

## Committee of Adjustment AGENDA

CoA-01/2017

January 10, 2017

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**
2. **Disclosure of Pecuniary Interest and General Nature Thereof**
3. **Requests for Withdrawal or Adjournment**
4. **Applications for Minor Variance**

**4.1 File A1/2017P - Costiano Developments**

1

Town of Pelham Planning Department

Town of Pelham Building Intake / Plans Examiner

Town of Pelham Public Works

Niagara Peninsula Conservation Authority

## **5. Applications for Consent**

### **5.1 B14/2016P - DeHaan Homes Inc.**

7

Town of Pelham Planning Department

Town of Pelham Building Intake / Plans Examiner

Public Works Public Works

Region of Niagara

Niagara Peninsula Conservation Authority

Bell Canada

R. Moffat

B. Gibson

### **5.2 B1/2017P - Otto and Patricia Heinrich**

36

Town of Pelham Planning Department

Town of Pelham Building Intake / Plans Examiner

Town of Pelham Public Works

Bell Canada

## **6. Concurrent Applications for Consent and Minor Variance**

### **6.1 B2/2017P - Mancini Developments Inc.**

44

Town of Pelham Planning Department

Town of Pelham Building Intake / Plans Examiner

Town of Pelham Public Works

Bell Canada

N. Degiuli, S. Infantino & D. Mowat

H. Margeson

**6.2 A2/2017P - Mancini Developments Inc. 55**

Town of Pelham Planning Department

Town of Pelham Building Intake / Plans Examiner

Town of Pelham Public Works

N. Degiuli, S. Infantino & D. Mowat

**6.3 A3/2017P - Mancini Developments Inc. 66**

Town of Pelham Planning Department

Town of Pelham Building Intake / Plans Examiner

Town of Pelham Public Works

N. Degiuli, S. Infantino & D. Mowat

**7. Minutes for Approval**

**7.1 December 6, 2016 Minutes 77**

**8. Adjournment**

January 10, 2016

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A1/2017P (Costiano Developments Inc.)  
15 Joyce Crescent, Pelham  
Plan 59M-403, Lot 73  
Roll No. 2732 020 010 03473**

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The subject land is located on the west side of Joyce Crescent, lying south of Philmorie Boulevard, being Lot 73, Plan 59M-403, and known municipally as 15 Joyce Crescent in the Town of Pelham.

The subject land is zoned 'Residential 1-184' (R1-184) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 30. (Exceptions) 184. (c) "Maximum Lot Coverage"** to allow an overall lot coverage of 47% whereas 45% is allowed;
- **Section 6.35 (c) "Yard Encroachments"** to permit a rear yard encroachment of 1.7m for a proposed covered deck whereas 1.5m is currently allowed.

### **Applicable Planning Policies**

#### Provincial Policy Statement (PPS), 2014

The lands are located within the 'Settlement Area' according to the Provincial Policy Statement.

#### Growth Plan for the Greater Golden Horseshoe 2005

No direct policies of the Growth Plan speak to uses such as decks or patios.

#### Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Built-up Area' within the Urban Area Boundary.

Policy 11.A.2 states that the Region encourages the development of attractive, well designed residential development that:

- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

Town Official Plan, 2014

The subject land is located within the 'North West Fonthill Secondary Plan' area of the Town Official Plan which permits single detached dwellings.

Town Zoning By-law Number 1136 (1987)

The Town of Pelham's Zoning By-law identifies the subject parcel as 'Residential 1-184' (R1-184).

Section 30. (Exceptions) 184.	Regulation for dwellings:	
c) Maximum Lot Coverage	45%	Request: 47%
g) Minimum Rear Yard	7.5m	

Section 6.35 (General Provisions)

- c) Permitted yard encroachments of unenclosed porches, balconies, steps and patios into a required yard are 1.5m. The request is to permit an encroachment of 1.7m for a proposed covered deck.

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>The larger lot coverage of 47% is minor in nature because adequate open (amenity) space remains available and no adverse impacts are anticipated by the increase in lot coverage.</p> <p>The variance to permit a larger rear yard encroachment for a covered porch is minor overall given the small scale of the proposed deck in relation to the size of the entire rear yard.</p>
2. The variance is desirable for the development or use of the land.	<p>The larger lot coverage is desirable for the use of the land because it facilitates an improved rear yard amenity space for the residence by accommodating a covered porch.</p> <p>Permitting a larger rear yard encroachment to construct a covered porch is desirable for the site because it improves the rear yard amenity space without negatively affecting neighbours.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>Exceeding the lot coverage by 2% maintains the general intent of the Official Plan in that adequate open (amenity) space remains available for the residence and drainage is not compromised.</p> <p>Enlarging the rear yard encroachment for the proposed covered porch does not compromise the intent of the Official Plan because the addition will not negatively affect any neighbouring resident's sight lines or sun exposure. The side yard setback is also maintained.</p>
4. The variance maintains the general intent and purpose of	The variance to increase the lot coverage from 45% to 47% maintains the general intent of the Zoning By-law because

From the Department of



the Zoning By-law.	adequate open (amenity) space remains for the residents and lot drainage is not negatively impacted.  Enlarging the rear yard encroachment for the proposed covered porch does not compromise the intent of the Zoning By-law because some spatial separation is maintained between the rear yard lot line and abutting neighbours.
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On December 14<sup>th</sup> 2016, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (December 15, 2016)
  - All necessary permits are required prior to construction commencing.
- Public Works Department (December 15, 2016)
  - No comments
- Fire & By-Law Services Department
  - No comments
- Niagara Peninsula Conservation Authority (December 19, 2016)
  - No issues

No comments were received from the public.

### Planning Comments

Planning Staff visited the site's neighbourhood and don't foresee any adverse impacts to the neighbourhood as a result from this minor variance. The overall scale of the proposed covered patio, as shown on the application's site plan is small and will not obstruct lot drainage operations, or the enjoyment of the rear yard.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act. The subject application is consistent with Provincial policies, the Regional Official Plan, and conforms to the general intent of the Town's Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A1/2017P **be approved**, subject to the following conditions:

THAT

- All necessary permits are required prior to construction commencing.

Submitted by,



Curtis Thompson  
Planner, BURPI

Reviewed by,

Barb Wiens, MCIP, RPP  
Director of Community Planning &  
Development



**File:** A1/2017P

December 15, 2016

**Address:** 15 Joyce Crescent, Pelham

**Owner:** Costiano Developments

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

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## **Memorandum**

### **Public Works Department - Engineering**

DATE: **December 15, 2016**

TO: Julie Hannah, Planner

CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities

FROM: Matthew Sferrazza, Engineering Technologist

RE: File A1/2017P  
15 Joyce Crescent

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Public Works has completed a review of the minor variance application A1/2017P for relief to allow an overall lot coverage of 47% whereas 45% is permitted. In addition, the applicant is also requesting relief to allow a rear-yard setback encroachment of 1.7m for a proposed deck whereas 1.5m is permitted resulting in a rear-yard setback of 5.8m whereas 6m is required.

Public Works has no comments.



## Jordan Mammoliti

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**From:** Sarah Mastroianni <smastroianni@npca.ca>  
**Sent:** Monday, December 19, 2016 10:20 AM  
**To:** Nancy Bozzato; Jordan Mammoliti  
**Subject:** A1-2017

Good Morning,

Please be advised that the NPCA offers no issues with this proposal. If there are any questions, please let me know.

**Sarah Mastroianni**  
**Watershed Planner**

*Niagara Peninsula Conservation Authority*  
*250 Thorold Road West, 3rd Floor*  
*Welland, Ontario L3C 3W2*  
*Phone: 905 788 3135 (ext. 249)*  
*Fax: 905 788 1121*  
*email: [smastroianni@npca.ca](mailto:smastroianni@npca.ca)*

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January 10, 2017

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

Dear Mrs. Bozzato:

**Re: Consent Application B14/2016P (DeHaan Homes)  
190 Canboro Road, Pelham  
Part of Lot 3, Concession 8  
Roll No. 2732 020 010 09800**

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The subject parcel, shown as Part 2 on the attached severance sketch has 79.99m of frontage on the south side of Canboro Road, lying west of Oakridge Boulevard, being Part of Lot 3, Concession 8, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 0.8ha of land (Part 2) for single detached residential use for the dwelling known municipally as 190 Canboro Road. 1.37ha of land (Part 1) is to be retained also for single detached residential use.

\*Note – The applicant has indicated that a potential future development application may come forward for the subject parcel (Part 2). At the time of this consent application, the single detached residential use is not being considered for a change.\*

### **Applicable Planning Policies**

#### Provincial Policy Statement, (2014)

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS).

Policy 1.1.3.1 states *settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
  1. Efficiently use land and resources;
  2. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

From the Department of

Policy 1.1.3.3 states municipalities shall identify appropriate locations for *intensifications* and *redevelopment* where this can be accommodated.

Growth Plan for the Greater Golden Horseshoe

The subject parcel is located in the 'Settlement Area' according to the Growth Plan.

Policy 2.2.1 Managing Growth

2. Population will be accommodated by:

- a) Directing a significant portion of new growth to the *built-up* areas of the community via intensification
- d) Directing growth to locations within *settlement areas* with existing and planned public service facilities;
- f) Planning for a balance of housing in communities to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling
- i) Directing growth to *settlement areas* that offer municipal water and wastewater systems

Regional Official Plan (Consolidated August 2015)

The Regional Official Plan designates the subject parcel as 'Built-up Area' within the Urban Area Boundary. Urban communities are generally comprised of residential areas and housing among other land uses. Despite being designated 'Built-up', the subject site and its surrounding is characterized by under developed open land. The southern segment of the subject land also has an Environmental Conservation Area (ECA) designation associated with Significant Woodlands within the valley area.

Policy 4.G.7.2 states 'Urban Areas' will be the focus of the Region's long term growth and development.

Policy 4.G.8.1 states 'Built-up Areas' will be the focus of residential and employment intensification and redevelopment within the Region over the long term.

Town of Pelham Official Plan (2014)

The Town Official Plan identifies the subject parcel as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 states the purpose of the Urban Living Area designation is to recognize the existing residential areas of Fonthill and promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential intensification, where appropriate.

Policy B1.1.3 states in accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth within the existing built boundaries of Fonthill.

Policy D2.2.2 states all identified arterial roads may be subject to the conveyance of land for a road widening at the time of the approval of any Planning Act application. It is noted that the existing Canboro Road right-of-way at this location is deficient in width.

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;
- b) Will not cause a traffic hazard as a result of its location on a curve / 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.

The subject land is located opposite an identified 'Potential Intensification Area' on Schedule 'A1' of the Official Plan.

Town of Pelham Zoning By-law No. 1136 (1987), as amended

The subject parcel is zoned 'Residential 1' (R1) according to the Zoning By-law. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

### Agency and Public Comments

On December 13<sup>th</sup>, 2016, 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:

- Niagara Peninsula Conservation Authority (December 20, 2016)
  - (see Appendix)
  - No objections as both parcels of land are of sufficient size to achieve all required setbacks from the adjacent valley, and the proposed lot lines will not have any negative impacts on the Significant Woodland or its ecological functions.
  - Any future development within or adjacent to the Environmental Conservation Area features should be circulated to the NPCA.
- Niagara Region Planning & Development Services (December 29, 2016)
  - (see Appendix)
  - The Region is not aware of any sanitary sewer services along Canboro Rd abutting Part 2 (existing dwelling) or Part 1. Within the Urban Area Boundary, the creation of a new lot would require municipal sanitary services under Regional Official Plan policies.
- Bell Canada (December 21, 2016)



- No objections.
- Building Department & Drainage Superintendent (December 15, 2016)
  - No comment.
- Public Works Department (January 9, 2017)
  - (See Appendix)

Public comments:

- Complaints regarding the property standards of the use of land (unsightly belongings, noise, overgrown weeds etc.) are dealt with through the By-law Department. The issues outlined dealing with a previous tenant of the dwelling have no bearing on the merits of a planning application.
- The Committee of Adjustment only deals with Consent to Sever and Minor Variance applications as per the Planning Act. Therefore, the authority to amend the Zoning By-law to restrict the use of land is delegated to Council.
  - The current residential zoning only permits one (1) single detached dwelling per parcel. Any development proposal to subdivide, or amend the Zoning By-law is subject to the relevant planning application(s) and approvals. Only at the time an application is received to amend the Zoning By-law will Town staff and Council evaluate those development proposals for the subject land. Further public hearings, circulation notices and appeal rights will be available to the public as per the Planning Act requirements.

### Planning Staff Comments

A pre-consultation meeting was held with the applicant, staff from the Town and the NPCA on February 19<sup>th</sup>, 2015 to discuss the intended application.

The subject land is bounded by the westerly limits of the Fonthill urban area boundary on the west lot line. To the south is an ECA: Significant Woodland within a valley and further south is a residential subdivision. Residential houses abut to the east and opposite Canboro Rd to the north.

Planning staff have regard for Policy D5.2.1 when reviewing all consent applications.

The application was submitted with an Environmental Impact Statement Report by Beacon Environmental Ltd. which included a Geotechnical Report by Landtek directed to the NPCA to verify the stable top of bank for the valley at the south. Geotechnical staff and a survey crew staked the stable top of bank for the purpose of establishing the new dividing line between the proposed parcels. The Planning Justification Report outlined that this application is simply to divide the property into two distinct parcels so that each may proceed independently, with the Significant Woodland features retained as the proposed L-shaped Part 1. The proposed severed lot of Part 2 is intended to be developed in the future for residential purposes and will be subject to the appropriate planning applications depending on the proposal submitted. No application has been submitted to date with regards to a proposed development on Part 2.

In Planning staff's opinion, the application is consistent with the PPS, and conforms to Provincial, Regional, and Local plans by reassembling the underutilized lands which will



effectively position the lands for continued residential use or alternative development arrangements into the future by circumventing any increased fragmentation of the Significant Woodlands within the Environmental Conservation Areas of the valley to the south. The proposed consent also complies with the Pelham Zoning By-law.

Planning staff recommend that the consent be granted subject to the following conditions:

**THAT**

- Documentation shall be provided to the satisfaction of the Director of Public Works confirming that there are no existing water services branching from or through Parts 1 & 2 to other lands.
- An application shall be submitted for each new connection to the 300mmø AC Regional watermain located on Canboro Rd to the satisfaction of the Niagara Region Planning and Development Services Division, through the Town of Pelham Public Works Department.
- The parcels do not front on an existing Town of Pelham sanitary gravity sewer main. The applicant shall enter into a Development Agreement with the Town for the purposes of servicing the subject land.
- A comprehensive lot grading plan for both parcels be submitted demonstrating that no surface drainage is directed onto any adjacent lot by sheet flow or other means to the satisfaction of the Director of Public Works.
- The applicant shall dedicate sufficient land, other than land occupied by buildings or structures, along the Canboro Road frontage of Parts 1 & 2 for the purposes of a road widening to a width of 20m, as necessary. These lands shall be conveyed by the applicant to the Town of Pelham, free and clear of all encumbrances as per the Town Official Plan policies.
- The Secretary-Treasurer be provided 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.
- The final certification fee of \$358, 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.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



**File:** B14/2016P

December 15, 2016

**Address:** Part lot 3, Concession 8  
190 Canboro Road, Pelham

**Owner:** DeHaan Homes Inc.,

**Agent:** Upper Canada Consultants

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department/Drainage Superintendent offers no comment.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

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## **Memorandum**

### **Public Works Department - Engineering**

DATE: January 9, 2016  
TO: Julie Hannah, Planner  
CC: Andrea Clemencio, Director of Public Works and Utilities  
FROM: Matthew Sferrazza, Engineering Technologist  
RE: File B14/2016P  
190 Canboro Road

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We have completed the review of the revised consent application B14/2016P for the purpose to convey 0.8 hectares of land proposed for single family residential use. 1.37 hectares of land (Part 1) is to be retained, also for single family residential use.

Upon this review, Public Works has the following suggested conditions:

1. The parcels do not front existing Town of Pelham sanitary gravity sewer main. The applicant shall enter into a development agreement with the Town of Pelham for the purpose of servicing the subject properties.
2. Documentation shall be provided to the satisfaction of the Director of Public Works confirming that there are no existing water services branching from or through the subject or remnant parcels, to other lands.
3. The parcels front on existing Niagara Region watermain. An application shall be submitted for each new connection to the 300mmØ AC Regional watermain located on Canboro Road to the satisfaction of the Niagara Region Planning and Development Services Division, through the Town of Pelham Public Works Department.
4. The applicant shall submit a comprehensive lot grading plan for both parcels to the satisfaction of the Director of Public Works, to demonstrate that no surface drainage from either parcel is directed onto any adjacent lot by sheet flow or any other means.



5. That the applicant dedicate sufficient land, other than land occupied by buildings or structures, to the Municipality to provide for the road widening of Canboro Road to a width of 20m as necessary. These lands shall be conveyed by the Developer to the Town free of all encumbrances.

## Judy Sheppard

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**From:** Jordan Mammoliti  
**Sent:** Tuesday, January 03, 2017 12:21 PM  
**To:** Judy Sheppard  
**Subject:** FW: Consent Application B14/2016P - DeHaan Homes Inc. (190 Canboro Road)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Wilson, Richard [<mailto:Richard.Wilson@niagararegion.ca>]  
**Sent:** Thursday, December 29, 2016 12:42 PM  
**To:** Jordan Mammoliti  
**Cc:** Julie Hannah; Nancy Bozzato; Mastroianni, Sarah ([smastroianni@npca.ca](mailto:smastroianni@npca.ca))  
**Subject:** FW: Consent Application B14/2016P - DeHaan Homes Inc. (190 Canboro Road)

Hi Jordan:

This is further to our brief discussion at Town Hall on December 15, 2016 regarding the circulation of the REVISED consent application. The comments in the original email below (June 28, 2016) are still applicable.

Question 9 on the application form indicates publicly owned and operated sanitary sewage systems for both the proposed and retained lots. The Region is not aware of sanitary sewer services along Canboro Road abutting proposed Part 2 (subject land containing the existing dwelling) or proposed Part 1 (retained vacant land). Within the Urban Area Boundary, the creation of a new lot would require municipal sanitary services under Regional Official Plan policies. It is understood that Town staff will be addressing this requirement.

### Richard Wilson, MCIP, RPP

Senior Development Planner  
Planning and Development Services Department  
Niagara Region  
1815 Sir Isaac Brock Way, P. O. Box 1042, Thorold, ON L2V 4T7  
905-685-4225 Ext. 3391 / Toll-Free 1-800-263-7215 / Fax: 905-687-8056  
[www.niagararegion.ca](http://www.niagararegion.ca)

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**From:** Wilson, Richard  
**Sent:** Tuesday, June 28, 2016 11:45 AM  
**To:** [jhannah@pelham.ca](mailto:jhannah@pelham.ca)  
**Cc:** Nancy Bozzato ([NBozzato@pelham.ca](mailto:NBozzato@pelham.ca)); Jordan Mammoliti ([JMammoliti@pelham.ca](mailto:JMammoliti@pelham.ca)); Mastroianni, Sarah ([smastroianni@npca.ca](mailto:smastroianni@npca.ca))  
**Subject:** Consent Application B14/2016P - DeHaan Homes Inc. (190 Canboro Road)

Hi Julie:

This is a quick follow-up to our telephone conversation on June 20, 2016 for this application.

The subject property is located within the Urban Area Boundary (UAB) and on a local road. Based on these criteria and absence of any Regional facilities in the immediate area, circulation to the Region is not required under the

Memorandum of Understanding. The Niagara Peninsula Conservation Authority reviews any environmental matters on behalf of the Region.

As noted at the Preconsultation meeting held on February 19, 2015 for a proposed severance of the land, the creation of a new lot within the UAB would require the provision/extension of a municipal sanitary sewer under Regional (and local) policies. Information provided at the meeting indicated the existing dwelling on the land is on a private sewage system and there are no services along Canboro Road in this location. It is understood that Town staff will be addressing this servicing requirement in the review of the application.

Please contact me if you have any questions.

**Richard Wilson, MCIP, RPP**

Senior Development Planner

Planning and Development Services Department

Niagara Region

1815 Sir Isaac Brock Way, P. O. Box 1042, Thorold, ON L2V 4T7

905-685-4225 Ext. 3391 / Toll-Free 1-800-263-7215 / Fax: 905-687-8056

[www.niagararegion.ca](http://www.niagararegion.ca)

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December 20, 2016

File No. MPR 2.11

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

Attn: Nancy Bozzato

Subject: B14/2016  
190 Canboro Road

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The Conservation Authority has reviewed the above noted consent application and offers the following comments and recommendations for your hearing.

This application has been made to convey Part 2 (0.8 hectares) with an existing dwelling known as 190 Canboro Road for single family residential use. Part 1 is to be retained also for single family residential use.

**NPCA Regulations:**

The subject land backs onto a steep valley. Authority objectives when reviewing applications and proposals on lots adjacent to steep slopes would pertain to minimizing soil erosion and sedimentation, protecting life and property from the potential for slope stability problems, and ensuring that the natural integrity of the valley slope is maintained over the long term. In accordance with the Authority's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O.REG 155/06), a minimum 7.5 metre setback is typically required from the stable top of slope to all new development and site alterations (including lot lines). Due to the location of the subject property in the urban boundary, the NPCA can consider a reduction in the 7.5 metre setback in order to facilitate Smart Growth for the creation of no more than two new lots. A reduction in the setback must be supported by a geotechnical assessment but in no case shall the setback reduction be such that development is allowed beyond the top of slope (Policy 4.3).

The NPCA has reviewed a Geotechnical Slope Stability Evaluation for the above noted lands prepared by Landtek Limited (July 13, 2016). This report concluded that the existing slope conditions at 190 Canboro Road for Parts 1 and 2 is considered stable. The Report also concluded that the stable top of bank as approved and verified in the field by Landtek Staff can be used as the new lot line with no detrimental effects to the slope provided all future buildings respect the required 7.5m setback from the stable top of bank.

NPCA staff are satisfied with the findings of the report. Staff would also note that since Part 2 will have sufficient tableland outside of the 7.5m setback for future development and site alterations, and in light of NPCA Policy 4.3 noted above, staff are satisfied that the proposed rear lot line for Part 2 can be taken from the approved stable top of bank.

Lastly, it should be noted that any future development or site alterations proposed within 7.5m of the top of bank will require work permits from this office prior to the commencement of the works on site and may be subject to further Geotechnical Investigations.

**Region of Niagara's Environmental Policies:**

The Region of Niagara's Core Natural Heritage Mapping identifies the slope area as an Environmental Conservation Area (ECA) due to the presence of a Significant Woodland.

Regional Policy 7.B.1.11 permits development within an ECA provided it is demonstrated through an EIS that the proposed works will not have any negative impact on the natural heritage feature or its ecological functions to the satisfaction of the Region of Niagara or its delegate.

NPCA staff have reviewed the Environmental Impact Study Natural Heritage 190 Canboro Road prepared by Beacon Environmental (September 2015). Based on our review of this report, staff are satisfied that the lot line within the ECA will not have any negative impact to the feature or its ecological functions.

**Conclusion:**

In light of the above, this office offers no objections to the approval of this application as both parcels of land are of sufficient size to achieve all required setbacks from the adjacent valley, and the proposed lot lines for Part 2 will not have any adverse impacts on the adjacent Significant Woodland.

Should future works be proposed within or adjacent to the features noted above, the NPCA should be notified and circulated all future proposals for review and comments.

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)

Cc: Mr. Richard Wilson, Senior Planner, Niagara Region

## Jordan Mammoliti

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**From:** Nancy Bozzato  
**Sent:** Monday, December 19, 2016 10:23 AM  
**To:** Jordan Mammoliti  
**Subject:** Fwd: File B14/2016 Dehaan Homes

**From:** Maureen Moffat <[maureen.moffat@gm.com](mailto:maureen.moffat@gm.com)>  
**Date:** December 18, 2016 at 11:13:47 PM EST  
**To:** "[NJBozzato@pelham.ca](mailto:NJBozzato@pelham.ca)" <[NJBozzato@pelham.ca](mailto:NJBozzato@pelham.ca)>  
**Subject:** File B14/2016 Dehaan Homes

Roy Moffat wants to be present for the meeting on Tuesday January 10th to understand what Dehaan's intentions are concerning Part 2.

Please confirm receipt of this email.

Thanks

Roy and Maureen Moffat.

Sent from my Samsung device

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

Confidentiality Note: This message is intended only for the person or entity to which it is addressed. It may contain confidential and/or privileged material. Any review, transmission, dissemination or other use, or taking of any action in reliance upon this message by persons or entities other than the intended recipient is prohibited and may be unlawful. If you received this message in error, please contact the sender and delete it from your computer.

## Jordan Mammoliti

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**From:** Nancy Bozzato  
**Sent:** Monday, December 19, 2016 10:23 AM  
**To:** Jordan Mammoliti  
**Subject:** Fwd: File B14/ 2016P Dehaan Homes Inc

Sent from my iPhone

Begin forwarded message:

**From:** Bill Gibson <[billgibson@cogeco.ca](mailto:billgibson@cogeco.ca)>  
**Date:** December 19, 2016 at 10:09:31 AM EST  
**To:** Nancy Bozzato <[NBozzato@pelham.ca](mailto:NBozzato@pelham.ca)>  
**Subject:** File B14/ 2016P Dehaan Homes Inc

Good Morning Nancy: In respect to the above file - I just received the notice of Public Hearing for the property known as 190 Canboro Road, Pelham

In the notice, it states that submissions either in support or against the said application must be received by your office by December 29th, 2016.

I am requesting an extension of the December 29th submission date - as two of the property owners that abut the subject property are away until after new years - in fact some may not have even received the notice prior to their departure.

In my case, I am leaving for a vacation out of province tomorrow and not returning to December 29th - thus giving me little time to prepare my submission - which I want to present on the hearing date.

If an extension is not granted then please note that this communication is a formally notice that **I am NOT supporting the application for severance as presented** and by the end of the first week of January, 2017, I will provide your office with an electronic copy of the slide presentation - that I wish to present at the hearing (January 10th, 2017 - 16:00)

Thank you for your consideration in this mater.

bill gibson

905 892-0908

Presentation to the

**TOWN of PELHAM  
COMMITTEE of ADJUSTMENT**

**TUESDAY, January 10, 2017**

Regarding  
Application for Severance

**FILE B 14/2016P  
Part Lot 3, Concession 8,  
190 Canboro Road (remnant), Pelham**



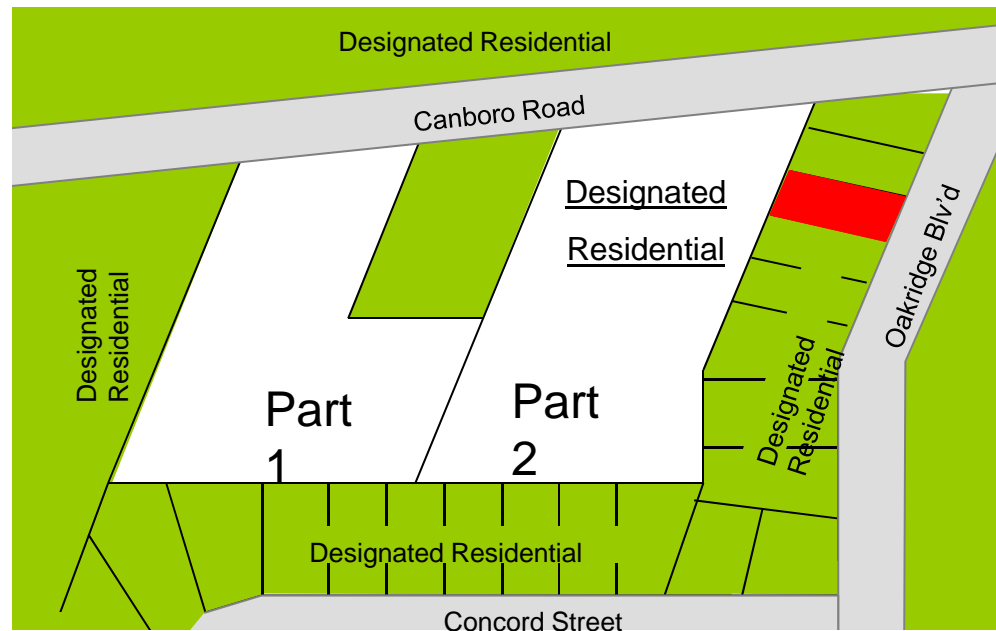
**I live on Oakridge Blv'd, Fonthill**

**And our residence abuts and overlooks the subject property**

**and**

**I DO NOT SUPPORT THE APPLICATION FOR SEVERANCE  
AS PRESENTED**

**FOR THE FOLLOWING REASONS**



The Property Owners surrounding the subject property,  
over the last 18+ years,  
have taken great efforts (Physically and Financially)  
**to develop, enhance and beautify our property and rear yards**



These efforts of the Property Owners  
have greatly increased the value of our properties

(\$400,000 – \$650,000)

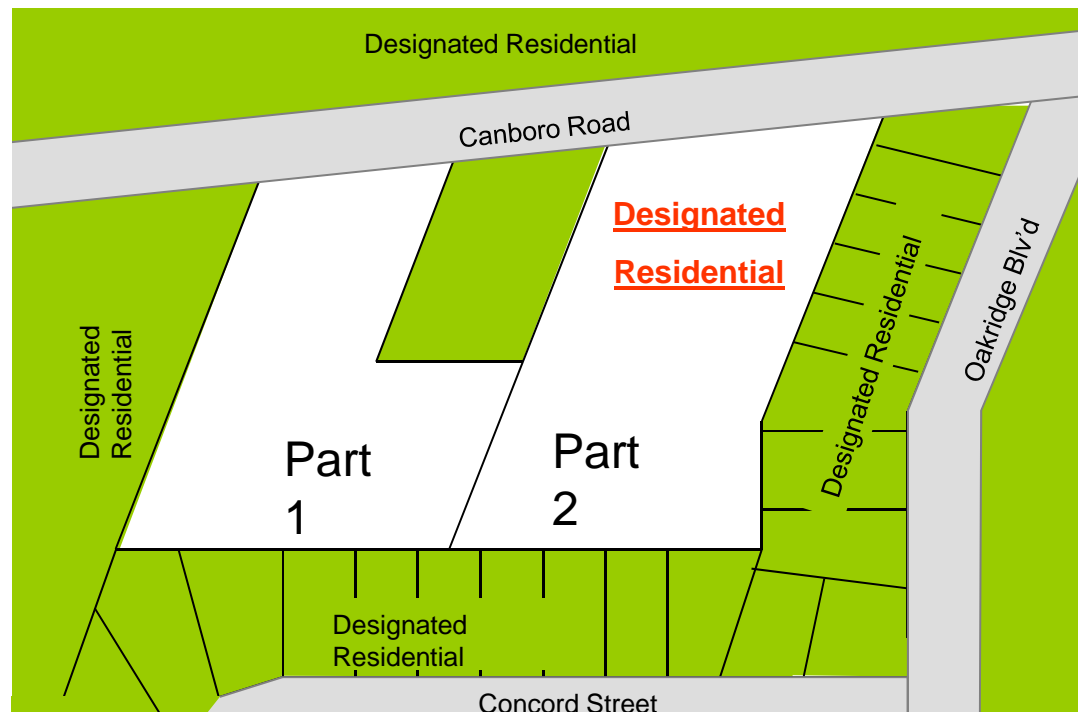
to which the

**Town of Pelham has taxed us accordingly**



**YET –**

Despite the portion of the subject property that is officially **Designated Residential (Part 2 )** it was allowed by the owner **to degrade to an unsightly condition**



**THIS INCLUDED  
Landscaping Stone**

piled all over the property

(at one point on the Canboro Road right of way)

**This precluded the maintenance of the lawn to such an extent that noxious weeds were growing around the stones**



## Landscaping Stones

and  
bushes had germinated among the stones,  
and  
grown to over 3 feet in height,  
etc.



## Unserviceable Vehicles

The Property had three unused and or unserviceable vehicles

- the Station Wagon remained **unmoved for 2 + years**
- the Truck (MTO Order) had been taken off of the road **for 8 - 9 months**
- the Car had remained unmoved and un-licensed for **over 6 months** , etc.



## Trees and Stumps

were dumped on the property

At first these trees were being cut for fire wood  
but this activity ceased for about a year

This condition resulted in the lawn not being maintained  
and weeds grew 2 - 3 feet in height on this area of the property





## Construction Equipment

The Property was littered with  
Unused Construction  
Equipment, Discarded Construction Material

a high percentage of this material had remained unused in the  
same spot for 1.5 – 2 years



## Litter

The Property was littered with  
Construction Material and  
other forms of Refuse and Garbage

a high percentage of this material remained unused in the same spot  
for 1.5 – 2 years



**AGAIN**

**The Town's By-Law Department was  
well aware of these site conditions and our concerns!!!!!!!!!!!!**

In the Spring of 2016:

I contacted the property owner, identified my concerns, and asked that the site be cleaned up – I received no response.

I re-contacted the Town's By-Law department and was told that I had to file (another) formal complaint.

With the assistance of a fellow colleague within the Ontario Government – I formulated and filed a complaint with the Town's By-law department.

Three days later the Town issued a compliance order against the property owner

Through correspondence with the property owner – he indicated to me that he was in concurrence with the order.

**Upon the issuance of the Comply Order – I was subjected to unwarranted actions by the owner’s tenant – which included but not limited to:**

The tenant storming onto my property and making threats against me – including that he would spread word around town that I was a pedophile.

Blowing the grass clippings from his commercial lawn mower into our property

Power washing his construction equipment – so that the dirt blew into our yard

Cutting landscape stones with a concrete saw – with the dust from this activity blowing into our yard while we were trying to clean our hot tub

Making disparaging hand gestures to our guests, while we were using our back yard/porch etc.

I identified to the property owner these activities – to which he stated that they did not reflect the activities of his company

**However despite the property owner knowing of these actions –they continued and we were unable to use our back yard and porch for the summer and part of the fall (2016)**

## Eventually

The offending material was removed from the property.

The Town By-Law department and I agreed that the comply order had been substantially addressed.

The comply order was lifted.

The property owner's tenant vacated the property.

## However

The cutting of the trees re-commenced.

For a number of weekends the neighbor-hood was exposed to chain saws running (most of the day).

Small branches and other wood waste was burned – thus blanketing our yards in dense smoke and making them unusable.

Burning piles of material were left at the end of the day – by the workmen – resulting in the fires flaring up in the evening – which had to be extinguished by the neighbors.

and – as a gesture to myself:

**A large landscape stone ( 2.0 x 4.0 feet) has been buried –  
on its end - right behind our fence**



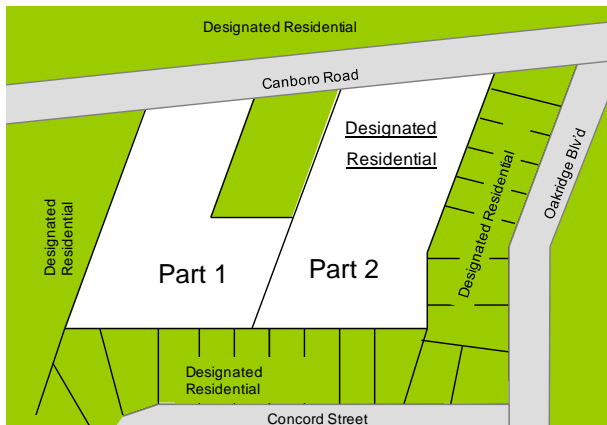
As a result of the aforementioned – I have no confidence in the applicant / property owner re further use / development of Part 2 of this application

and as such

**I DO NOT SUPPORT THE APPLICATION AS PRESENTED**

**However**

I will support the application for severance, if the Committee of Adjustment, in the passing of the application



**Stipulates that only one (1) single residential structure may be built (or the current one renovated) on Part 2 of the subject property and**

**That if the severance is granted , that Part 2 of the subject property cannot be further subdivided to accommodate other structures (residential, agricultural and or commercial) and**

**•That Part 2 remain (fixed) – Designated Residential**

January 10, 2016

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

Dear Mrs. Bozzato:

**Re: Consent Application B1/2017P (Heinrich)  
1153 Maple Street, Pelham  
Part of Lot 3, Registered Plan 703  
Roll No. 2732 010 015 17200**

The subject parcel, shown as Part 1 on the attached plan, has 18.90m of frontage on the east side of Maple Street, lying north of Canboro Road, being Part of Lot 3, Registered Plan 703, and known municipally as 1153 Maple Street in the Town of Pelham.

Application is made for consent to convey 1951.6m<sup>2</sup> of land (Part 1) for a new single detached dwelling. 1963.8m<sup>2</sup> of land (Part 2) is to be retained for the continued use of a single detached dwelling.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 51 (24) states when considering the division of land, regard shall be had to the health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and among other things to,

- a) The development's effect on provincial matters of interest;
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;

Section 53 (1) states a land owner 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 (2014)

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (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 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

#### Growth Plan for the Greater Golden Horseshoe

The subject parcel is located within a 'Settlement Area' according to the Growth Plan.

Policy 2.2.2 Managing Growth – Population will be accommodated by:

- a) Directing a significant portion of new growth to the *built-up* areas of the community via intensification
- b) Focusing intensification in intensification areas
- g) Planning for a balance of housing in communities to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling
- j) Directing growth to settlement areas that offer municipal water and wastewater systems

The subject land fronts existing water and wastewater services and is within walking distance to Downtown Fenwick.

#### Regional Official Plan (Consolidated August 2015)

The Regional Official Plan designates the subject land as 'Urban Area / Built-up'.

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.C.2.1 states the municipality will develop and implement through their local Official Plan, policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

#### Town of Pelham Official Plan (2014)

The Town Official Plan designates the subject land as 'Urban Living Area'. Within the Urban Living Area Policy B1.1.1 recognizes the existing urban areas of Fenwick and the role the Town will need to accommodate various forms of residential intensifications where appropriate.

Policy B1.1.3 d) states new infill lots may be created through the consent process for ground-oriented detached dwellings so long as the proposed development is similar to and compatible with the established character of the street.

Policy D5.2.1 identifies criteria for any new lots to be created by consent for any purpose will require the Committee of Adjustment to be satisfied that (among others) the proposed lot:

- b) Will not cause a traffic hazard as a result of its location;
- 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;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area.

Town of Pelham Zoning By-law No. 1136 (1987), as amended

The subject land is zoned 'Residential Village 1' (RV1) according to the Zoning By-law. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

It is noted that both the severed and retained lots will comply with the zoning provisions outlined in Section 9.2 of the RV1 zone as they relate to lot frontage and lot area. The retained parcel with an existing dwelling will comply with all other adjusted zoning provisions (E.g. building setbacks, coverage etc.), the front yard and north side yard setback are existing, as shown on the Severance Sketch. It is anticipated that once the proposal for the new dwelling comes forward, the remaining zoning provisions will also be met for Part 1. Alternatively, a minor variance would be required at that time.

### Agency and Public Comments

On December 9<sup>th</sup>, 2016, 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 Department (December 15, 2016)
  - All necessary permits/approvals are required prior to construction commencing on Part 1.
- Public Works Department (December 15, 2016)
  - {see Appendix}
- Bell Canada (December 21, 2016)
  - No concerns.

No comments from the public were received.

### Planning Staff Comments

A pre-consultation meeting was held with the owner and staff from the Town on October 27<sup>th</sup>, 2016. The current application deals with the severance of 1951.6m<sup>2</sup> of land (Part 1) from the existing 1963.8m<sup>2</sup> of land (Part 2).

The proposed Severance Sketch illustrates that the existing fenced in pool on Part 1 is to be



removed.

Planning staff note that five (5) mature coniferous trees front the proposed severed parcel within the public right-of-way. Efforts should be taken to maintain at least some of the existing trees when siting the future driveway under the Driveway Entrance Permit and during house construction.

The proposed severance is within an established neighbourhood of single detached dwellings. Municipal services are available, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense. The subject land is also within walking distance to Downtown Fenwick.

Planning staff is of the opinion that the proposal is an ideal application of current planning and development goals dealing with appropriate and sensitive infill housing, making more efficient use of the existing built-up lands, where suitable to do so. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and are large enough to address drainage on site.

In Planning staff's opinion, the application is consistent with the PPS, and conforms to Provincial, Regional, and Local plans.

Planning staff recommend that the consent **be granted** subject to the following conditions:

**THAT** the applicant

- Provide written confirmation to the Director of Public Works that no existing water or sewer services branch from or through the proposed & remnant lots to other lands, or between the proposed property line.
- Submit a comprehensive lot grading & drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties to the satisfaction of the Director of Public Works.
- Shall install individual water services and sewer laterals from the main to the property line, to Town standards, under a Temporary Works Permit issued through the Public Works Department, and the applicant shall bear all associated costs to perform this work.
- Shall install driveways and culverts as applicable, to Town of Pelham standards, under a Driveway Entrance / Culvert Permits issued through the Public Works Department, and the applicant shall bear all associated costs to perform this work.
- The Secretary-Treasurer be provided 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.
- The final certification fee of \$358, 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.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



**File:** B1/2017P

December 15, 2016

**Address:** Part of lot 3, RP 703

1153 Maple Street, Pelham

**Owner:** Otto Heinrich & Patricia Heinrich

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department/Drainage Superintendent offers the following comments,

- All necessary permits/approvals are required prior to any construction commencing on Part 1.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

DATE: January 9, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matthew Sferrazza, Engineering Technologist  
RE: File B1/2017P  
1153 Maple Street

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Public Works has completed a review of the consent application B1/2017P related to the conveyance of 1951.6 m<sup>2</sup> of land for single detached residential use. In addition 1963.8 m<sup>2</sup> of land will be retained for continued single family residential use for the dwelling known municipally as 1153 Maple Street. It is also noted that the existing fenced in pool area is to be removed.

Public Works has the following proposed conditions:

- That the applicant provide written confirmation to the Director of Public Works & Utilities that 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 submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- The applicant shall install individual water services and sewer laterals from the main to the property line, to Town of Pelham standards, under a Temporary Works Permit issued through the Public Works Department, and the applicant shall bear all costs to perform this work.
- The applicant shall install driveways and culverts as applicable, to Town of Pelham standards, under Driveway Entrance and Culvert Permits issued through the Public Works Department.
- The applicant shall not remove any trees located on Town property without the express permission of the Director of Public Works.

## Jordan Mammoliti

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**From:** Kristina Braun  
**Sent:** Thursday, December 22, 2016 9:18 AM  
**To:** Jordan Mammoliti; Curtis Thompson  
**Subject:** FW: 905-17-043 - RE: Pelham Consent - Notice of Hearing

---

**From:** Moyle, Jacqueline (6088374) [<mailto:jacqueline.moyle@bell.ca>]  
**Sent:** Wednesday, December 21, 2016 9:10 AM  
**To:** Kristina Braun  
**Subject:** 905-17-043 - RE: Pelham Consent - Notice of Hearing

Hi Kristina,

Re file No: B1/2017P

Details:

- Consent Application
- 1153 Maple Street
- Part of Lot 3 Reg. Plan 703

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the application.

Should you have any questions or concerns, please do not hesitate to contact me.

*Jacqueline Moyle*  
External Liaison  
Bell Canada Right of Way



140 Bayfield St. FL 2  
Barrie, ON, L4M 3B1  
P: 705-722-2636  
F: 705-722-2263  
1-844-857-7942  
[jacqueline.moyle@bell.ca](mailto:jacqueline.moyle@bell.ca)

---

**From:** Kristina Braun [<mailto:KBraun@pelham.ca>]  
**Sent:** December-12-16 11:42 AM  
**To:** ROWCC  
**Subject:** Pelham Consent - Notice of Hearing

Good afternoon,

Please find attached, the Notice of Hearing for Pelham Consent file B1/2017P.

Kind Regards,

**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

The information contained in this communication, including any attachments, may be confidential and is intended only for the recipient(s) named above and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

January 10, 2017

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

Dear Mrs. Bozzato:

**Re: Consent Application B2/2017P (Mancini Developments Inc.)  
162 Canboro Road, Pelham  
Lot 47, Plan M-48  
Roll No. 2732 020 010 03901**

The subject parcel, shown as Part 2 on the attached sketch, being Lot 47 of Plan M-48, in the Town of Pelham has 11.887m of frontage on the south side of Canboro Road lying west of Haist Street.

Application is made for consent to convey and partial discharge of mortgage of 349.31m<sup>2</sup> of land for single detached residential use. 348.64m<sup>2</sup> of land (Part 1) is to be retained for single detached residential use.

This application is being considered concurrently with Minor Variance Files A2/2017P and A3/2017P.

### **Applicable Planning Policies**

#### Provincial Policy Statement (2014)

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement (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 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
  1. Efficiently use land and resources;
  2. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

#### Growth Plan for the Greater Golden Horseshoe

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. The vision for developing land and managing public resources is grounded in the following principles:

- Building compact, vibrant and complete communities.
- Wisely use the valuable natural resources of land, air and water.
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

Policy 2.2.2 Managing Growth – Population will be accommodated by:

- a) Directing a significant portion of new growth to the *built-up* areas of the community via intensification
- b) Focusing intensification in intensification areas
- j) Directing growth to settlement areas that offer municipal water and wastewater systems

#### Regional Official Plan (Consolidated August 2015)

The Regional Official Plan designates the subject parcel as 'Built-up Area' within the Urban Area Boundary. Growth Management Objective 4.A.1.2 states the intention of the Regional policies are to direct a significant portion of Niagara's future growth to the *Built-Up Area* through intensification. Despite being designated 'Built-up', the subject site is actually a vacant block resulting from a former plan of subdivision.

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.G.8.1 states *Built-Up Areas* will be the focus of residential intensification and redevelopment.

#### Town of Pelham Official Plan (2014)

The Town Official Plan designates the subject land as 'Urban Living Area' / Built Boundary. Policy B1.1.1 recognizes the existing urban areas of Fonthill and the role the Town will need to accommodate various forms of residential intensifications where appropriate.

Policy B1.1.3 d) states new infill lots may be created through the consent process for ground-oriented detached dwellings so long as the proposed development is similar to and compatible with the established character of the street.

Policy D5.2.1 identifies criteria for any new lots to be created by consent for any purpose will require the Committee of Adjustment to be satisfied that (among others) the proposed lot:

- b) Will not cause a traffic hazard as a result of its location;
- 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;
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.

Town of Pelham Zoning By-law No. 1136 (1987), as amended

The subject land is zoned 'Residential 1' (R1) according to Zoning By-law, as amended. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

It is noted that Minor Variance applications are being sought concurrently to recognize the Zoning By-law deficiencies for the proposed severed and retained lots.

### Agency and Public Comments

On December 14<sup>th</sup>, 2016, 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:

- Bell Canada (December 21, 2016)
  - No concerns.
- Building Department (December 15, 2016)
  - All necessary permits / approvals are required prior to construction commencing on Part 1 and Part 2.
- Public Works Department (December 15, 2016)
  - {see Public Works Comments}

Public Comments:

- Four (4) neighbours oppose the proposed severance and feel two dwellings will hinder their property value. (Howard Margeson / Nick Degiuli / Shelley Infantino / Dan Mowat)
  - ✓ There is no evidence to suggest a negative impact on property values.
- Concern over building height.
  - ✓ The subject land is bound by the same height limit as the surrounding residential zones. No request has been made to amend the building height provisions of the R1 zone.
- Concern over rental units.
  - ✓ Tenure of a property is not a matter that can be considered.
- Concern over increased traffic.
  - ✓ Two dwellings will not cause a traffic hardship.

## Planning Staff Comments

A pre-consultation meeting was held with the owner and staff from the Town on October 6<sup>th</sup>, 2016 to discuss the development. The original proposal was to rezone the property to erect a 3-unit townhouse.

The subject land is situated just west of the southwest corner of Canboro Road and Haist Street. The site is surrounded by single detached dwellings to the west and south. A 2-storey mixed use building abuts to the east, situated at the intersection with Haist St and a townhouse block is opposite Canboro Rd to the north.

Planning staff is of the opinion that the proposal is an ideal application of current planning and development goals dealing with appropriate and sensitive infill housing, making more efficient use of existing built-up lands, where suitable to do so. The proposed lots are aptly located near the intersection of an arterial & collector road. Shopping and schools are also located within a five (5) minute walk of the property. The proposed severance would not negatively impact the surrounding neighbourhood with regards to traffic, drainage, or privacy etc. The proposed single detached residential use is compatible with the surrounding residential uses and no adverse land use impacts are anticipated.

It is noted that lot grading and drainage plans prepared by a qualified professional will be required at the Building Permit stage for the new construction.

In Planning staff's opinion, the application is consistent with the PPS, and conforms to Provincial, Regional, and Local plans subject to variances for reduced lot area and lot frontage being approved. The variances for yard setbacks and lot coverage are not required for the consent approval but may be required for the proposed future dwellings.

Planning staff recommend that the consent **be granted** subject to the following conditions:

### THAT

- The applicant submits a comprehensive lot grading & drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties, to the satisfaction of the Director of Public Works.
- Municipal water and sanitary connections be installed to service the new lots from the main to the property line, to Town standards under a Temporary Works Permit issued through the Public Works Department, and the applicant shall bear all costs associated with such;
- The applicant installs driveway(s) and culvert(s) as applicable, to Town standards, under Driveway Entrance and Culvert Permits issued through the Public Works Department.
- Minor Variance Application Files A2/2017P & A3/2017P for reduced lot area and lot frontage approved.
- The Secretary-Treasurer be provided 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.
- The final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of

From the Department of



consent shall be borne by the applicant.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP  
Director of Community Planning & Development

**File:** B2/2017P

December 15, 2016

**Address:** Part of lot 47, Plan M-48  
162 Canboro Road, Pelham

**Owner:** Mancini Developments Inc.,

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department/Drainage Superintendent offers the following comments,

- All necessary permits/approvals are required prior to any construction commencing on Part 1 and Part 2.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

---

DATE: **December 15, 2016**  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matthew Sferrazza, Engineering Technologist  
RE: File B2/2017P  
162 Canboro Road

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Public Works has completed a review of the consent application B2/2017P related to the conveyance and partial discharge of 349.31 m<sup>2</sup> of land for single family residential use. In addition 348.64 m<sup>2</sup> of land will be retained for continued single family residential use. It is also noted that this application is being considered concurrently with Minor Variance applications A2/2017P and A3/2017P.

Public Works has the following proposed conditions:

- That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- The applicant shall install individual water services and sewer laterals from the main to the property line, to Town of Pelham standards, under a Temporary Works Permit issued through the Public Works Department, and the applicant shall bear all costs to perform this work.
- The applicant shall install driveways and culverts as applicable, to Town of Pelham standards, under Driveway Entrance and Culvert Permits issued through the Public Works Department.

## Jordan Mammoliti

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**From:** Kristina Braun  
**Sent:** Thursday, December 22, 2016 9:19 AM  
**To:** Jordan Mammoliti; Curtis Thompson  
**Subject:** FW: 905-17-046 RE: Pelham Consent and Minor Variance - Notice of Hearing

**From:** Moyle, Jacqueline (6088374) [<mailto:jacqueline.moyle@bell.ca>]  
**Sent:** Wednesday, December 21, 2016 9:15 AM  
**To:** Kristina Braun  
**Subject:** 905-17-046 RE: Pelham Consent and Minor Variance - Notice of Hearing

Hi Kristina,

Re file No: B2/2017P

Details:

- Consent Application
- 162 Canboro Road
- Part Lot 47, Plan M-48

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the application.

Should you have any questions or concerns, please do not hesitate to contact me.

*Jacqueline Moyle*  
External Liaison  
Bell Canada Right of Way



140 Bayfield St. FL 2  
Barrie, ON, L4M 3B1  
P: 705-722-2636  
F: 705-722-2263  
1-844-857-7942  
[jacqueline.moyle@bell.ca](mailto:jacqueline.moyle@bell.ca)

---

**From:** Kristina Braun [<mailto:KBraun@pelham.ca>]  
**Sent:** December-14-16 3:48 PM  
**To:** ROWCC  
**Subject:** Pelham Consent and Minor Variance - Notice of Hearing

Good afternoon,

Please find attached, the Notice of Hearing for the following Pelham Consent and Minor Variance files: A1/2017P, B2/2017P, A2/2017P, and A3/2017P.

Kind Regards,

**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

The information contained in this communication, including any attachments, may be confidential and is intended only for the recipient(s) named above and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

TOWN OF PELHAM  
DEC 28 2016  
RECEIVED

December 28, 2016

To Secretary-Treasurer Town Of Pelham

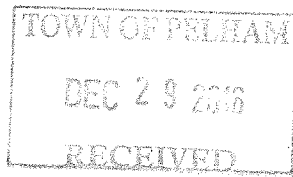
This letter is in response to the zoning bylaw changes for files A2/2017P, A3/2017P and B2/2017P filed by Mancini Development Inc.  
We strongly oppose any changes to all the requested zoning bylaw changes regarding above property and files.  
We feel the above request will encroach and overwhelm our property and home, And will in effect bring down our property value in the future with such a looming structure. Bylaws were put in place for a reason, to protect all parties involved, not for the benefit of one.  
In addition, we formally request to be notified of the decision of the Committee of Adjustment in respect to this Application.

Sincerely *Shelley Infantino Nick Degiuli*

Nick Degiuli and Shelley Infantino  
[Redacted] Haist Street  
Fonthill, Ontario  
L0S1E0

*DAN MOWAT* - *[Signature]*  
[Redacted] *VINE MOUNT DR. FONTHILL ON. L0S1E5.*





HOWARD C. MARGESON  
[REDACTED] VINEMOUNT DR,  
FENTHILL, ON  
LOS 1E5  
DEC 28, 2016

TOWN OF PELHAM  
COMMITTEE OF ADJUSTMENT  
TOWN CLERK / SECRETARY - TREASURER.

IN RESPONSE TO YOUR NOTICE OF PUBLIC HEARING REGARDING A REQUEST FOR MINOR VARIANCE FILE #A21/ 2019P LOT #47 16R CANBERO RD, PELHAM, I WOULD ASK THAT IT BE NOTED THAT I OBJECT TO THE CHANGES BEING REQUESTED AND THAT THE LOT REMAIN AS A SINGLE DWELLING LOT. ALSO I WOULD ASK TO BE NOTIFIED OF ANY DECISION MADE REGARDING THIS APPLICATION.

THANK YOU  
HOWARD MARGESON

January 10, 2016

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A2/2017P (Mancini Developments Inc.)  
162 Canboro Road, Pelham  
Lot 47, Plan M-48  
Roll No. 2732 020 010 03901**

The subject land is located on the south side of Canboro Road, lying west of Haist Street, being Lot 47, Plan M-48 (shown as Part 1 on the attached sketch), and known municipally as 162 Canboro Road in the Town of Pelham.

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The applicant requests relief from:

- **Section 13.2(a) "Minimum Lot Area"** to permit a lot area of 348.64m<sup>2</sup> whereas 700m<sup>2</sup> is required;
- **Section 13.2(b) "Minimum Lot Frontage"** to permit a lot frontage of 11.887m, whereas 19m is required;
- **Section 13.2(c) "Maximum Lot Coverage"** to permit a lot coverage of 50%, whereas 30% is allowed;
- **Section 13.2(d) "Minimum Front Yard"** to permit a front yard setback of 5.5m whereas 7.7m is required;
- **Section 13.2(e) "Minimum Interior Side yard"** to permit an interior side yard setback of 1.2m, whereas 1.8m is required;
- **Section 13.2(g) "Minimum Rear yard"** to permit a rear yard setback of 6m whereas 7.5m is required.

The proposed variances are being considered concurrently with the Consent to Sever application under File B2/2017P, together with one minor variance application under File A3/2017P.

### Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (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 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
  - 1. Efficiently use land and resources;
  - 2. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

#### Growth Plan for the Greater Golden Horseshoe

The subject parcel is located within a 'Settlement Area' according to the Growth Plan.

Policy 2.2.2 Managing Growth – Population will be accommodated by:

- a) Directing a significant portion of new growth to the *built-up* areas of the community via intensification
- b) Focusing intensification in intensification areas
- g) Planning for a balance of housing in communities to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling
- h) Encouraging towns to develop as *complete communities* with easy access to local stores and services
- j) Directing growth to settlement areas that offer municipal water and wastewater systems

The subject property is within walking distance to schools, public amenities and shopping facilities.

#### Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Urban Area'.

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.C.2.1 states the municipality will develop and implement through their local Official Plan, policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

#### Town Official Plan, 2014

The Town Official Plan designates the subject land as 'Urban Living Area' / Built Boundary. Policy B1.1.1 recognizes the existing urban areas of Fonthill and the role the Town will need to accommodate various forms of residential intensifications where appropriate.

Policy B1.1.3 b) states intensification 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.

Town Zoning By-law Number 1136 (1987), as amended

Section 13.2 Regulations for dwellings permitted in the R1 zone

a) Minimum Lot Area	700m <sup>2</sup>	Request-	348.64m <sup>2</sup>
b) Minimum Lot Frontage	19m	Request-	11.887m
c) Maximum Lot Coverage	30%	Request-	50%
d) Minimum Front Yard	7.7m	Request-	5.5m
e) Minimum Interior Side Yard	1.8m	Request-	1.2m
g) Minimum Rear Yard	7.5m	Request-	6m

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>a) The proposed lot area variance is minor in nature as the reduction to lot area is still sufficiently large to accommodate a single detached dwelling. Adequate amenity area and on-site parking for the proposed new dwelling can also be provided for.</p> <p>b) The proposed reduced lot frontage to 11.887m is minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province. Most of the surrounding neighbourhood is characterized by development of a different era which uses wide frontages; however, 12m frontages were identified for various single dwelling lots nearby and 11.887m is in keeping with these other lots.</p> <p>c) Permitting a maximum lot coverage increase to 50% is minor in nature considering the neighbourhood and Fonthill is gradually becoming characterized by smaller parcels which include site specific standards warranted by Provincial and Regional policies.</p> <p>d) Permitting a reduced front yard setback to 5.5m for the dwelling is minor overall because adequate space is maintained to allow for front porch installations. Significant right-of-way space is also available in front of the subject land as a result from a previous road widening dedication leaving ±7m from the lot line to the sidewalk. Lastly, the adjacent dwelling at 35 Vinemount Dr has an exterior yard setback of less than 5m which in effect operates as the front yard. Therefore, reducing the front yard setback is minor overall given the context.</p> <p>e) Permitting a reduced interior side yard setback of 1.2m is minor overall because swales can still adequately carry storm water runoff between the proposed dwellings. It is noted that a 1.2m setback is consistent with the Ontario Building Code requirements.</p> <p>No negative impacts are anticipated by the neighbors as adequate distance, structures and vegetation buffer the</p>

	<p>surrounding houses from a deviation of the current zone provisions above.</p> <p>However,</p> <p>g) The proposed rear yard setback request of 6m is not considered minor given the context of the neighbourhood's development. The neighbouring dwellings south of the property maintain rear yard setbacks in excess of 8m. Further reducing the rear yard setback beyond 7.5m may compromise the open amenity space available for the subject land and the spatial separation between the abutting dwelling's pool areas which creates an adverse impact.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>a) Reducing the minimum lot area to 348.64m<sup>2</sup> is desirable for the subject land because it will recognize the lot area shortfall and give legal status to develop the plot which is still adequate in size to support one single detached dwelling.</p> <p>b) Reducing the minimum lot frontage to 11.887m is desirable for the subject land because it will recognize the frontage shortfall and give legal status to develop or sell the plot for residential infill use. The narrower frontage will also help to frame the edge of Canboro Rd in a more compact fashion by lessening the underutilized gaps between buildings.</p> <p>c) Permitting a maximum lot coverage of 50% is desirable for the use of the land because it allows for some flexibility in siting of an adequately sized dwelling given a smaller lot while still providing acceptable open amenity space.</p> <p>d) Reducing the minimum front yard setback to 5.5 for the dwelling is desirable for the use of the land because it helps frame the street edge by pulling the dwelling closer to the sidewalk while still allowing for comfortable porch installations.</p> <p>e) Reducing the minimum interior side yard setback to 1.2m is desirable for the development of the land because it leaves a little more flexible building envelope for future house construction while still allowing for proper drainage and building access between lots.</p> <p>Allowing for development of the severed lot by recognizing the zoning deficiencies above increases the value of the land which was otherwise empty, under-performing and not contributing to the municipal tax-base. The newly severed lot is not foreseen to cause any adverse impacts to the neighbours or community at-large.</p> <p>However,</p> <p>g) Reducing the rear yard setback requirement to 6m would</p>

	<p>uncomfortably consume much of the proposed lot's rear yard amenity area, which does not account for any covered patios / decks. Given the subject land's context, and otherwise comfortably sized building envelope proposed, the rear yard reduction is not seen as desirable in this instance.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>a) The proposed reduction in lot area maintains the general objective of the Official Plan because it will facilitate the development of underused, built-up urban land which is a strong intention of Provincial, Regional and Town policies.</p> <p>b) The proposed reduction in lot frontage maintains the same because it will help facilitate the development of a continuous street frontage along Canboro Road by "filling-in" empty, underutilized urban lots within the built-up area.</p> <p>c) The proposed increase in maximum lot coverage maintains the same because it will also allow for infill housing and to develop the land more efficiently. Also, in a practical form, the future dwelling can be built either as a bungalow or 2-storey house with more freedom in allowable building footprint designs which depend on the maximum lot coverage.</p> <p>d) Reducing the front yard setback maintains the general intent of the Official Plan by encouraging intensification and appropriate compatibility with the neighbourhood. The proposed front yard setback is comparable, yet less-than the adjacent dwelling to the west.</p> <p>e) Reducing the interior side yard setback maintains the same because it will facilitate the compact development of infill housing; sustain adequate drainage swales between lots while still allowing access to the exterior walls.</p> <p>The proposed variances are minor overall and will not obstruct any of the purposes or intentions of the Official Plan.</p> <p>However,</p> <p>g) Reducing the rear yard setback minimum an additional 1.5m may contradict the objective of the Official Plan which is intended to accommodate residential intensification but first in a sensitive manner that is considerate of established neighbourhoods. When assessing the surrounding neighbourhood, it is difficult to purport that allowing the dwelling to be framed this much closer toward the neighbour's rear yards is in keeping with this intention.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>a) The proposed lot area reduction is less than what is required by By-law but still leaves more than adequate size for the purposes of developing a single detached dwelling without unduly affecting any neighbours. The area is also characterized by many site specific and R2 zones</p>

	<p>which require significantly less lot area than the existing R1 zone illustrates.</p> <p>b) The proposed lot frontage reduction is less than what is required by By-law but still includes a satisfactory frontage for access purposes as the Zoning By-law was intended. Legalizing the narrower frontage permits the developability of a new parcel which was otherwise a very wide singular vacant lot. This added street presence addresses the public realm in a more contiguous and positive fashion.</p> <p>c) The proposed lot coverage exceedance is more than what is permitted by By-law but still leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.</p> <p>d) Reducing the front yard setback maintains the objective of the Zoning By-law by still maintaining adequate separation between the front wall of the dwelling and the roadway. Buildings closer to the sidewalk help to frame the street which can help calm traffic speeds and make walking more comfortable.</p> <p>e) Reducing the interior side yard setback maintains the general intent of the Zoning By-law because it will uphold some buffer space between the proposed and neighbouring lots while also sustaining drainage swales and exterior wall access.</p> <p>It should be noted that Vinemount Dr and the subject land is wholly zoned R1 while Concord St and Oakridge Blvd just west is a mix of site specific and R2 zones. The proposed lot frontage, lot area and lot coverage align very closely with a traditional R2 Pelham zone. Therefore, the variances above will maintain the general objective of the Zoning By-law.</p> <p>However,</p> <p>g) The requested rear yard setback of 6m seems to go beyond the Zoning By-law's intention whereby spatial separation, (given the use of the neighbouring lots) is quite reasonably impacted by a further encroachment of the dwelling's mass. The loss of the subject land's available rear yard amenity space and proximity to neighbouring pools is therefore not in keeping with the general objective.</p>
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On December 14<sup>th</sup> 2016, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (December 15, 2016)



- All necessary permits are required prior to construction commencing.
- Fire & By-law Services Department
  - No comments
- Public Works Department (December 15, 2016)
  - No comments

Public comments and enquiries dealt with the severance application.

### Planning Comments

A pre-consultation meeting was held with the owner and staff from the Town on October 6<sup>th</sup>, 2016 to discuss the development. The original proposal was to rezone the property to erect a 3-unit townhouse.

It is noted that local (and regional) development trends have been gravitating towards smaller lotting fabric partly as a reflection of Provincial policy measures. Also, the mathematical degree of variation from the original zone regulation is not a consideration when determining if a variance is minor.

As mentioned earlier, Oakridge Blvd / Concord St to the west is zoned a mix of site specific R1 and R2. The proposed lot frontage, area and coverage are very similar with a traditional R2 Pelham zone.

Planning staff understand the subject application to be an ideal application of current planning and development goals outlined by upper levels of government and local Town policies dealing with appropriate and gentle infill housing. In general, intensification makes more efficient use of the existing built-up urban lands where open, underutilized spaces present the opportunity. The proposed variances save and except the requested reduction in the rear yard setback, should not facilitate any adverse impacts with regards to traffic, storm runoff, or privacy etc.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act with exception to the requested rear yard setback. The subject application is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Town Official Plan and Zoning By-law.

The authorization of the following recommended minor variances is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A2/2017P **be approved** as follows, subject to Consent File B2/2017P being approved.

Section 13.2	Regulations for R1 dwelling		
a)	Minimum Lot Area	348.64m <sup>2</sup>	Approve
b)	Minimum Lot Frontage	11.887m	Approve
c)	Maximum Lot Coverage	50%	Approve
d)	Minimum Front Yard	5.5m to the front face of the dwelling 6.5m to the front face of the garage	Approve
e)	Minimum Interior Side Yard	1.2m	Approve
g)	Minimum Rear Yard	7.5m	Refuse



Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



**File:** A2/2017P

December 15, 2016

**Address:** 162 Canboro Road, Pelham

**Owner:** Mancini Developments Inc.,

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

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## **Memorandum**

### **Public Works Department - Engineering**

DATE: **December 15, 2016**

TO: Julie Hannah, Planner

CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities

FROM: Matthew Sferrazza, Engineering Technologist

RE: File A2/2017P  
162 Canboro Road

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Public Works has completed a review of the minor variance application A2/2017P for relief to allow the following variances in order to facilitate construction of a single detached dwelling.

- To allow minimum lot area of 348.64 m<sup>2</sup> whereas 700 m<sup>2</sup> is required
- To allow a lot frontage of 11.887m whereas 19m is required
- To allow a maximum overall lot coverage of 50% where 30% is allowed
- To allow a front yard setback of 5.5m whereas 7.7m is required
- To allow a minimum interior side yard of 1.2m whereas 1.8m is required
- To allow a minimum rear yard setback of 6m whereas 7.5m is required

It is also noted that this application is being considered concurrently with severance file B2/2017P and minor variance file A3/2017P.

Public Works has no comments.

TOWN OF PELHAM  
DEC 28 2016  
RECEIVED

December 28, 2016

To Secretary-Treasurer Town Of Pelham

This letter is in response to the zoning bylaw changes for files A2/2017P, A3/2017P and B2/2017P filed by Mancini Development Inc.  
We strongly oppose any changes to all the requested zoning bylaw changes regarding above property and files.  
We feel the above request will encroach and overwhelm our property and home, And will in effect bring down our property value in the future with such a looming structure. Bylaws were put in place for a reason, to protect all parties involved, not for the benefit of one.  
In addition, we formally request to be notified of the decision of the Committee of Adjustment in respect to this Application.

Sincerely *Shelley Infantino Nick Degiuli*

Nick Degiuli and Shelley Infantino  
[Redacted] Haist Street  
Fonthill, Ontario  
L0S1E0

*DAN MOWAT* - *[Signature]*  
[Redacted] *VINE MOUNT DR. FONTHILL ON. L0S1E5.*

January 10, 2016

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A3/2017P (Mancini Developments Inc.)  
162 Canboro Road, Pelham  
Lot 47, Plan M-48  
Roll No. 2732 020 010 03901**

The subject land is located on the south side of Canboro Road, lying west of Haist Street, being Lot 47, Plan M-48 (shown as Part 2 on the attached sketch), and known municipally as 162 Canboro Road in the Town of Pelham.

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The applicant requests relief from:

- **Section 13.2(a) "Minimum Lot Area"** to permit a lot area of 349.31m<sup>2</sup> whereas 700m<sup>2</sup> is required;
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The proposed variances are being considered concurrently with the Consent to Sever application under File B2/2017P, together with one minor variance application under File A2/2017P.

### Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (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 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
  - 1. Efficiently use land and resources;
  - 2. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

#### Growth Plan for the Greater Golden Horseshoe

The subject parcel is located within a 'Settlement Area' according to the Growth Plan.

Policy 2.2.2 Managing Growth – Population will be accommodated by:

- a) Directing a significant portion of new growth to the *built-up* areas of the community via intensification
- b) Focusing intensification in intensification areas
- g) Planning for a balance of housing in communities to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling
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- j) Directing growth to settlement areas that offer municipal water and wastewater systems

The subject property is within walking distance to schools, public amenities and shopping facilities.

#### Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Urban Area'.

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.C.2.1 states the municipality will develop and implement through their local Official Plan, policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

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Policy B1.1.3 b) states intensification 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.

Town Zoning By-law Number 1136 (1987), as amended

Section 13.2 Regulations for dwellings permitted in the R1 zone

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e) Minimum Interior Side Yard	1.8m	Request-	1.2m
g) Minimum Rear Yard	7.5m	Request-	6m

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
<p>1. The variance is minor in nature.</p>	<p>a) The proposed lot area variance is minor in nature as the reduction to lot area is still sufficiently large to accommodate a single detached dwelling. Adequate amenity area and on-site parking for the proposed new dwelling can also be provided for.</p> <p>b) The proposed reduced lot frontage to 11.887m is minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province. Most of the surrounding neighbourhood is characterized by development of a different era which uses wide frontages; however, 12m frontages were identified for various single dwelling lots nearby and 11.887m is in keeping with these other lots.</p> <p>c) Permitting a maximum lot coverage increase to 50% is minor in nature considering the neighbourhood and Fonthill is gradually becoming characterized by smaller parcels which include site specific standards warranted by Provincial and Regional policies.</p> <p>d) Permitting a reduced front yard setback to 5.5m for the dwelling is minor overall because adequate space is maintained to allow for front porch installations. Significant right-of-way space is also available in front of the subject land as a result from a previous road widening dedication leaving ±7m from the lot line to the sidewalk. Lastly, the adjacent dwelling at 35 Vinemount Dr has an exterior yard setback of less than 5m which in effect operates as the front yard. Therefore, reducing the front yard setback is minor overall given the context.</p> <p>e) Permitting a reduced interior side yard setback of 1.2m is minor overall because swales can still adequately carry storm water runoff between the proposed dwellings. It is noted that a 1.2m setback is consistent with the Ontario Building Code requirements.</p> <p>No negative impacts are anticipated by the neighbors as adequate distance, structures and vegetation buffer the</p>



	<p>surrounding houses from a deviation of the current zone provisions above.</p> <p>However,</p> <p>g) The proposed rear yard setback request of 6m is not considered minor given the context of the neighbourhood's development. The neighbouring dwellings south of the property maintain rear yard setbacks in excess of 8m. Further reducing the rear yard setback beyond 7.5m may compromise the open amenity space available for the subject land and the spatial separation between the abutting dwelling's pool areas which creates an adverse impact.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>a) Reducing the minimum lot area to 349.31m<sup>2</sup> is desirable for the subject land because it will recognize the lot area shortfall and give legal status to develop the plot which is still adequate in size to support one single detached dwelling.</p> <p>b) Reducing the minimum lot frontage to 11.887m is desirable for the subject land because it will recognize the frontage shortfall and give legal status to develop or sell the plot for residential infill use. The narrower frontage will also help to frame the edge of Canboro Rd in a more compact fashion by lessening the underutilized gaps between buildings.</p> <p>c) Permitting a maximum lot coverage of 50% is desirable for the use of the land because it allows for some flexibility in siting of an adequately sized dwelling given a smaller lot while still providing acceptable open amenity space.</p> <p>d) Reducing the minimum front yard setback to 5.5 for the dwelling is desirable for the use of the land because it helps frame the street edge by pulling the dwelling closer to the sidewalk while still allowing for comfortable porch installations.</p> <p>e) Reducing the minimum interior side yard setback to 1.2m is desirable for the development of the land because it leaves a little more flexible building envelope for future house construction while still allowing for proper drainage and building access between lots.</p> <p>Allowing for development of the severed lot by recognizing the zoning deficiencies above increases the value of the land which was otherwise empty, under-performing and not contributing to the municipal tax-base. The newly severed lot is not foreseen to cause any adverse impacts to the neighbours or community at-large.</p> <p>However,</p> <p>g) Reducing the rear yard setback requirement to 6m would</p>



	<p>uncomfortably consume much of the proposed lot's rear yard amenity area, which does not account for any covered patios / decks. Given the subject land's context, and otherwise comfortably sized building envelope proposed, the rear yard reduction is not seen as desirable in this instance.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>a) The proposed reduction in lot area maintains the general objective of the Official Plan because it will facilitate the development of underused, built-up urban land which is a strong intention of Provincial, Regional and Town policies.</p> <p>b) The proposed reduction in lot frontage maintains the same because it will help facilitate the development of a continuous street frontage along Canboro Road by "filling-in" empty, underutilized urban lots within the built-up area.</p> <p>c) The proposed increase in maximum lot coverage maintains the same because it will also allow for infill housing and to develop the land more efficiently. Also, in a practical form, the future dwelling can be built either as a bungalow or 2-storey house with more freedom in allowable building footprint designs which depend on the maximum lot coverage.</p> <p>d) Reducing the front yard setback maintains the general intent of the Official Plan by encouraging intensification and appropriate compatibility with the neighbourhood. The proposed front yard setback is comparable, yet less-than the adjacent dwelling to the west.</p> <p>e) Reducing the interior side yard setback maintains the same because it will facilitate the compact development of infill housing; sustain adequate drainage swales between lots while still allowing access to the exterior walls.</p> <p>The proposed variances are minor overall and will not obstruct any of the purposes or intentions of the Official Plan.</p> <p>However,</p> <p>g) Reducing the rear yard setback minimum an additional 1.5m may contradict the objective of the Official Plan which is intended to accommodate residential intensification but first in a sensitive manner that is considerate of established neighbourhoods. When assessing the surrounding neighbourhood, it is difficult to purport that allowing the dwelling to be framed this much closer toward the neighbour's rear yards is in keeping with this intention.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>a) The proposed lot area reduction is less than what is required by By-law but still leaves more than adequate size for the purposes of developing a single detached dwelling without unduly affecting any neighbours. The area is also characterized by many site specific and R2 zones</p>

	<p>which require significantly less lot area than the existing R1 zone illustrates.</p> <p>b) The proposed lot frontage reduction is less than what is required by By-law but still includes a satisfactory frontage for access purposes as the Zoning By-law was intended. Legalizing the narrower frontage permits the developability of a new parcel which was otherwise a very wide singular vacant lot. This added street presence addresses the public realm in a more contiguous and positive fashion.</p> <p>c) The proposed lot coverage exceedance is more than what is permitted by By-law but still leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.</p> <p>d) Reducing the front yard setback maintains the objective of the Zoning By-law by still maintaining adequate separation between the front wall of the dwelling and the roadway. Buildings closer to the sidewalk help to frame the street which can help calm traffic speeds and make walking more comfortable.</p> <p>e) Reducing the interior side yard setback maintains the general intent of the Zoning By-law because it will uphold some buffer space between the proposed and neighbouring lots while also sustaining drainage swales and exterior wall access.</p> <p>It should be noted that Vinemount Dr and the subject land is wholly zoned R1 while Concord St and Oakridge Blvd just west is a mix of site specific and R2 zones. The proposed lot frontage, lot area and lot coverage align very closely with a traditional R2 Pelham zone. Therefore, the variances above will maintain the general objective of the Zoning By-law.</p> <p>However,</p> <p>g) The requested rear yard setback of 6m seems to go beyond the Zoning By-law's intention whereby spatial separation, (given the use of the neighbouring lots) is quite reasonably impacted by a further encroachment of the dwelling's mass. The loss of the subject land's available rear yard amenity space and proximity to neighbouring pools is therefore not in keeping with the general objective.</p>
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On December 14<sup>th</sup> 2016, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (December 15, 2016)



- All necessary permits are required prior to construction commencing.
- Fire & By-law Services Department
  - No comments
- Public Works Department (December 15, 2016)
  - No comments

Public comments and enquiries dealt with the severance application.

### Planning Comments

A pre-consultation meeting was held with the owner and staff from the Town on October 6<sup>th</sup>, 2016 to discuss the development. The original proposal was to rezone the property to erect a 3-unit townhouse.

It is noted that local (and regional) development trends have been gravitating towards smaller lotting fabric partly as a reflection of Provincial policy measures. Also, the mathematical degree of variation from the original zone regulation is not a consideration when determining if a variance is minor.

As mentioned earlier, Oakridge Blvd / Concord St to the west is zoned a mix of site specific R1 and R2. The proposed lot frontage, area and coverage are very similar with a traditional R2 Pelham zone.

Planning staff understand the subject application to be an ideal application of current planning and development goals outlined by upper levels of government and local Town policies dealing with appropriate and gentle infill housing. In general, intensification makes more efficient use of the existing built-up urban lands where open, underutilized spaces present the opportunity. The proposed variances save and except the requested reduction in the rear yard setback, should not facilitate any adverse impacts with regards to traffic, storm runoff, or privacy etc.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act with exception to the requested rear yard setback. The subject application is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Town Official Plan and Zoning By-law.

The authorization of the following recommended minor variances is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A3/2017P **be approved** as follows, subject to Consent File B2/2017P being approved.

Section 13.2	Regulations for R1 dwelling		
a)	Minimum Lot Area	349.31m <sup>2</sup>	Approve
b)	Minimum Lot Frontage	11.887m	Approve
c)	Maximum Lot Coverage	50%	Approve
d)	Minimum Front Yard	5.5m to the front face of the dwelling 6.5m to the front face of the garage	Approve
e)	Minimum Interior Side Yard	1.2m	Approve
g)	Minimum Rear Yard	7.5m	Refuse

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

**File:** A3/2017P

December 15, 2016

**Address:** 162 Canboro Road, Pelham

**Owner:** Mancini Developments Inc.,

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

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## **Memorandum**

### **Public Works Department - Engineering**

DATE: **December 15, 2016**

TO: Julie Hannah, Planner

CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities

FROM: Matthew Sferrazza, Engineering Technologist

RE: File A3/2017P  
162 Canboro Road

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Public Works has completed a review of the minor variance application A3/2017P for relief to allow the following variances in order to facilitate construction of a single detached dwelling.

- To allow minimum lot area of 348.64 m<sup>2</sup> whereas 700 m<sup>2</sup> is required
- To allow a lot frontage of 11.887m whereas 19m is required
- To allow a maximum overall lot coverage of 50% where 30% is allowed
- To allow a front yard setback of 5.5m whereas 7.7m is required
- To allow a minimum interior side yard of 1.2m whereas 1.8m is required
- To allow a minimum rear yard setback of 6m whereas 7.5m is required

It is also noted that this application is being considered concurrently with severance file B2/2017P and minor variance file A2/2017P.

Public Works has no comments.

TOWN OF PELHAM  
DEC 28 2016  
RECEIVED

December 28, 2016

To Secretary-Treasurer Town Of Pelham

This letter is in response to the zoning bylaw changes for files A2/2017P, A3/2017P and B2/2017P filed by Mancini Development Inc.  
We strongly oppose any changes to all the requested zoning bylaw changes regarding above property and files.  
We feel the above request will encroach and overwhelm our property and home, And will in effect bring down our property value in the future with such a looming structure. Bylaws were put in place for a reason, to protect all parties involved, not for the benefit of one.  
In addition, we formally request to be notified of the decision of the Committee of Adjustment in respect to this Application.

Sincerely *Shelley Infantino Nick Degiuli*

Nick Degiuli and Shelley Infantino  
[Redacted] Haist Street  
Fonthill, Ontario  
L0S1E0

*DAN MOWAT* - *[Signature]*  
[Redacted] *VINE MOUNT DR. FONTHILL ON. L0S1E5.*

**Meeting #:** CoA-12/2016  
**Date:** Tuesday, December 6, 2016  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** James Federico  
Brian DiMartile  
Donald Cook

**Staff Present** Jordan Mammoliti

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

Noting that a quorum was present, Chair Federico 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.

**2. Disclosure of Pecuniary Interest and General Nature Thereof**

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

**3. Requests for Withdrawal or Adjournment**

There were no requests for withdrawal or adjournment.

**4. Applications for Consent**

**4.1 File B1/2016P - Penny Jane Lane**

**Purpose of the Application:**

Application is made for consent to partial discharge of mortgage and to convey 0.58 hectare of vacant land, to be added to the abutting property to the south (Part 4) for single family residential use. 1.04 hectares of land (Part 1), when consolidated with Part 3 to the south, will be retained for continued use of the dwelling known municipally as 336 Highway 20. Application B4/2016P is being considered concurrently.



**Representation:**

Keith and Penny Lane appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Niagara Peninsula Conservation Authority
5. Niagara Region

**Comments:**

No comments from the applicant or Committee members were offered.

**Moved By** Donald Cook

**Seconded By** Brian DiMartile

**Application is made for partial discharge of mortgage and to convey 0.58 hectare of land, shown as Part 2 on the drawing submitted, being part of Lot 6, Concession 8, in the Town of Pelham is hereby GRANTED.**

**Conditions:**

- 1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the south (Part 4), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel.**
- 2. That application for consent file B4/2016P receive final certification of the Secretary Treasurer concurrently.**
- 3. A solicitor's written undertaking shall be provided indicating that all requirements of the Environmental Impact Study and the Tree Saving Plan be completed to the satisfaction of the Niagara Peninsula Conservation Authority and the Region of Niagara**

**Development Services Department. A copy of such shall also be provided to the Town of Pelham Chief Building Official.**

**4. That the applicant submit a comprehensive overall lot grading / drainage plan and a lot servicing plan encompassing Parts 1 through 4, to the satisfaction of the Director of Public Works to ensure that all runoff will be contained within each of the reconfigured parcels and can be discharged without negatively affecting neighbours.**

**5. The applicant confirm, to the satisfaction of the Director of Public Works that no existing water, sewer or storm services branch from or through Parts 1 & 3 to service other parcels, including the proposed dwelling on Parts 2 & 4.**

**6. 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.**

**7. That the final certification fee of \$358, 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 applicant is aware of the requirement to apply for an receive approval in the future for a Regional Entrance Permit to determine the specific geometric design of the driveway, subject to any comments from the company responsible for the utility pole in area of the proposed driveway.**

**2. 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.**

**3. No objections to this proposal were received from commenting agencies or neighbouring property owners.**

**4. Approval will bring the landlocked parcel to the south into compliance with the Zoning By-law by providing frontage on a public right of way.**

**5. 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.**

**6. 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**

#### **4.2 File B4/2016P - Keith Oatus Lane**

##### **Purpose of the Application:**

Application is made for consent to partial discharge of mortgage and to convey 0.29 hectare of vacant land, to be added to the abutting property to the north (Part 1) for single family residential use for the dwelling known municipally as 336 Highway 20. 1.25 hectares of land (Part 4), when consolidated with Part 2 to the north, will be retained for single-family residential use. Application B1/2016P is being considered concurrently.

##### **Representation:**

Penny and Keith Lane appeared on behalf of this application.

##### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Niagara Peninsula Conservation Authority
5. Niagara Region

##### **Comments:**

No comments from the agent were offered.

**Moved By** Brian DiMartile

**Seconded By** Donald Cook

**Application for consent to partial discharge of mortgage and to convey 0.29 hectare of land, shown as Part 3 on the drawing submitted, being part of Lot 6, Concession 8, in the Town of Pelham is hereby GRANTED.**

##### **Conditions:**

**1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the**

subject parcel of land has been conveyed to the owner of the parcel abutting to the south (Part 1), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel.

2. That application for consent file B1/2016P receive final certification of the Secretary Treasurer concurrently.

3. A solicitor's written undertaking shall be provided indicating that all requirements of the Environmental Impact Study and the Tree Saving Plan be completed to the satisfaction of the Niagara Peninsula Conservation Authority and the Region of Niagara Development Services Department. A copy of such shall also be provided to the Town of Pelham Chief Building Official.

4. That the applicant submit a comprehensive overall lot grading / drainage plan and a lot servicing plan encompassing Parts 1 through 4, to the satisfaction of the Director of Public Works to ensure that all runoff will be contained within each of the reconfigured parcels and can be discharged without negatively affecting neighbours.

5. The applicant confirm, to the satisfaction of the Director of Public Works that no existing water, sewer or storm services branch from or through Parts 1 & 3 to service other parcels, including the proposed dwelling on Parts 2 & 4.

6. 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.

7. That the final certification fee of \$358, 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. No objections to this proposal were received from commenting agencies or neighbouring property owners.

3. Approval will bring the landlocked parcel to the south into

compliance with the Zoning By-law by providing frontage on a public right of way.

4. 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.

5. 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**

**5. Minutes for Approval**

**Moved By** Donald Cook

**Seconded By** Brian DiMartile

**That the minutes of the:**

1. July 5, 2016

2. October 4, 2016

3. November 2, 2016

**Committee of Adjustment hearings be approved.**

**Carried**

**6. Adjournment**

**Moved By** Brian DiMartile

**Seconded By** Donald Cook

**That the Committee of Adjustment Hearing of December 6, 2016 be adjourned.**

**Carried**

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James Federico, Chair

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Assistant Secretary-Treasurer, Jordan Mammoliti