Department - Engineering

To: Nancy J. Bozzato, Dipl.M.M., AMCT

CC: Andrea Clemencio, Director of Public Works

From: Peter Dimitroulias, C.E.T.

Date: July 23, 2015

File #: B6/2015P


Subject: Land Conveyance
Brian G. Ker and Anne M. Ker
Part Lot 16, Concession 9
1204 Maple Street, Pelham

Please note the following comments of the Public Works Department, regarding the above-noted application.

The following submitted drawings have been considered for the purpose of this application:

- Sketch Part of Lot 16, Concession 9 (93083-2_SV.dwg), Dated: June 5, 2015

From the Department of



Public Works

20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca





The following conditions of conveyance are requested:

- 1) That the applicant confirms no existing water or sewer services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands.
- 2) That the applicant submit a comprehensive overall lot grading/drainage plan and a lot servicing plan, encompassing Parts 1, 2 and 3 of the subject property, and obtain approval from the Town of Pelham Public Works Department. The plan must show all proposed and existing services to ensure that all lots are serviced with individual water and storm services as applicable and that the location of these services are contained within the proposed lot. The plan shall also detail the location of the new driveway.
- 3) That the applicant ensures that the lot is serviced with a 20 mm water service and 100 mm storm sewer lateral in accordance with Town of Pelham standards. Installation of any missing services will require authorization obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine if the services are in satisfactory condition prior to connection. The provision of all services shall be completed prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).

These are the Public Works Department's comments at this time. If additional information is required, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Dimitroulias", written over a white background.

Peter Dimitroulias, C.E.T.
Engineering Technologist



20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca



Appendix 5: Building Department Comments



File: B6/2015P
Address: 1204 Maple Street
Agent: Brian G. Ker and Anne M. Ker
Owner: Brian G. Ker and Anne M. Ker

July 16, 2015

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development





Vibrant - Creative - Caring

File: B6/2015P

July 16, 2015

Address: 1204 Maple Street

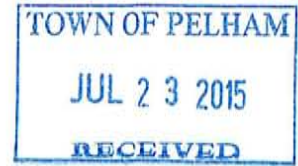
Agent: Brian G. Ker and Anne M. Ker

Owner: Brian G. Ker and Anne M. Ker

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development



Memorandum

Public Works Department - Engineering

To: Nancy J. Bozzato, Dipl.M.M., AMCT

CC: Andrea Clemencio, Director of Public Works

From: Peter Dimitroulias, C.E.T.

Date: July 23, 2015

File #: B6/2015P

Subject: Land Conveyance
Brian G. Ker and Anne M. Ker
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1204 Maple Street, Pelham

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Vibrant · Creative · Caring

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Sincerely,

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Peter Dimitroulias, C.E.T.
Engineering Technologist



From the Department of