

Committee of Adjustment AGENDA

10/2018

October 2, 2018

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. Attendance
2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff
3. Disclosure of Pecuniary Interest and General Nature Thereof
4. Requests for Withdrawal or Adjournment
5. Applications for Minor Variance
 - 5.1 File A20/2018P - Larry Young, Ghislaine Young, Troy Young, and Tammy Young 1
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 2. Town of Pelham Fire Department
 3. Town of Pelham Public Works Department
 4. Town of Pelham Building Department
 5. Region of Niagara Planning and Development Services

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8.	Adjournment	

October 2, 2018

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

Re: Minor Variance Application A20/2018P (Young)
811 Effingham Street, Pelham
Concession 11, Part of Lot 5
Roll No. 2732 030 017 01600

The subject land is located on the east side of Effingham Street lying south of Foss Road, legally described above, and known municipally as 811 Effingham Street, in the Town of Pelham.

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

- **Section 7.7 d) "Max Accessory Building Height"** to allow a maximum accessory building height of 4.9m whereas 3.7m is allowed.

The proposal is for the construction of a 1-storey detached accessory building on a 4 ha (10 acre) lot with an existing single detached dwelling.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) designates the subject land within the 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Good General Agricultural Area'.

Policy 5.B.6 states single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

Pelham Official Plan, 2014

The local Official Plan designates the subject parcel as 'Good General Agricultural'. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Pelham Zoning By-law Number 1136 (1987)

The Town Zoning By-law identifies the subject parcel as ‘Agricultural’ (A).

Section 7.7 Requirements for buildings and structures accessory to dwellings
 d) Maximum Building Height 3.7m Request = 4.9m

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.	Increasing the accessory building height to 4.9m is minor given the rural context – medium to large farm style buildings are not uncommon and generally located long distances from public roads. No negative impacts are anticipated with the proposal as adequate distance buffers the impact of the building’s height on nearby properties.
2. The variance is desirable for the development or use of the land.	The variance request to increase the accessory building height is desirable for the property as it allows for enhanced storage and use of the facility. The proposed design of the accessory building can also be more easily adapted to serve an agricultural function in the future if desires change. No adverse impacts are anticipated on surrounding lands.
3. The variance maintains the general intent and purpose of the Official Plan.	The proposed use of a building accessory to a single detached house is permitted in the ‘Good General Agricultural’ designation of the Official Plan and the policy does permit uses which are compatible with agriculture. The increase in accessory building height will not compromise the objective of the Official Plan. The variance is appropriate given the site’s rural context and meets the general intent of the Town Official Plan policies.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The size of the proposed accessory building’s height to 4.9m is appropriate given the rural context. Ample amount of open space is available on the site, thus the increased height will not adversely impact the agricultural character of the area or the surrounding countryside. The variance maintains the intent of the Zoning By-law with respect to accessory building massing, siting and locational scale.

On September 11th 2018, 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:

- Public Works Department (September 21, 2018)
 - No comments.



- Building Department (September 20, 2018)
 - All necessary permits are required prior to construction commencing.
- Fire & By-law Services (September 11, 2018)
 - No comments.
- Niagara Region Planning & Development Services (September 20, 2018)
 - No objections provided that no plumbing or living space is included within the addition.

No public comments were received to date.

Planning Comments

Planning staff note that the property is 4.05ha (10 acres) in land area, appears to be farmed and does contain one single detached dwelling.

The subject land is surrounded by:

- North – Agricultural, Rural residential dwellings
- East – Significant Woodlands
- South – Agricultural, Single detached dwelling
- West – Agricultural

The proposed area of construction is over 43m east from Effingham Street, and \pm 85m away from the nearest residential dwelling to the south. The extensive setbacks mitigate the impacts of height and this type of building is common in the rural agricultural countryside.

Town Planning staff is of the opinion that increasing the height will not negatively affect any neighbouring properties as significant distance buffers the development from existing residential uses.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the *Planning Act*. The 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 for adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number A20/2018P **be approved**, subject to the following conditions:

THAT the applicant

- Obtain all necessary building permits prior to construction commencing.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

From: [William Underwood](#)
To: [Nancy Bozzato](#)
Cc: [Holly Willford](#); [Sarah Leach](#)
Subject: File A20 + A22/2018P
Date: September 11, 2018 4:26:59 PM

Hi Nancy,

Fire has no comments with respect to the above noted by-law variances.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
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177 Highway 20 West
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www.Facebook.com/Pelhamfire

Memorandum

Public Works Department - Engineering

DATE: September 21, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A20/2018P
811 Effingham Street

Public Works has completed a review of the minor variance application A20/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.7 (d) – to permit a building height of 4.9m whereas 3.7m is allowed, to construct a detached accessory building.

Public Works has no comments.

Curtis Thompson

From: Belinda Menard
Sent: September-20-18 4:02 PM
To: Curtis Thompson
Subject: File A20-22/2018P & File B6/2018P

Follow Up Flag: Follow up
Flag Status: Flagged

Curtis,

The minor variances all have the same comment,

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

The consent comment (B6/2018P) is

- Demolition permit may be required for the demolition of the existing accessory building which is now on the property line.

Regards,
Belinda



Belinda Menard, Dipl.T
Building Intake/Plans Examiner
Community Planning & Development

e: bmenard@pelham.ca
p: 905.892.2607 x344
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Via Email Only

September 20, 2018

Our File: MV 18-060

Nancy Bozzato
Town Clerk/Secretary-Treasurer
Town of Pelham
20 Pelham Town Square P.O.Box 400
Fonthill Ontario
L0S 1E0

Dear Ms. Bozzato,

Re: Application for Minor Variance

Applicant: Larry Young, Ghislaine Young, Troy Young, Tammy Young

Location: 811 Effingham Street, Town of Pelham

Town File: A20/2018P

Private sewage system inspection staff have inspected the above mentioned property for review of the application for a proposed accessory building and provide the following comments.

The sewage system servicing the dwelling was installed in 2011 and approved by the Niagara Region Public Health Department. The sewage system is located south of the house and no observed defects were found with the system at the time of our inspection. The proposed garage does not encroach on the existing sewage system and does not reduce the amount of usable land to replace the sewage system in the future.

Therefore, we have no objections to the proposed garage provided no washrooms, bedrooms or living space are installed and it is built in accordance to the plan submitted.

Yours truly,



Caitlin Wood, BCIN # 36846
Private Sewage Systems Inspector

Cc: Richard Wilson, Senior Development Planner

Phill Lambert, P.Eng., Associate Director, Infrastructure Planning & Development Engineering

October 2, 2018

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

Re: Minor Variance Application A21/2018P (Neil Gennings)
725 Church Street, Pelham
Concession 11, Part of Lot 15
Roll No. 2732 010 018 02600

The subject land is located on the east side of Church Street lying north of Sumbler Road, legally described above, and known municipally as 725 Church Street, in the Town of Pelham.

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

- **Section 7.7 a) "Max Lot Coverage"** to allow a maximum accessory building lot coverage of 2.6% whereas 1% is allowed.
- **Section 7.7 d) "Max Accessory Building Height"** to allow a maximum accessory building height of 4.3m whereas 3.7m is allowed.

The proposal is for the construction of a 1-storey detached accessory building on an existing 0.45ha (1.12 acre) rural residential lot that contains a single detached dwelling. An existing detached accessory building is proposed to be demolished.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) designates the subject land within the 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Good General Agricultural Area'.

Policy 5.B.6 states single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

Pelham Official Plan, 2014

The local Official Plan designates the subject parcel as 'Good General Agricultural'. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Pelham Zoning By-law Number 1136 (1987)

The Town Zoning By-law identifies the subject parcel as 'Agricultural' (A).

Section 7.7 Requirements for buildings and structures accessory to dwellings

a) Maximum Lot Coverage	1%	Request = 2.6%
d) Maximum Building Height	3.7m	Request = 4.3m

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>Increasing the accessory building lot coverage to 2.6% is minor overall given the ample amounts of landscaped open space available on the property which allow for storm water penetration use and amenity area. However, it is not confirmed where the edge of the septic system tile bed lays and therefore it is not known whether the variance is minor.</p> <p>Increasing the accessory building height to 4.3m is minor given the rural context; adequate distance buffers the accessory building from nearby neighbours.</p>
2. The variance is desirable for the development or use of the land.	<p>The variance request to increase the accessory building height and lot coverage is desirable for the property as it allows for enhanced storage and use of the facility. The proposed design of the detached garage makes use of the existing L-shaped driveway by having the vehicle doors face south. No adverse impacts are anticipated on surrounding lands.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The proposed use of a building accessory to a single detached house is permitted in the 'Good General Agricultural' designation of the Official Plan and the policy does permit uses which are compatible with agriculture. The increase in accessory building height will not compromise the objective of the Official Plan.</p> <p>However, increasing the lot coverage in the proposed footprint may impede the private servicing capacity of the septic system and does raise issues to Official Plan policies.</p> <p>The variances are otherwise appropriate given the site's rural context and meet the general intent of the Town Official Plan policies.</p>
4. The variance maintains the	<p>The size of the proposed accessory building's height to 4.3m is</p>

<p>general intent and purpose of the Zoning By-law.</p>	<p>appropriate given the rural context. Ample amount of open space is available on the site for amenity areas and storm drainage. However, the increase of lot coverage in the proposed location might compromise the existing septic system's operational needs. Given this, the increased height will not adversely impact the agricultural character of the area or the surrounding countryside but the increased lot coverage may compromise the Zoning By-law intent.</p>
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On September 11th 2018, 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:

- Public Works Department (September 21, 2018)
 - No comments.
- Building Department (September 20, 2018)
 - All necessary permits are required prior to construction commencing.
- Fire & By-law Services (September 13, 2018)
 - No comments.
- Niagara Region Planning & Development Services (September 27, 2018)
 - No septic permit information was found for the existing sewage system, therefore the exact size and location is unknown. Based on the proposed garage location, it cannot be determined that the minimum Ontario Building Code setback of 5m between the tile bed and the garage will be met.
 - We cannot approve of the application at this time.

No public comments were received to date.

Planning Comments

Planning staff note that the property is 0.45ha (1.12 acres) in land area, is not farmed and does contain one single detached dwelling.

The subject land is surrounded by:

- North – Former contractor's yard / vehicle repair garage
- East – Significant Woodlands
- South – Rural residential dwellings
- West – Agricultural

The proposed area of construction is over 20m east of Church Street, placing it well beyond the *required front yard* setback distance of 13m of Section 7.4 in the Zoning By-law, however it will be located in front of the dwelling. A reasonably large spatial separation is maintained between both the abutting neighbours to the north and south. Planning staff are of the opinion the proposed variances do not represent a potential negative impact to the community.

Town Planning staff is of the opinion that increasing the height will not negatively affect any neighbouring properties as significant distance buffers the development from existing residential uses. And further, that increasing the allowable accessory building lot coverage may adversely impact the subject lands because it has not been satisfactorily demonstrated that there would not be any adverse impacts on the function of the private septic system.

Planning Staff is of the opinion that the application does not meet all of the four minor variance tests laid out by the *Planning Act*. It cannot be determined whether the application is consistent with Provincial policies, the Regional Official Plan, or conforms to the general intent of the Town's Official Plan and Zoning By-law.

The authorization of the minor variance may generate negative impacts with respect to the private on-site septic system. Consequently, Planning Staff recommend that Application File Number A21/2018P **be refused**.

Should the applicant wish to resolve the Region's concerns related to the private on-site septic system, then the Committee may consider deferring this application where it can be reconsidered at a later date.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

Memorandum

Public Works Department - Engineering

DATE: September 21, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File A21/2018P
725 Church Street

Public Works has completed a review of the minor variance application A21/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.7 (a) – Maximum Lot Coverage to permit a 2.6% overall coverage whereas 1% is permitted.
- Section 7.7 (d) – Maximum Building Height to permit a building height of 4.3 meters to the mid point of the pitched roof, whereas the bylaw permits a maximum height of 3.7 meters, for construction of a detached accessory building.

Public Works has no comments.

From: [William Underwood](#)
To: [Nancy Bozzato](#)
Cc: [Sarah Leach](#); [Holly Willford](#)
Subject: File A21/2018P
Date: September 13, 2018 10:40:58 AM

Hi Nancy,

Fire has no comments with respect to the variance at 725 Church St.

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
pelham.ca

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www.Facebook.com/Pelhamfire

Curtis Thompson

From: Belinda Menard
Sent: September-20-18 4:02 PM
To: Curtis Thompson
Subject: File A20-22/2018P & File B6/2018P

Follow Up Flag: Follow up
Flag Status: Flagged

Curtis,

The minor variances all have the same comment,

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

The consent comment (B6/2018P) is

- Demolition permit may be required for the demolition of the existing accessory building which is now on the property line.

Regards,
Belinda



Belinda Menard, Dipl.T
Building Intake/Plans Examiner
Community Planning & Development

e: bmenard@pelham.ca
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September 27, 2018

Via Email Only

Our File: MV-18-064

Nancy J. Bozzato
Secretary-Treasurer, Committee of Adjustment/Town Clerk
Town of Pelham
20 Pelham Town Square, P.O Box 400
Fonthill, ON L0S 1E0

Dear Ms. Bozzato:

Re: Application for Minor Variance
Applicant: Neil & Joanne Gennings
Location: 725 Church Street, Pelham
Town File: A21/2018P

Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the Town in its consideration of this application.

Private Sewage System Review

According to the plan submitted, the application is to permit the construction of a detached garage on the northwest side of the existing house. However, no septic permit information was found for the existing sewage system currently servicing the dwelling and its' exact size and location is unknown. Based on the proposed location of the garage, it cannot be determined that the minimum Ontario Building Code setback of 5 metres from the tile bed to the garage will be met.

Therefore, our department cannot approve of the application at this time. The septic tank will need to be exposed and the corners of the tile bed excavated to confirm the setback requirements of the Building Code can be met.

Yours truly,



Tanya Killins
Inspector, Private Sewage Systems (BCIN #36235)

cc: Robert Alguire, Development Approvals Technician

October 2, 2018

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

Re: Minor Variance Application A22/2018P (Susan Pratt)
1419 Pelham Street, Pelham
Plan 25, Part of Lot 25, RP 59R-847; Part 5, NP 717
Roll No. 2732 030 004 14900

The subject land is located on the east side of Pelham Street, opposite Church Hill, known municipally as 1419 Pelham Street and legally described above, in the Town of Pelham.

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

- **Section 19.3 a) "Maximum gross floor area (GFA) used for residential"** to permit 85% of the GFA whereas 50% is required;
- **Section 19.3 b) "Dwelling units shall only be permitted above the ground floor of any commercial use"** to permit a residential dwelling unit below the ground floor (basement); and
- **Section 19.3 c) "Minimum Landscaped Amenity Area"** to permit 8.3m² / unit of landscaped amenity area whereas 55m² / unit is required.

Relief is sought to facilitate the renovation of part of the basement floor to add a 7th residential apartment unit within an existing 2-storey, mixed use building.

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.

From the Department of

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 (GGH) (2017)

This Plan informs decision-making regarding growth management and environmental protection in the GGH. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of complete communities.

The subject site is located Downtown and is within walking distance to schools, public / private amenities and shopping facilities. It is important to recognize existing buildings should have the degree of freedom necessary to adapt to different economic climates by allowing for additional residential development in the Downtown core, and the benefits housing can provide to the neighbourhood.

Regional Official Plan (Consolidated, August 2014)

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

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.

Pelham Official Plan, 2014

The local Official Plan designates the subject land as 'Downtown'.

B1.2.3 states the intent of the 'Downtown' designation is to accommodate a diverse mix of commercial, residential, cultural and social uses. In Downtown Fonthill specifically, this Plan envisions more housing opportunities.

New residential development in Downtown Fonthill will promote mixed use building and integrate residential uses all of which is to be accessible and/or linked to existing public spaces.

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

Section 19.3 Regulations for Residential Uses (permitted in the GC zone)

- a) Maximum gross floor area (GFA) used for dwelling units

Maximum-	50%	Request-	85%
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- b) Dwelling units shall only be permitted above the ground floor of any commercial use

Requesting permission for dwelling units below the ground floor.			
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- c) Minimum Landscaped Amenity Area

Minimum-	55m ² / unit	Request-	8.3m ² / unit
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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.	<ul style="list-style-type: none"> a) Increasing the GFA for residential apartments from 50% to 85% is minor overall because ample commercial space exists at this property. b) Ground level commercial space is being maintained with sidewalk / streetscape activation. c) Reducing the required landscaped amenity area is minor in nature considering the historic Downtown urban context. Landscape open space is very limited in dense urban areas, and further, no changes are proposed to the Site Plan with the interior development. <p>Increasing the residential housing stock Downtown is important to ensure the long term vitality of commercial businesses and institutions, as well as helping to diversify Downtown land uses. No building addition will result as the proposal is to reconfigure existing floor space. No adverse impacts on the neighbourhood are anticipated.</p>
2. The variance is desirable for the development or use of the land.	<ul style="list-style-type: none"> a) Increasing the residential GFA balance of 1419 Pelham Street is desirable for the property because it provides enduring resiliency in terms of managing rental income and vacancies. Further, allowing for a more stable supply of residents Downtown will support current & future businesses. b) Converting the basement into residential space desirable for the property because it makes better use of a piece of floor area which is generally more challenging to lease given it's seclusion and lack of public exposure. c) Reducing the landscaped amenity area requirement is desirable because it will facilitate the addition of more dwelling units to the housing stock Downtown.



<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>a) Increasing the residential GFA balance maintains the purpose of the Official Plan because it will help diversify the land use mix and add housing supply Downtown.</p> <p>b) Allowing for residential units in the basement of a mixed use commercial building does not compromise any policy of the Official Plan because the commercial integrity, urban form, and active streetscape frontage is completely maintained. Pedestrian activated streetscapes with good urban design and residential intensification plays a critical role in the Downtown designation policies of the Official Plan.</p> <p>c) Reducing the minimum landscaped amenity area requirement maintains the general purpose of the Official Plan because it will facilitate residential intensification and diversify the land uses Downtown. Further, the subject lands are within walking distance to parks and open space for recreational enjoyment.</p> <p>Physically, the variance will allow for only the interior building floor plan to change, as the application has been presented. No exterior additions or alterations are proposed to the Site Plan.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>a) The proposed increase of the residential GFA does not compromise the general intent of the Zoning By-law because commercial space is fully maintained at-grade on Pelham Street.</p> <p>b) Allowing residential uses below the ground floor maintains the intent of the Zoning By-law because at-grade commercial space is maintained along Pelham Street. The language of this regulation is clearly intended to protect the commercial business street level façade critical to Downtown Fonthill. However, the provision does not consider basement conversions for residential purposes which provide many benefits and fully support the commercial function along the Pelham Street business corridor.</p> <p>c) Reducing the landscaped amenity area will facilitate the addition of residential space in the basement and not change the current external Site Plan as no changes are proposed outside.</p> <p>No adverse impacts are expected as a result of these variances. Adequate parking is available to serve the additional residential unit.</p>

On September 11th 2018, 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 (September 20, 2018)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (September 21, 2018)
 - No comments.
- Fire & By-law Services (September 11, 2018)
 - No comments.

No public comments were received at the time of this writing.

Planning Comments

Planning staff are familiar with the property, the proposed development and understand the neighbourhood context which contains a variety of land uses ranging from mixed use commercial-residential buildings, institutional uses, churches, and schools among other things.

The subject application deals with the partial conversion of the basement floor area to allow for an additional residential apartment, totaling 7 units with 2 commercial units at-grade fronting Pelham Street.

Based on the plans submitted, there are no other zoning deficiencies including required parking. It should be noted that due to the age of the structure and its site plan, there are several potential zoning deficiencies on-site. However, because no external site plan design changes are needed / proposed, there is no mechanism to require any other zoning amendments to legalize things such as deficient parking stall or drive aisle dimension requirements.

Planning staff understand the proposal to be a reasonable request which helps to diversify the land use mix and make the building more resilient over the long term. The minor variance will allow for a small level of residential intensification and improve the Downtown housing stock which supports planning policy and the Downtown Fonthill business community.

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 complies with the general intent of the Pelham 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 A22/2018P **be approved**.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



Holly Willford

From: William Underwood
Sent: September 11, 2018 4:27 PM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A20 + A22/2018P

Hi Nancy,

Fire has no comments with respect to the above noted by-law variances.

Regards,

Will

 <p>Pelham NIAGARA <i>Vibrant · Creative · Caring</i></p>	<p>William Underwood, C.E.T., CFEI <i>Fire Prevention Officer</i> Fire & By-Law Services</p>	<p>e: wunderwood@pelham.ca p: 905.892.2607 x202 c: 905.327.0402 pelham.ca</p>	<p>177 F P.O. E Fontf</p>
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www.Facebook.com/Pelhamfire

Memorandum

Public Works Department - Engineering

DATE: September 21, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A22/2018P
1419 Pelham Street

Public Works has completed a review of the minor variance application A22/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 19.3 (a) – to permit 85% residential gross floor area where as 50% is allowed;
- Section 19.3 (b) – to permit a residential dwelling unit in the basement where as residential dwelling units shall only be permitted above ground floor; and
- Section 19.3 (c) – to allow 8.3m² of landscaped amenity where as a minimum of 55m² shall be provided.

Public Works has no comments.

Curtis Thompson

From: Belinda Menard
Sent: September-20-18 4:02 PM
To: Curtis Thompson
Subject: File A20-22/2018P & File B6/2018P

Follow Up Flag: Follow up
Flag Status: Flagged

Curtis,

The minor variances all have the same comment,

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

The consent comment (B6/2018P) is

- Demolition permit may be required for the demolition of the existing accessory building which is now on the property line.

Regards,
Belinda



Belinda Menard, Dipl.T
Building Intake/Plans Examiner
Community Planning & Development

e: bmenard@pelham.ca
p: 905.892.2607 x344
pelham.ca

20 Pelham Town Square
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Fonthill, ON L0S 1E0



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October 2, 2018

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

Re: Consent Application B6/2018P (Simonetti)
1017 Church Street, Pelham
Lot 5, East Side of Church Street, Plan 703
Roll No. 2732 010 015 20800

The subject parcel, shown as Part 2 on the attached sketch, has 18.28m of frontage on the east side of Church Street, lying south of Canboro Road, known locally as 1017 Church Street, in the Town of Pelham.

Application is made for consent to convey 919.6m² of land (Part 2) to create a new lot for single detached residential use. 1142.7m² of land (Part 1), is to be retained for 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;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- 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;
- j) The adequacy of school sites

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 a 'Settlement Area' according to the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development,

and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

Growth Plan for the Greater Golden Horseshoe (GGH) (2017)

This Plan informs decision-making regarding growth management and environmental protection in the GGH. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of complete communities.

The proposal would facilitate the construction of one single detached house on what is currently a large side yard amenity plot of land. This provides for improved efficiencies in land use and infrastructure capacities.

Regional Official Plan (Consolidated August 2014)

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

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.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fenwick and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads.

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.
- 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 / function of any environmentally sensitive feature in the area.

Access to municipal services is available for the subject lands and will be addressed as part of the conditions of severance approval, along with drainage. The site is positioned on the east side of Church Street which is a *Collector road* and south of the intersection with Canboro Road which is an *Arterial road*. The property is under a 5 minute walk to Downtown Fenwick, several institutional uses including the Maple Acre Library and Saint Ann Catholic Elementary School.

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.

Agency and Public Comments

On September 11th, 2018, 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 subject land.

To date, the following comments have been received:

- Building Department (September 20, 2018)
 - Demolition Permit may be required for the existing accessory building which straddles the proposed lot line.



- Public Works Department (September 21, 2018)
 - {See conditions}
- Bell Canada (September 17, 2018)
 - No concerns.
 - Bell owned pedestal located within road allowance. Please note that if for any reason during construction our facilities are required to be moved, the cost associated will be borne by the land owner.
- Niagara Peninsula Conservation Authority (September 21, 2018)
 - Subject land lies within 15m of a small tributary to Coyle Creek.
 - No objection given the proposed lot will have a sufficient building envelope outside of the 15m watercourse buffer.

No public comments were received at the time of this report writing.

Planning Staff Comments

The subject application deals with the severance of one single detached residential lot at 1017 Church Street. No additional zoning relief is required to legalize the proposed or remnant lot because they both comply with the minimum lot frontage and lot area requirements. It is unknown whether or not the applicant (or future owners) will seek relief from building specific zoning regulations such as setbacks or lot coverage for any new construction.

A pre-consult was held with the applicant(s) of the property and staff from the Town on July 5th, 2018 to discuss the future development. Though the existing 2-storey single detached dwelling is not required to be demolished as part of this severance approval, the applicants have expressed they will be removing the structure.

The subject lands are located on the east side of Church Street lying south of Canboro Road and is surrounded by:

- North –Single detached residential
- East – Tributary of Coyle Creek / Open Space
- South – Single detached residential
- West – Light industrial uses, Vehicle body shop, Single detached residential

Planning staff note the neighbourhood contains a diverse mix of uses including low density residential, light industrial, commercial, institutional, and recreational open spaces nearby.

The property is in an area that has been identified as having archaeological potential in the Town's Cultural Heritage Master Plan. Therefore, an archaeological assessment and clearance from the Ministry of Tourism, Culture and Sport will be required as a condition of severance approval.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The proposed severance should not negatively impact the surrounding neighbourhood with regards to land use compatibility, traffic, privacy and storm water runoff.

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 condition(s):

THAT the applicant

- Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.
- Disconnect all existing services at the property line prior to the issuance of any demolition permit and written confirmation of the disconnection must be provided to the satisfaction of the Director of Public Works or designate.
- Relocate or remove the existing accessory building. A demolition permit will be required prior to its removal.
- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works or designate.
- Confirm that no existing utilities cross the proposed lot line. Should any services cross the proposed lot line, the applicant shall bear responsibility for costs associated with their relocation and / or removal.
- Ensures both lots are serviced with individual 20mmØ copper water services and 125mmØ sanitary sewer laterals in accordance with Town standards. Installation of any missing services will require authorization obtained and approved by the Public Works Department through a Temporary Works Permit, at the applicant's expense. The provision of all such services shall be completed prior to receiving Final Certificate of Consent.
- Submit locate cards for both parcels indicating the location of individual water / sanitary sewer service laterals confirming that no services branch from, or through the proposed lot line. Locate cards shall be submitted following the service installations.
- Obtain approval for a Driveway Entrance & Culvert Permit issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$380, 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, B.URPI
Planner

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



Memorandum

Public Works Department - Engineering

DATE: September 21, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B6/2018P
1017 Church Street

We have completed the review of the consent application B6/2018P for consent to convey 919.6 square meters of land (Part 2) for single family residential use. 1,142.7 square meters of land (Part 1) is to be retained for continued single family residential use.

Upon this review, Public Works has the following proposed **conditions**:

1. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works or designate.
2. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal
3. That the applicant ensures that all lots are serviced with individual 20mm copper water services and 125mm sanitary sewer laterals in accordance with Town of Pelham standards. Installation of any missing servicing will require authorization obtained and approved by the Public Works Department through a Temporary Works Permit. The provision of all such services shall be

completed prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.)

4. That the applicant submits locate cards that indicate the location of the individual water service and sanitary sewer lateral for both lots to confirm no existing water or sanitary services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands. Locate cards shall be submitted after the installation of new services.
5. That the applicant obtain approval through an Entrance & Culvert Permit from the Public Works Department for the installation of a new entrance or modification to an existing entrance for all lots in accordance with Town standards. Installation and/or modification of all entrances shall be completed prior to consent and the applicant shall bear all costs associated with these works (design, construction, etc.)
6. That the applicant shall disconnect all existing services at the property line prior to the issuance of a demolition permit and written confirmation of the disconnection must be provided to the satisfaction of the Director of Public Works or designate.

Curtis Thompson

From: Belinda Menard
Sent: September-20-18 4:02 PM
To: Curtis Thompson
Subject: File A20-22/2018P & File B6/2018P

Follow Up Flag: Follow up
Flag Status: Flagged

Curtis,

The minor variances all have the same comment,

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

The consent comment (B6/2018P) is

- Demolition permit may be required for the demolition of the existing accessory building which is now on the property line.

Regards,
Belinda



Belinda Menard, Dipl.T
Building Intake/Plans Examiner
Community Planning & Development

e: bmenard@pelham.ca
p: 905.892.2607 x344
pelham.ca

20 Pelham Town Square
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Fonthill, ON L0S 1E0



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Sarah Leach

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Monday, September 17, 2018 11:49 AM
To: Sarah Leach
Subject: 905-18-393 - Consent Application B6/2018P - 1017 Church Street

Good morning Sarah,

Bell Canada has no concerns with Application for Consent B6/2018P regarding 1017 Church Street. We do have a pedestal that we believe to be located on road allowance. We would like it noted that if for any reason during development our facilities are required to be moved, the cost associated will be at the land owners expense.

Thank you,

Char Hall
External Liaison
Bell Canada Right of Way
P: 705-722-2264
F: 705-726-4600
1-888-646-4817
charleyne.hall@bell.ca

The Bell logo, consisting of the word "Bell" in a blue, sans-serif font.

140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

Sarah Leach

From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: Friday, September 21, 2018 1:55 PM
To: Sarah Leach
Subject: RE: Town of Pelham - Notice of Hearing

Hi Sarah,

The comments below pertain to B6/2018.

The subject land lies within the adjacent lands (within 15m) of a small tributary to Coyle Creek which appears to traverse the abutting lands to the west. Given that the proposed lot will have a sufficient building envelope outside of the 15m buffer from the watercourse, the NPCA offers no objections to this application.

Thank you.

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

From: Sarah Leach [mailto:SLeach@pelham.ca]
Sent: Tuesday, September 11, 2018 4:27 PM
To: rowcentre@bell.ca; Sarah Mastroianni <smastroianni@npca.ca>
Subject: Town of Pelham - Notice of Hearing

Good afternoon,

Attached, please find the notice of hearing for Pelham minor variance files A20/2018P, A21/2018P, A22/2018P and Pelham consent file B6/2018P.

Kind regards,

Sarah



Sarah Leach
*Administrative Assistant
to the Clerk*
Administration Services

e: sleach@pelham.ca
p: 905.892.2607 x322
pelham.ca

20 Pe
P.O. B
Fonth

Meeting #: CofA-07/2018
Date: Tuesday, July 10, 2018
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present James Federico
Wayne Lockey
Donald Cook

Staff Present Nancy Bozzato
Holly Willford, Deputy Clerk/Assistant Secretary-Treasurer

Others Present Applicants and Authorized Agents
Interested Citizens

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

Noting that a quorum was present, Chair Lockey 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 received.

4. Applications for Minor Variance

4.1 File A10/2018P - Parkhill Properties Corporation

Purpose of Application

Application is made to seek relief from Section 6.16(i) to permit a parking area setback distance of 1.5 metres from the easterly side lot line, whereas 3 metres is required, and to permit a parking area setback distance of 1.5 metres to the westerly lot line whereas 3 metres is required. The parking area will serve the proposed residential apartment building.

Representation

RAJ Lamichhane, authorized agent, appeared on behalf of this application. Carmella and Constintine - Project Manages

Correspondence Received

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

Applicant's Comments

Mr. Lamichhane provided a presentation to the Committee, available through the office of the Secretary-Treasurer. The proposal incorporates ground floor commercial units with upper floors being comprised of residential units. He noted that a Site Plan proposal has been submitted to the Town for Council's consideration. He highlighted the amenity areas that will be incorporated in the overall site, noting project completion is expected in 2020.

Given the unusual site configuration, several alternatives were considered to accommodate parking and setback requirements, with the proposed option being determined as the most feasible. Some consideration for waste collection was also required and they did not wish to reduce the number of parking spaces, but rather decided to compromise on the setback requirements while increasing landscape features to minimize impact.

He noted that all planning policies are compatible with their proposal and he suggested that the proposal meets the tests required for a minor variance application. He cited the trees that will be planted to preserve privacy, thus minimizing impact. He also suggested that this variance will facilitate an enhanced common space for the enjoyment of the entire community. He referenced the landscape plan that will be incorporated into the site which includes tree plantings and a gazebo.

He indicated that this proposal will help meet the demands for affordable housing in Pelham and he highlighted the many attributes that they consider key to this proposal.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments from any of the members present.

Moved By Donald Cook

Seconded By James Federico

Application for relief from Section 6.16(i) to permit a parking area setback distance of 1.5 metres from the easterly side lot line, whereas 3 metres is required, and to permit a parking area setback distance of 1.5 metres to the westerly lot line whereas 3 metres is required, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature as an adequate landscape buffer will be maintained.**
- 2. The general purpose and intent of the Zoning By-Law is maintained given the proposed buffer between the parking area and abutting properties, thus maintaining the intent of the By-law.**
- 3. The intent of the Official Plan is maintained as the setbacks will not unduly disturb any neighbouring property owners and reasonable landscape buffers surround the parking lot to the east and west.**

4. The proposal is desirable for the appropriate development and/or use of the land as the current site plan makes more efficient use of the overall site, without compromising the ability to provide a mix of residential and commercial units and an adequate landscaped open space remains throughout the site and is considered compatible with the East Fonthill development area.

5. This application is granted without prejudice to any other application in the Town of Pelham.

6. No objections were received from commenting agencies or abutting property owners.

7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

No conditions were imposed.

Carried

5. Applications for Consent

5.1 File B2/2018P - Edward James Ivan & Carol Ann Ivan

Purpose of Application

Application is made for consent to convey 0.27 hectare of land (Part 2), to be added to the abutting property to the east (Part 3, 230 Chantler Road) for side yard amenity space, Part 1 is to be retained for continued use of the dwelling known municipally as 250 Chantler Road.

Representation

Dustin LaChance, authorized agent, in company with Edward Ivan, applicant, appeared on behalf of this application.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Bell Canada
5. Niagara Peninsula Conservation Authority

6. Region of Niagara Planning and Development Services

Applicant's Comments

Ms. LaChance had no comment. Mr. Ivan indicated that he and his wife purchased the property about 15 years ago and always had in mind to sell a portion to the neighbouring property. He believes the new owners will maintain the property and he is pleased to support this proposal.

Public Comments

No one in the gallery spoke to the application.

Members Comments

There were no comments from any of the members present.

Moved By James Federico

Seconded By Donald Cook

Application for consent to convey 0.27 hectare of land, shown as Part 2 on the drawing submitted, to be added to the abutting property to the east, shown as Part 3, 230 Chantler Road, on the drawing submitted, for side yard amenity space, Part 1 is to be retained for continued use of the dwelling known municipally as 250 Chantler Road, being part of Lot 4, Concession 13, in the Town of Pelham, is hereby: GRANTED.

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. 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.**
- 4. 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.**

The above decision is based on the following 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 east (Part 2 on the preliminary sketch, 230 Chantler Road), 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 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.

3. That the final certification fee of \$380, 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.

Carried

6. Minutes for Approval

Moved By Donald Cook

Seconded By James Federico

That the minutes of the June 5, 2018, Committee of Adjustment Hearing be approved.

Carried

7. Adjournment

Moved By Donald Cook

Seconded By James Federico

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for August 14th, 2018 at 4:00 pm.

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato

Meeting #: CoA-08/2018
Date: Tuesday, August 14, 2018
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
 20 Pelham Town Square, Fonthill

Members Present Wayne Lockey
 Brian DiMartile
 John Klassen
Members Absent James Federico
 Donald Cook
Staff Present Nancy Bozzato
 Holly Willford
Others Present Applicants and Authorized Agents
 Interested Citizens

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

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

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

There were no requests for withdrawal received.

5. Applications for Consent

5.1 File B4/2018P - 2227531 Ontario Inc.

Purpose of Application

Application is made for consent to convey.

Representation

Osama Abo Nassar, Architect for the applicant.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works & Engineering
4. Bell Comments
5. Mark Bull and Neighbouring Residents

Applicant, Public, and Members Comments

Osama Abo Nassar, Architect for the applicant, made a short oral presentation indicating Town staff had done a good job in their summary presentation. He indicated his client's application is consistent with the growth plan, the new lot being proposed will be a good size, and that the owner plans to keep the lot for him/herself.

Mark Bull, 52 Stella Street, indicated he wrote the petition letter which various members of the community signed. He advised his home is directly behind the proposed new dwelling and he is concerned the proposed lot will look out of place with the larger lots in the area, drainage is currently running between 52 and 54 Stella Street and he is worried the new home will adversely affect the current owners. He also indicated the community is concerned about losing a number of mature trees in the area.

In response, Mr. Nassar thanked Mr. Bull for sharing his concerns. Mr. Nassar advised the applicant supports the neighbourhood and will ensure the design of the proposed home will enhance the neighbourhood. He also indicated any drainage issues will be addressed through the drainage / grading plan and stated there would be no negative drainage affecting the surrounding properties.

Brian DiMartile, Member, indicated he has visited the site in question and at first he was concerned with the proposed lot size, however he recalled similar concerns when the Stella Street community was being built. He advised he has faith in the Town of Pelham staff to ensure the various conditions on the development will be met, in particular the potential drainage issues. Mr. DiMartlie further indicated he felt this was a valuable property that should be developed.

John Klassen, Member, recounted the history of the property. He indicated he understood the neighborhood's concern and asked Mr. Nassar why he would not have commissioned the required drainage plan to ease the communities concerns prior to bringing forward the consent application.

Wayne Lockey, Chair of the Committee of Adjustments, indicated he understood the neighborhood's concerns as well, however advised with the provincial and town policy supporting infill he feels the Committee of Adjustments has no choice but to approve this application.

Moved By Brian DiMartile

Seconded By John Klassen

Application for consent to convey 749.9 square metres of land for the construction of a 2 storey dwelling for residential use. 1479.8 square metres of land (Part 2) is to be retained for continued use of the dwelling known municipally as 1295 Pelham Street, is hereby: GRANTED.

Carried

6. Applications for Minor Variance

6.1 File A11/2018P - 2227531 Ontario Inc.

Purpose of Application

Application is made to seek relief from Section 13.2(b) to permit a lot frontage of 15.38 metres whereas the by-law requires 19 metres

Representation

Osama Abo Nassar, Architect for the applicant.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham Fire Department
5. Mark Bull and Neighbouring Residents

Applicant, Public, and Members Comments

Osama Abo Nassar, Architect for the applicant, made a short oral presentation reiterating the lot being created will be a nice sized lot and will have a very nice house on it. He further indicated he agreed with the comments from the Public Works Department. Lastly, he advised construction of the home will be done in accordance with the by-law and any engineering requirements.

Mark Bull, 52 Stella Street, further indicated he and his neighbours are concerned with this development. He expressed he was disappointed and he felt it appeared as though the decision for these applications have been made in advance. Mr. Bull then advised he is concerned with the distance of the proposed dwelling to the street. The proposed home has a shorter distance to the street than any other home along Pelham Street. Mr. Bull further indicated he is unsure that the proposed house will actually be owner occupied as the current dwelling is being rented and is listed for sale.

Wayne Lockey, Chair of the Committee of Adjustments, indicated to Mr. Bull that no decision has been made prior to this meeting and that this is the first the members have met to discuss the application. He emphasized the Committee of Adjustments has provincial policies they must follow when making a decision. Nancy Bozzato, Town Clerk, advised the public the slide show presentation presented is a summary of the Planning Department's report and comments received from agencies and the public, however the Members have received all correspondence in full prior to the meeting. Wayne Lockey confirmed that he and all members of the Committee of Adjustments have received and read all comments from the public.

Brian DiMartile, Member, indicated the members received approximately 72 pages of reading materials prior to the meeting. He further advised the members conduct onsite visits of the subject properties. Mr. DiMartile further indicated the Committee of Adjustments does not simply 'rubber stamp' applications and their decisions are not made lightly. Lastly, he advised that he concurs with the Chair and that infill is becoming important and we must follow the Town policies.

John Klassen, Member, indicated he believes this is not a minor variance. He indicated the Committee has to also consider the affects on the people, not just consider our government policies. Mr. Klassen stated the Committee of Adjustments has to protect the interest of the people of

the community. He indicated this matter is subjective and he is of the opinion this is not a minor variance.

Wayne Lockey, Chair of the Committee of Adjustments, in response to Mr. Klassen's comments indicated similar applications have come before the Committee and if the Committee decision does not reflect provincial policy the applicant will appeal and the decision will be overturned.

It is noted Member, John Klassen voted against this application.

Moved By Brian DiMartile

Seconded By Wayne Lockey

Application for relief from Section 13.2(b) to permit a lot frontage of 15.38 metres whereas the by-law requires 19 metres, is hereby: GRANTED.

Carried

6.2 File A12/2018P - Joseph and Rosalinda Zoccoli

Purpose of Application

Application is made to seek relief from Section 7.7(d) to permit a building height of 5.12 metres to the mid point of the pitched roof.

Representation

Joseph Zoccoli, Owner and Tim Sinke, Agent of the applicant.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham Fire Department
5. Niagara Region Comments
6. Paul Snack and Lori Guzda
7. Terri-Lynn Jovanovic

Applicant, Public, and Members Comments

Tim Sinke, Agent for the applicant, made an oral presentation and stated the application is minor in nature and that the applicant is requesting the variance to keep the height of the accessory building consistent with the existing structure. Mr. Sinke addressed several comments and concerns the neighbourhood had by explaining the need for the additional height, landscaping and indicating the property would not be used for cannabis. He also indicated if the applicant wished to build the structure to meet the current by-law standard the applicant would be able to build a 49,000 square foot structure, however he is only proposing a 2,000 square foot addition. Joseph Zoccoli, Owner, added that there would be no plumbing or living space in the proposed structure.

Paul Snack, 785 Sawmill Road, indicated he lives directly across from the proposed structure. He indicated the zoning for the area is Rural Estate and he indicated the structure is not agricultural, but rather more commercial in size and appearance. He further questions why the applicant would require a large extension for storage. Mr. Snack also indicated he feels the structure would not enhance the neighbourhood nor would it fit the community. Mr. Snack then suggested landscaping was recommended for the previous minor variance and he and the community would appreciate landscaping to be done.

John Klassen, Member, asked the agent to confirm if the applicant did not require the minor variance for height, the applicant would be able to apply for a building permit and start construction right away. The Agent confirmed that was correct.

Wayne Lockey, Chair of the Committee of Adjustments, stated the property in question is zoned Agriculture, and therefore it would be difficult to construct any type of a barn without additional height. Mr. Lockey concurred with Mr. Klassen, the only reason the application has been brought forward is the question of height.

Brian DiMartile, Member, concurred with the Chair and stated he has visited the site and was impressed with the landscaping of the subject property and all the surrounding properties. He also indicated if this property was sold to be used as a farm the proposed structure would be helpful. Mr. DiMartile also indicated he would personally be upset if someone told him how to landscape his property and he trusts the applicant will landscape appropriately.

Chantelle Sterenberh, 775 Sawmill Road, indicated the landscaping is in questions as the proposed structure is in the front yard rather than the backyard.

Moved By John Klassen

Seconded By Brian DiMartile

Application for relief from Section 7.7(d) to permit a building height of 5.12 metres to the mid point of the pitched roof, whereas the bylaw permits a maximum height of 3.7 metres, for an addition to the existing utility shed, is hereby: GRANTED.

6.2.1 Chantelle Sterenberg

6.2.2 Terri-Lynn Jovanovic

6.3 File A13/2018P - 2475650 Ontario Inc.

It was determined by the panel to hear applications A13/2018P – A18/2018P concurrently.

Purpose of Application A13/2018P - A18/2018P

Application is made to seek relief from Section 13.2 (c) “Maximum lot coverage” – to permit an overall lot coverage of 40% whereas 30% is permitted to facilitate construction of a single family dwelling.

Representation

Stephen Kaiser, principal owner of the numbered company.

Correspondence Received

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

Applicant, Public, and Members Comments

Stephen Kaiser, Owner, made an oral presentation and stated he is the principal owner of the numbered company and his partners are Roman Grocholsky and Brad Johnston. Mr. Kaiser recounted the history of the property and indicated he would like to build 6 very nice homes. He

indicated he is requesting the minor variance because potential purchasers have indicated they prefer bigger bungalow style homes. Mr. Kaiser indicated seeking a 40% lot coverage in the Town of Pelham is not uncommon and cited the Timber Creek and Lookout developments. He believes the variance will complement and add value to the surrounding area.

Eric Jones, 12 Timber Creek Crescent, indicated the maximum 30% lot coverage 'rule' has been in place for a long time and that the builder would know that and should follow that. Mr. Jones indicated he understood why a variance may be wanted for a bungalow, but is concerned about the possibility of a two-storey house with this lot coverage size. He feels this is not a minor variance and indicated in North York, the builder might request a 2% increase not 10%. In response to Mr. Jones, Wayne Lockey, Chair of the Committee of Adjustments, indicated he feels the Committee's hands are tied and that if the application is not approved the applicant will appeal and the decision likely overturned.

Brian DiMartile, Member, indicated he does not think the Committee of Adjustments hands are tied and asked for further explanation from the Chair. In response, Wayne Lockey indicated the Committee of Adjustments has turned down smaller applications which led the applicant to appeal and the decision to be overturned. He stated the provincial policies are for intensification. In reply, Brian DiMartile indicated he does not feel the Committee's hands are tied. He requested Nancy Bozzato, Town Clerk to advise if there is a provincial policy which ties the hands of the Committee. Nancy Bozzato advised the lots in question were created by consent and that the lot sizes were created in compliance with provincial policy. Furthermore, she indicated the Committee of Adjustments is compelled to make a decision on these applications alone. She further advised the application requests a 40% lot coverage, however the Committee has the authority to reduce the coverage from anywhere between 30 and 40%.

Mike Zoric, 13 Rhodes Court, indicated that Rhodes Court is zoned R2 and that there is a new subdivision in the area which is all 45% lot coverage. Furthermore, he stated the Timber Creek subdivision is specific lot coverage per individual home. The proposal is abutting 2 Timber Creek and he believes the lot coverage is going to increase the property value of the surrounding area. Mr. Zoric is supportive of this application and asks that it be approved.

John Klassen, Member, stated that the Committee of Adjustments should make their decision and if someone wishes to appeal, they can. Mr. Klassen remarked people take their time to come to the Committee of Adjustments and the Committee is obligated to listen to people. He stated the Committee of Adjustments must listen to both sides and come up with a win, win solution for all.

Stephen Kaiser, Owner, commented that he believes the setbacks and lot coverage stipulated in the Town's Zoning By-Law are not congruent. He believes the by-law is flawed and that the Town is currently re-writing the Zoning By-Law to correct this. Mr. Kaiser notes the Town amended the R1 Zoning on new developments, such as Timber Creek and Lookout, to 40% lot coverage because the zoning by-law is flawed. He indicated he and his partners are not requesting a change in set backs but requesting the lot coverage to appropriately match the size of the lot.

Brian DiMartile, Member, indicated he concurs with Mr. Kaiser. Mr. Klassen indicated the lots that Mr. Kaiser has are larger than what is being proposed today.

Moved By Brian DiMartile
Seconded By John Klassen

Files A13/2018P – A18/2018 P Application for relief from Section 13.2 (c) “Maximum lot coverage” – to permit an overall lot coverage of 40% whereas 30% is permitted to facilitate construction of a single family dwelling is hereby: GRANTED.

Carried

6.4 File A14/2018P - 2475650 Ontario Inc.

It was determined by the panel to hear applications A13/2018P – A18/2018P concurrently. Minutes are listed with item number 6.3.

6.5 File A15/2018P - 2475650 Ontario Inc.

It was determined by the panel to hear applications A13/2018P – A18/2018P concurrently. Minutes are listed with item number 6.3.

6.6 File A16/2018P - 2475650 Ontario Inc.

It was determined by the panel to hear applications A13/2018P – A18/2018P concurrently. Minutes are listed with item number 6.3.

6.7 File A17/2018P - 2475650 Ontario Inc.

It was determined by the panel to hear applications A13/2018P – A18/2018P concurrently. Minutes are listed with item number 6.3.

6.8 File A18/2018P - 2475650 Ontario Inc.

It was determined by the panel to hear applications A13/2018P – A18/2018P concurrently. Minutes are listed with item number 6.3.

7. Minutes for Approval

8. Adjournment

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for September 11, 2018 at 4:00 pm.

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato