

## Committee of Adjustment **AGENDA**

### Committee of Adjustment Hearing October 6, 2015

Tuesday, October 06, 2015

Start time 4:00 PM

Town of Pelham Municipal Building - Council Chambers

### **AGENDA**

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

5.1. **File A8/2015P - Gary Groen**

Gary Groen, Applicant

**Background:**

**Correspondence Received:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Niagara Peninsula Conservation Authority
- Sandra & Jim Jeffs

5.2. **File A9/2015P - McGill Turpel Holdings**

Todd Barber, Agent

**Background:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Fonthill Baptist Church

5.3. **File A10/2015P - Todd & Michelle Barber**

Todd Barber, Agent

**Background:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Fonthill Baptist Church

#### 5.4. **File A11/2015P - Douglas & Elizabeth Baldwin**

Douglas & Elizabeth Baldwin, Applicants

**Background:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Niagara Peninsula Conservation Authority

### 6. **Applications for Consent**

#### 6.1. **File B4/2015P - Marilyn Potter & Gail Levay**

Jennifer Vida, Authorized Agent

**Background:**

- Town of Pelham Planning Department
- Region of Niagara Development Services Department

#### 6.2. **File B5/2015P - Andrew & Petronella Groen**

Jennifer Vida, Authorized Agent

**Background:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Region of Niagara Development Services Department

#### 6.3. **File B9/2015P - Hummel Enterprises & Rainer Hummel**

Brent Larocque, Authorized Agent

**Background:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Niagara Peninsula Conservation Authority

#### 6.4. **File B10/2015P - Hummel Enterprises & Rainer Hummel**

Brent Larocque, Authorized Agent

**Background:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Niagara Peninsula Conservation Authority

#### 6.5. **File B11/2015P - Sleek Developments Inc.**

Brent Larocque, Authorized Agent

**Background:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Niagara Peninsula Conservation Authority

#### 6.6. **File B13/2015P - Todd & Michelle Barber**

Todd Barber, Applicant

**Background:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Fonthill Baptist Church

## **6.7. File B14/2015P - McGill Turpel Holdings**

Todd Barber, Authorized Agent

### **Background:**

- Town of Pelham Planning Department
- Town of Pelham Building Department
- Fonthill Baptist Church

## **7. Minutes for Approval**

**7.1 Committee of Adjustment Hearing 5/2015 (2015/08/05)**

**7.2 Committee of Adjustment Hearing 6/2015 (2015/09/09)**

## **8. Adjournment**



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A8/2015P (Gary & Meredith Groen)  
770 Cream Street, Pelham, ON  
Part Lot 12, Concession 11, Pelham, ON  
Roll No. 273201001800101**

The subject application is for a minor variance from Section 7.7(d) of Zoning By-law Number 1136 (1987), as amended, to permit the construction of a detached garage with a proposed height of 5.6 metres (18.7 feet) to the mid-point of the pitched roof, whereas 3.7 metres (12.14 feet) is permitted. Relief is requested to facilitate the construction of a detached garage (refer to Appendix 1).

The subject parcel is located on the west side of Cream Street, between Foss Road and Sumbler Road, being part of Lot 12, Concession 11 and known municipally as 770 Cream Street in the Town of Pelham.

### **Applicable Planning Policies**

#### Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) designates the subject parcel as land within a 'Prime Agricultural Area'. The permitted uses in 'Prime Agricultural Areas' under the PPS are: agricultural uses, agricultural-related uses and on-farm diversified uses.

#### Greenbelt Plan (2005)

The subject parcel is not located within the Greenbelt Plan Area. As such, the policies of the Greenbelt Plan (2005) do not apply to this application.

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

The Regional Official Plan (Consolidated, August 2014) designates the subject parcel as 'Good General Agriculture Area'. Policy 5.B.6 states that the predominant use of land in 'Good General Agriculture Areas' will be for agriculture of all types, including livestock operations as well as associated value retention uses.



### Town Official Plan (2014)

The Town's Official Plan, 2014 designates the subject parcel as 'Good General Agricultural' and 'Environmental Protection One'. The 'Environmental Protection One' designation is associated with a wetland and woodland feature on part of the property.

The purpose of the 'Good General Agricultural' designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture.

The permitted uses in the 'Good General Agricultural' designation include: single detached dwellings accessory to a farm business or on a vacant lot of record; accessory residential uses on farm properties (subject to Policy B2.1.3.5); bed and breakfast establishments (subject to Policy B2.1.3.6); home occupations and home industries (subject to Policy B2.1.3.7); forestry and other resource management uses; retail commercial uses on farm properties (subject to Policy B2.1.3.8); passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority; agricultural-related exhibitions and tourism establishments (subject to Policy B2.1.3.9); wineries (subject to Policy B2.1.3.11); mineral aggregate operations (subject to Policy B2.5.3.3); and, wayside pits and quarries and portable asphalt plants for road works in the area (subject to Policy B2.5.3.10). A single detached dwelling and an accessory building are permitted by the Official Plan.

The permitted uses in the 'Environmental Protection One' designation include: forest, fish and wildlife management uses; conservation, flood control projects and agricultural drains where it has been demonstrated that they are necessary, in the public interest and other alternatives are not available; small-scale, passive recreational uses such as trails, fences, docks, and picnic facilities that will have no negative impact on natural features or on the ecological functions of such features; and, mineral aggregate operations may be permitted within a Provincially Significant Life Science ANSI subject to demonstrating no negative impact to the feature or its ecological functions and also subject to Section B2.5 of the Official Plan. The proposed dwelling and accessory building are located outside of the 'Environmental Protection One' designation.

### Town Zoning By-law No. 1136 (1987)

The Town of Pelham's Zoning By-law No. 1136 (1987), as amended, identifies the subject parcel as 'Agricultural' (A).

The permitted uses in the 'Agricultural' (A) Zone include: agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares (24.71 acres); one single detached dwelling on one lot; home occupations; kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and, forestry and conservation uses.

Minor Variance Test	Explanation
<p>1. The variance is minor in nature.</p>	<p>Given the location of the subject parcel and size of adjacent lots, Planning staff are of the opinion that the variance is considered minor. The height of the accessory building will be adjusted from the zone requirement to accommodate the construction of an accessory building (detached garage) for the storage of a trailer and personal goods.</p> <p>Planning staff are of the opinion that there shall not be a negative impact on adjacent properties as there will be sufficient amenity space provided around the proposed structure. This will provide sufficient space for future maintenance.</p> <p>There also appears to be mature trees located on the southern and western portions of the subject parcel. Additionally, the subject parcel abuts an abandoned railway to the north. These features will maintain privacy between the subject parcel and adjacent lots.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>The variance is considered desirable for the development or use of the land in that the required setbacks for the accessory building (detached garage) are maintained. This will preserve the amenity area of the subject parcel and shall not impact the drainage of adjacent lots. The subject parcel is also surrounded by similar lots with rural residential dwellings and accessory buildings.</p> <p>Planning Staff are of the opinion that the variance will maintain the rural, residential character of the area.</p>
<p>3. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The variance maintains the general intent and purpose of the Zoning By-law as the increase in the height requirement for the proposed accessory building (detached garage) is minor in nature and is of an appropriate scale given the rural residential character of the area, and provides for a functional accessory building for the owner.</p> <p>The proposed development is also a permitted use in the 'Agricultural' (A) Zone of the Town's Zoning By-law.</p>
<p>4. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The variance maintains the general intent and purpose of the Official Plan as the use is permitted in the 'Good General Agricultural' designation and the accessory building does not impact the 'Environmental Protection One' designation.</p>

On September 15, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Building) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).



To date, the following comments have been received:

- The Niagara Peninsula Conservation Authority (NPCA) comments, dated July 3, 2015, offers no objection to the subject application provided that the following conditions be included into the building permit application and adhered to by the applicant:
  - 1) Appropriate sediment and erosion controls shall be installed and maintained in good condition for the duration of the construction phase. Muddy water shall not be permitted to discharge from the site;
  - 2) A Limit of Work Fence shall be installed along the 30 metre buffer of the wetland to clearly mark the area that must remain undisturbed. There shall be no storage or machinery or materials of any kind beyond the Limit of Work fencing.
  - 3) There shall be absolutely no site alterations (including but not limited to: disturbance to the existing grades, removal of vegetation, storing of fill or materials, development, etc.) within the wetland or associated buffer; and,
  - 4) All disturbed areas must be re-stabilized (i.e. re-vegetated) immediately upon completion of construction.
- The Department of Public Works comments, dated September 25, 2015, offer no objections to the application (refer to Appendix 4).
- The Building Department comments, dated September 24, 2015, offer no objections to the application provided that all necessary building permits are obtained prior to construction commencing (refer to Appendix 5).

The following comments were received from the public:

- Jim and Sandra Jeffs comments, dated September 23, 2015, are not in support of the application if the accessory building is going to be used for the storage of large commercial construction equipment (refer to Appendix 6).

It is noted in the application that the proposed accessory building will be used for the storage of personal goods and a trailer.

Planning Staff are of the opinion that the application meets the tests required to permit a minor variance and it is consistent with Provincial policies and Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File Number A8/2015P be approved subject to the following conditions:

- 1) That all necessary building permits are obtained prior to construction commencing;
- 2) Appropriate sediment and erosion controls shall be installed and maintained in good condition for the duration of the construction phase. Muddy water shall not be permitted to discharge from the site;



- 3) A Limit of Work Fence shall be installed along the 30 metre buffer of the wetland to clearly mark the area that must remain undisturbed. There shall be no storage or machinery or materials of any kind beyond the Limit of Work fencing.
- 4) There shall be absolutely no site alterations (including but not limited to: disturbance to the existing grades, removal of vegetation, storing of fill or materials, development, etc.) within the wetland or associated buffer; and,
- 5) All disturbed areas must be re-stabilized (i.e. re-vegetated) immediately upon completion of construction.

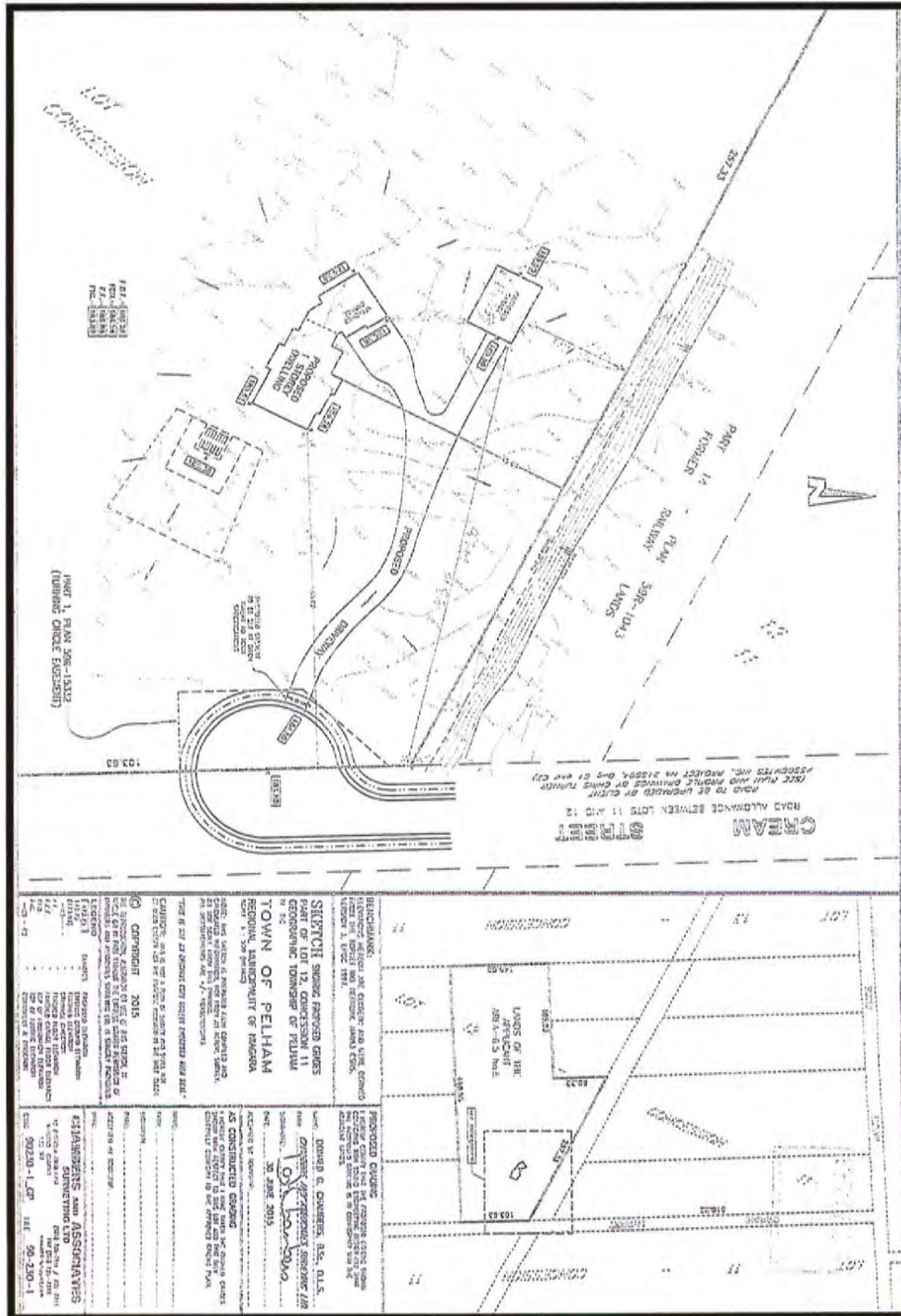
Submitted by,

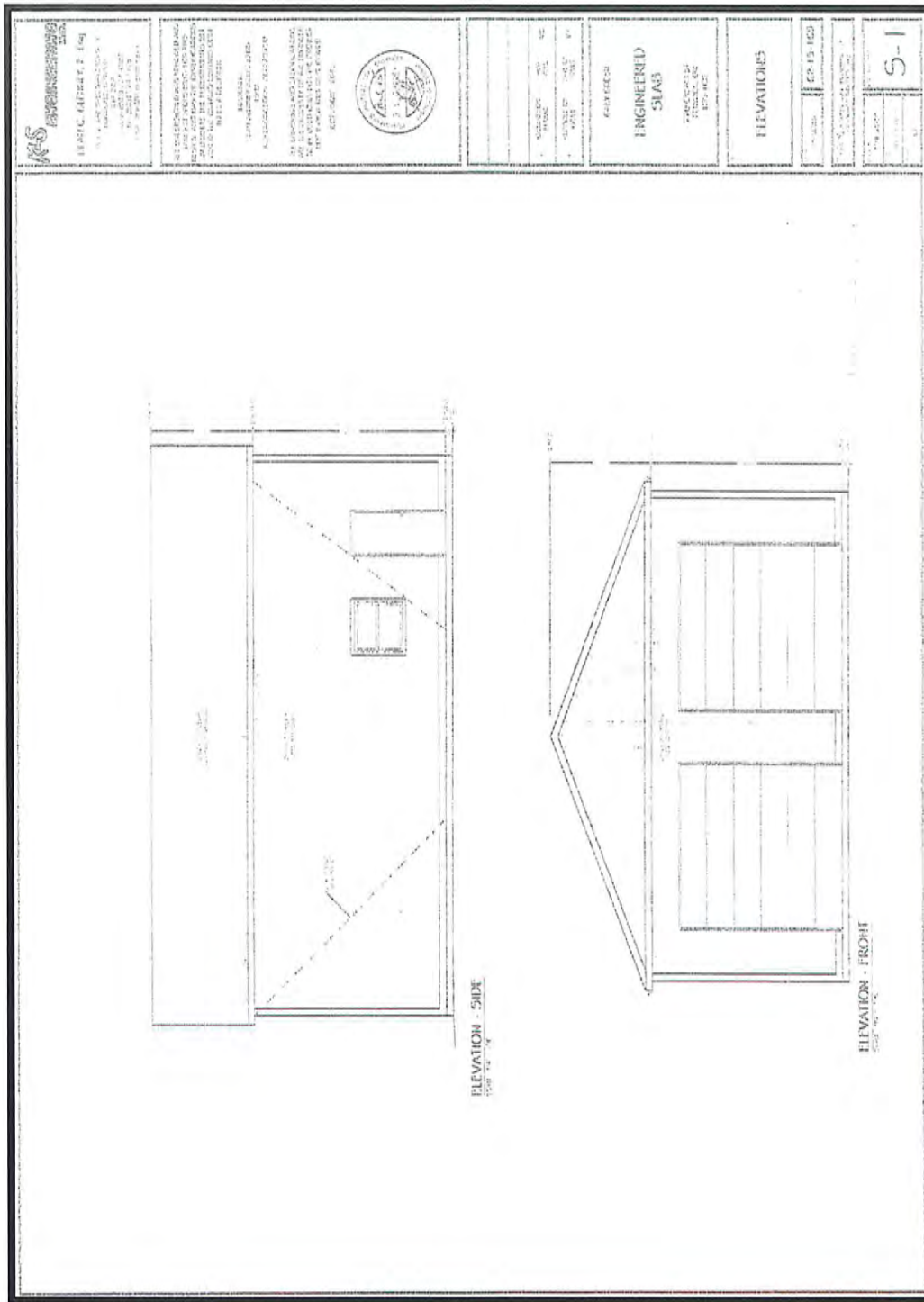


Andrew Gameiro  
Planner



Appendix 1: Submitted Site Drawings


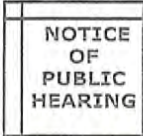
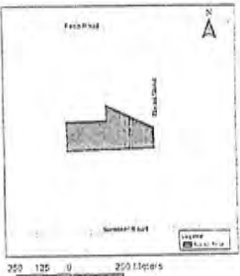




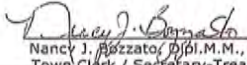




 <p>BERNARD G. GIBSON, P. Eng.          1111 WILSON AVENUE, SUITE 100          MISSISSAUGA, ONTARIO L4X 1L7          TEL: (905) 277-1111          FAX: (905) 277-1112</p>	<p>NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THIS DRAWING IS THE PROPERTY OF THE ENGINEER AND IS TO BE KEPT IN HIS OR HER POSSESSION AT ALL TIMES.</p>		NO. _____ PROJECT NO. _____ DATE _____	SHEET NO. _____ TOTAL SHEETS _____	ENGINEER <b>BERNARD G. GIBSON</b> PROFESSIONAL ENGINEER CIVIL REG. NO. 12345	ELEVATIONS	DATE: 2015-10-05	5-1
			PROJECT NAME: _____ CLIENT: _____	DRAWN BY: _____ CHECKED BY: _____	SCALE: _____	PROJECT LOCATION: _____	PROJECT NO.: _____	SHEET NO.: _____



Appendix 2: Public Notice

 vibrant • creative • caring <span style="float: right;">www.pelham.ca</span>	
In the matter of the Planning Act, R.S.O. 1990, as amended And in the matter of an application for minor variance or permission on behalf of:	
	<b>WHAT:</b> <b>FILE A8/2015P</b> <b>WHO:</b> <b>Gary Groen and Meredith Groen</b> Part Lot 12, Concession 11, 770 Cream Street, Pelham <b>WHEN:</b> <b>TUESDAY, OCTOBER 6, 2015 at 4:00 p.m.</b> <b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above.
	<b>DESCRIPTION &amp; LOCATION OF SUBJECT LANDS:</b> The subject land is located on the WEST SIDE OF Cream Street, between Foss Road and Sumbler Road, being part of Lot 12, Concession 11 and known municipally as 770 Cream Street in the Town of Pelham. The subject land is depicted on the <b>Key Map</b> below and is shown on the sketch accompanying this notice.
	<b>NATURE &amp; EXTENT OF RELIEF / PERMISSION APPLIED FOR:</b> The subject land is zoned Agriculture A in accordance with Pelham Zoning By-law 1136(1987), as amended. Relief from Section 7.7(d) is requested to facilitate construction of a detached garage for storage purposes, having a proposed height of 5.6 m (18.7 feet) to the mid-point of the pitched roof, whereas 3.7 m (12.14 feet) is permitted.
	
	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, approvals or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing.
	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> <i>The Committee would appreciate receiving your written comments regarding this application by SEPTEMBER 24, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i>  The applicant or the authorized agent of the applicant <b>MUST</b> be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
	<b>NEED MORE INFORMATION? CONTACT US!</b> <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>
	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Dated this 15 <sup>th</sup> day of September, 2015  Nancy J. Bozzato, B. Ed. M.M., AMCT Town Clerk / Secretary-Treasurer	
Town of Pelham Committee of Adjustment	

From the Department of



### Appendix 3: Niagara Peninsula Conservation Authority (NPCA) Comments



NIAGARA PENINSULA  
**CONSERVATION**  
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

July 3, 2015

File No. REG 9.11

Town of Pelham  
P. O. Box 400  
Pelham Municipal Building  
20 Pelham Town Square  
Fonthill, ON L0S 1E0

Dear Sirs,

Subject: Proposed Dwelling, Garage and Septic System  
West Side of Cream Street (Between Foss Rd and Sumbler Rd)

The Niagara Peninsula Conservation Authority (NPCA) has reviewed a Sketch with proposed grading information prepared by Chambers and Associates (June 30, 2015) of the above noted property. This Plan shows a proposed dwelling with attached garage, a stand-alone garage and septic system on the vacant lot. The sketch also shows an extension of Cream Street (with turning circle) and a proposed driveway.

The subject property is impacted by a Provincially Significant Wetland (PSW) identified by the Ministry of Natural Resources and Forestry (MNR). Under current legislation, development and site alterations are not permitted within a PSW. The NPCA has also established a 30m buffer around PSWs in which new development and site alterations should be directed away from. NPCA staff understand that the MNR have been on site to reevaluate the PSW on the property. Subsequently, the PSW boundaries were relocated further to the western side of the property as well as to the southern property line. The submitted sketch indicates that the proposed development will be located within the north east corner of the property.

After reviewing the sketch and the MNR's revised mapping, the NPCA is satisfied that the proposal will be located outside of the PSW and the required 30m buffer. Although the proposed works are located sufficiently away from the PSW, it should be noted that absolutely no development or site alterations are permitted within this area or within the 30m buffer unless prior approval has been granted by the NPCA.

Please be advised that the NPCA offers no objections to this proposal (based on the attached sketch). We would ask that the following conditions be included into the building permit and adhered to by the applicant:

- Appropriate sediment and erosion controls shall be installed and maintained in good condition for the duration of the construction phase. Muddy water shall not be permitted to discharge from the site.
- A Limit of Work Fence shall be installed along the 30m buffer of the wetland to clearly mark the area that must remain undisturbed. There shall be no storage or machinery or materials of any kind beyond the Limit of Work fencing.
- There shall be absolutely no site alterations (including but not limited to: disturbance to the existing grades, removal of vegetation, storing of fill or materials, development, etc.) within the wetland or the associated buffer.
- All disturbed areas must be re-stabilized (ie. re vegetated) immediately upon completion of construction.


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

Yours Truly,

Sarah Mastroianni  
Watershed Planner (ext. 249)



**Appendix 4: Department of Public Works Comments**



*Vibrant. Creative. Caring.*

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## Memorandum

### Public Works Department - Engineering


DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File A8/2015P  
770 Cream Street

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We have completed the review of the minor variance application A8/2015P for height relief for a proposed detached garage.

Public Works has no comments.

From the Department of



**Public Works  
& Utilities**

20 Pelham Town Square P.O. Box 400 - Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055  
[pelham.ca](http://pelham.ca)



## Appendix 5: Building Department Comments



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**File:** A8/2015P  
**Address:** Part Lot 12, Concession 11, 770 Cream Street, Pelham  
**Agent/Owner:** Gary Groen & Meredith Groen

September 24, 2015

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

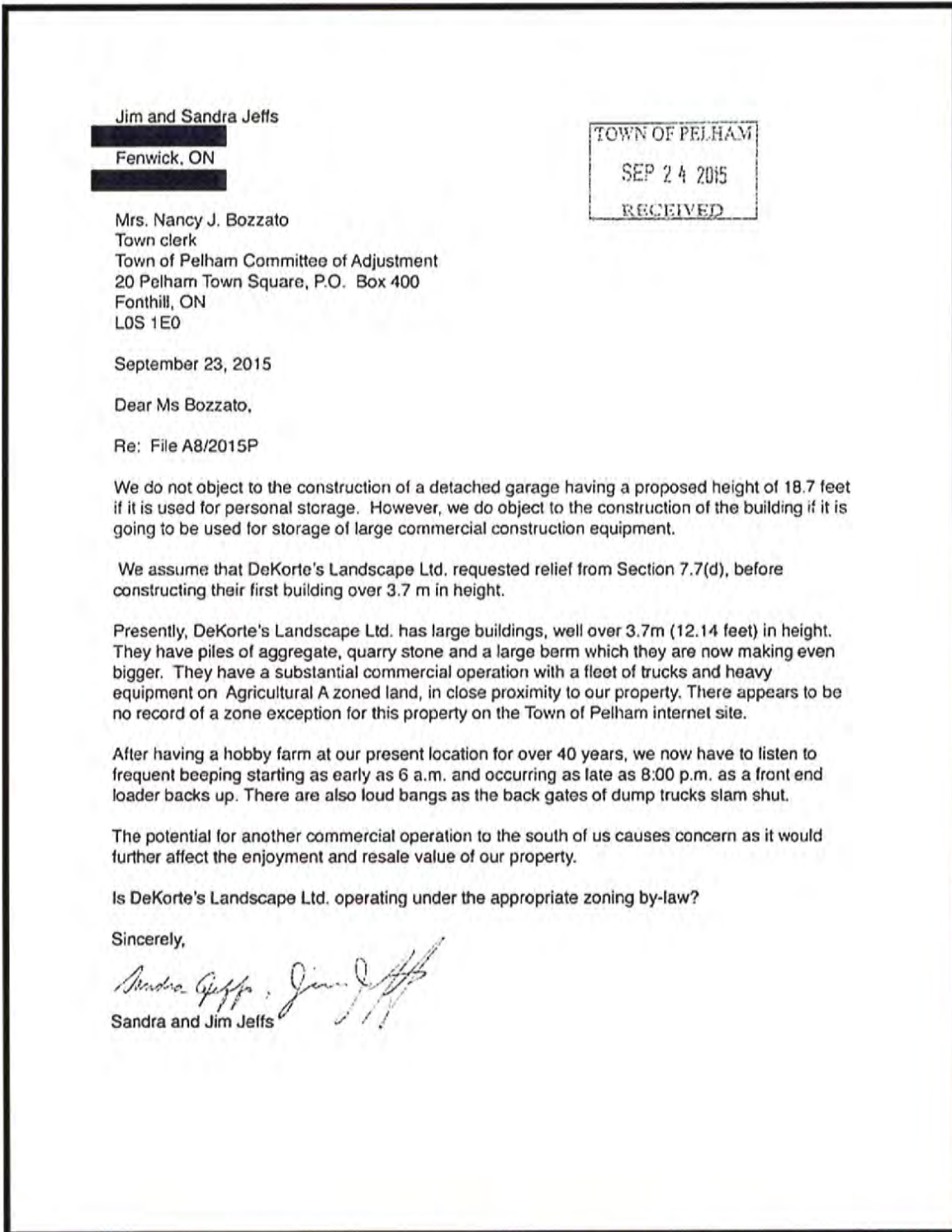
The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



Appendix 6: Jim & Sandra Jeffs Comments





*Vibrant · Creative · Caring*

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**File:** A8/2015P

September 24, 2015

**Address:** Part Lot 12, Concession 11, 770 Cream Street, Pelham

**Agent/Owner:** Gary Groen & Meredith Groen

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



## Appendix 3 for 5.1.: Niagara Peninsula Conservation Authority



NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

July 3, 2015

File No. REG 9.11

Town of Pelham  
P. O. Box 400  
Pelham Municipal Building  
20 Pelham Town Square  
Fonthill, ON L0S 1E0

Dear Sirs,

Subject: Proposed Dwelling, Garage and Septic System  
West Side of Cream Street (Between Foss Rd and Sumbler Rd)

---

The Niagara Peninsula Conservation Authority (NPCA) has reviewed a Sketch with proposed grading information prepared by Chambers and Associates (June 30, 2015) of the above noted property. This Plan shows a proposed dwelling with attached garage, a stand-alone garage and septic system on the vacant lot. The sketch also shows an extension of Cream Street (with turning circle) and a proposed driveway.

The subject property is impacted by a Provincially Significant Wetland (PSW) identified by the Ministry of Natural Resources and Forestry (MNRF). Under current legislation, development and site alterations are not permitted within a PSW. The NPCA has also established a 30m buffer around PSWs in which new development and site alterations should be directed away from. NPCA staff understand that the MNRF have been on site to reevaluate the PSW on the property. Subsequently, the PSW boundaries were relocated further to the western side of the property as well as to the southern property line. The submitted sketch indicates that the proposed development will be located within the north east corner of the property.

After reviewing the sketch and the MNRF's revised mapping, the NPCA is satisfied that the proposal will be located outside of the PSW and the required 30m buffer. Although the proposed works are located sufficiently away from the PSW, it should be noted that absolutely no development or site alterations are permitted within this area or within the 30m buffer unless prior approval has been granted by the NPCA.

Please be advised that the NPCA offers no objections to this proposal (based on the attached sketch). We would ask that the following conditions be included into the building permit and adhered to by the applicant:

- Appropriate sediment and erosion controls shall be installed and maintained in good condition for the duration of the construction phase. Muddy water shall not be permitted to discharge from the site.
- A Limit of Work Fence shall be installed along the 30m buffer of the wetland to clearly mark the area that must remain undisturbed. There shall be no storage or machinery or materials of any kind beyond the Limit of Work fencing.
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- All disturbed areas must be re-stabilized (ie. re vegetated) immediately upon completion of construction.

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,

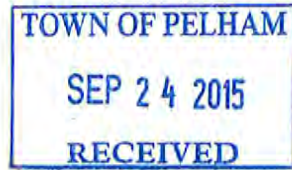
A handwritten signature in blue ink that reads "S. Mastroianni".

Sarah Mastroianni  
Watershed Planner (ext. 249)



Jim and Sandra Jeffs

[REDACTED]  
Fenwick, ON  
[REDACTED]



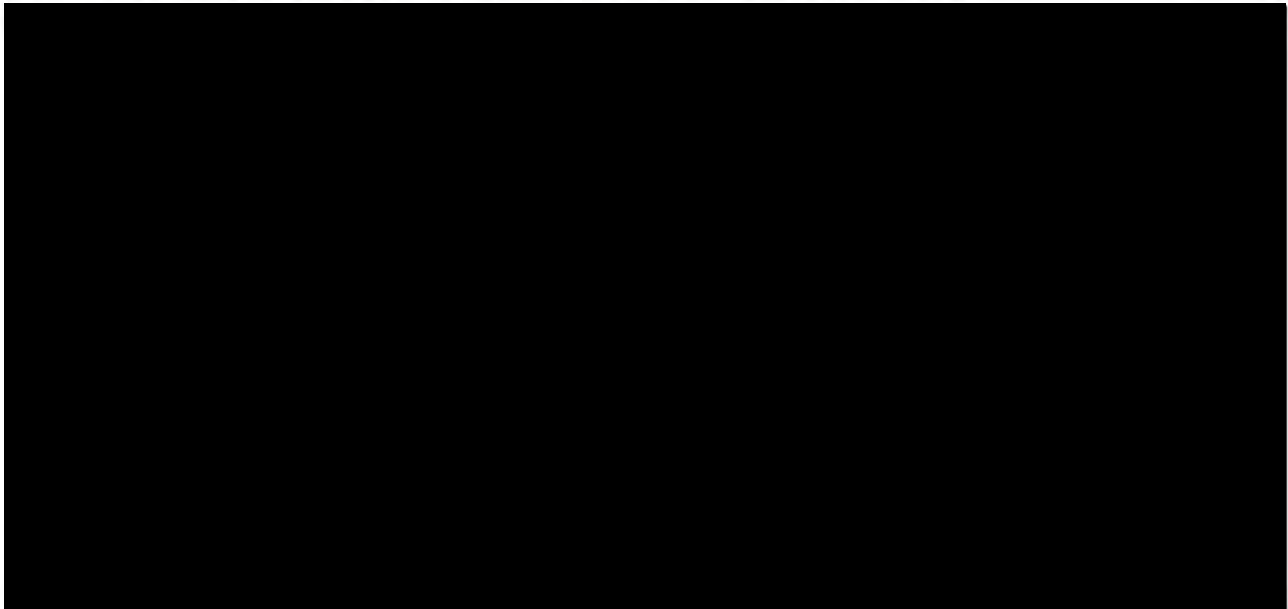
Mrs. Nancy J. Bozzato  
Town clerk  
Town of Pelham Committee of Adjustment  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON  
L0S 1E0

September 23, 2015

Dear Ms Bozzato,

Re: File A8/2015P

We do not object to the construction of a detached garage having a proposed height of 18.7 feet if it is used for personal storage. However, we do object to the construction of the building if it is going to be used for storage of large commercial construction equipment.



Sincerely,

*Sandra Jeffs, Jim Jeffs*  
Sandra and Jim Jeffs



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A9/2015P (McGill Turpel Family Holding Company)  
1421 Pelham Street, Pelham, ON  
Part Lot 25, Plan 717, Pelham, ON  
Roll No. 273203000414800**

The subject application is for minor variances from the following Zoning By-law provisions:

- 1) Section 20.2(h) to increase the building height to 11.05 metres (36.25 feet), whereas a maximum of 10.5 metres (34.45 feet) is permitted;
- 2) Section 6.9(c)(ii) to reduce the number of loading spaces to zero (0), whereas a minimum of 1 loading space is required;
- 3) Section 6.16(i)(a) to reduce the number of parking spaces to 7, whereas a minimum of 24 parking spaces is required; and,
- 4) Section 19.3(c) (as required by Section 20.4) to reduce the amenity space for residential uses to zero (0), whereas 275 square metres (2,960.1 square feet) is required for four (4) residential units.

Relief is requested to facilitate the construction of an addition to the commercial component of the existing building, and the addition of four (4) residential units above the commercial portion.

The subject parcel is located on the east side of Pelham Street between Pelham Town Square and College Street, being Part Lot 25, Plan 717 and known municipally as 1421 Pelham Street in the Town of Pelham.

Applications A10/2015P, B13/2015P and B14/2015P are being considered concurrently.

#### **Applicable Planning Policies**

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014.



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

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

### The Greenbelt Plan (2005)

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

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

The Regional Official Plan, 2014, designates the subject parcel as 'Urban Area Boundary – Built-up Area'.

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

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

### Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, designates the subject parcel as 'Downtown'.

The purpose of the 'Downtown' designation is to maintain and promote Downtown Fonthill and Downtown Fenwick as the focal points for commerce and hospitality in the Town and establish a definitive boundary for the Downtowns, within which a pedestrian-oriented environment can be fostered.

The permitted uses in the 'Downtown' designation include: retail uses including farmers markets; service uses; business offices; banks and financial institutions; hotels, inns and bed and breakfast establishments; entertainment uses; daycare centres; private and commercial schools; places of worship and public institutional uses; health care facilities; restaurants and take out restaurants; micro-breweries and wineries; medium and high density residential uses on upper floors or as mixed uses; parks; funeral homes; galleries, museums and theatres; and uses, building and structures accessory to uses mentioned above.

Policy B1.2.3(b) of the Official Plan states that the scale and location of new development in the Downtowns shall maintain and/or enhance the character of the Downtowns by encouraging the promotion of a "Town Character" in Downtown Fonthill emphasized by mixed-use buildings, prominent civic buildings and integrated residential uses all of which are accessible and/or linked to existing public spaces, the most prominent being Pelham Town Square.

According to Policy B1.2.4.3(c) of the Official Plan, parking should not be permitted at the front of the building. Parking should be accommodated on-site at the rear of the lot, on the street or in a communal parking area.

Policy B1.2.4.5(a) of the Official Plan states that wherever possible, parking for new development is encouraged to be provided below grade or to the rear of buildings with access by a rear lane.

Policy B1.2.4.5(c) of the Official Plan states that business owners are encouraged to consolidate parking areas and access for contiguous lots.

Town of Pelham Zoning By-law number 1136 (1897), as amended

The subject parcel is zoned 'General Commercial' (GC) according to Zoning By-law No. 1136 (1987), as amended.

The 'General Commercial' (GC) Zone permits a variety of uses such as: bakeries; banks; clinics; L.C.B.O. and Brewer's retail store; professional and business offices; restaurants; retail stores; service shops; shopping centres; dwelling units above a ground floor; uses, buildings and structures accessory to the foregoing permitted uses; etc.

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:

*1. The Variance is Minor in Nature*

Planning staff are of the opinion that the variance for the increase in the building height is considered minor in nature because the building height will be marginally adjusted from the zone requirement to facilitate the construction of a parapet to mask the mechanical equipment on the rooftop of the building. This will make the building more appealing and improve the streetscape along Pelham Street.

Planning staff are of the opinion that the variance for the reduction of the number of loading spaces is considered minor because the proposed parking aisle can be utilized as a loading area during off-peak hours. This will ensure that there are no conflicts over parking between the tenants of the building. The on-street parking on Pelham Street may also be utilized as a loading space during off-peak hours.

Planning staff are of the opinion that the variance to reduce the number of parking spaces is minor in nature on the condition that the uses of the building are limited to an office, micro-brewery, dry-cleaning establishment and residential units on the upper level of the building. Parking spaces shall also be dedicated solely to the residential tenants of the building. Additionally, the tenants and businesses of the building may utilize the on-street parking along Pelham Street and the Town-owned parking lots located on Pelham Town square during off-peak hours.

Planning staff are of the opinion that the variance to reduce the amenity area for the residential uses is minor in nature as there is a concrete patio and garden area proposed at the rear of the building which may act as an amenity area for the residential tenants of the building. There are also Town-owned public spaces such as the Peace Park and Marlene Stewart Streit Park which are located within close proximity to the subject parcel. These public spaces may also serve as the amenity area for the residential tenants of 1421 Pelham Street. Given that the parcel is an undersized lot of record, the applicant is unable to provide sufficient amenity area for residential tenants on site.

Finally, Planning staff are of the opinion that the requested variances will not have a negative impact on adjacent properties as the proposal is consistent with the character and built form of the Downtown area of Fonthill.

From the Department of



*2. The Variance is Desirable for the Development or use of the Land*

The variance for the increase in the building height is considered desirable for the development or use of the lands as the increase in the building height will facilitate the construction of a parapet to mask the mechanical equipment located on the rooftop. This will make the building more appealing and will maintain the look of the streetscape along Pelham Street. The building is also consistent with the character of the Downtown Fonthill area.

The variance for the reduction of the number of loading spaces is considered desirable for the development or use of the lands as the built-form of the Downtown area does not provide sufficient space to easily accommodate a designated loading area for each building. The majority of free-space within the Downtown area is utilized for parking. Additionally, the on-street parking on Pelham Street and the parking aisle at the rear of the subject property may be utilized as a loading space during off-peak hours. This will ensure that there are no conflicts over parking between the tenants of the building and local businesses within the Downtown area.

The variance for the reduction in the number of required parking spaces is considered desirable for the development or use of the lands on the condition that the uses of the building are limited to an office, micro-brewery, dry-cleaning establishment and residential units on the upper level of the building. Parking spaces shall also be dedicated solely to the residential tenants of the building. Given the location of the building within the Downtown area, the building's tenants and businesses may utilize the on-street parking on Pelham Street, as well as the Town-owned lots on Pelham Town square during off-peak hours.

The variance for the reduction of the amenity area for the residential uses on the subject parcel is desirable for the development and use of the land in that the built form and undersized lots within the Downtown Fonthill area do not provide sufficient space to provide amenity areas for residential uses. There are however parks and other public spaces located within the Downtown area which can be utilized as amenity areas for the residential tenants of 1421 Pelham Street. Additionally, the compact form of the Downtown area creates a pedestrian-friendly environment, in which residential tenants can get out and enjoy the streetscape and the businesses on Pelham Street. It is also noted that each apartment unit proposes to have a private balcony which functions as the amenity space for each unit.

Finally, Planning staff are of the opinion that the requested variances will maintain the urban, downtown character of the area and is consistent with the built form on Pelham Street

*3. The Variance Maintains the General Intent and Purpose of the Zoning By-law*

The variance for the increase in building height maintains the general intent in purpose of the Zoning By-law as the increase in height is minor in nature and is of an appropriate scale given the location of the subject parcel, and fits within the Downtown Fonthill area.

The variance for the reduction of the number of required loading spaces maintains the general intent and purpose of the Zoning By-law as space is restricted in the Downtown area due to the built form and smaller lot sizes. As such, it is difficult to accommodate dedicated loading spaces for businesses located in Downtown Fonthill. As an alternative, the applicant may utilize the aisle in the rear parking lot as a loading space during off-peak hours provided that the uses of the subject property are limited to an office, micro-brewery, dry-cleaning establishment and residential units on the upper level of the building. The on-street parking located on Pelham Street may also be utilized as loading areas provided that the flow of traffic is not interrupted and loading occurs during off-peak hours.

From the Department of



**Community Planning  
& Development**

The variance for the reduction of the number of required parking spaces maintains the general intent and purpose of the Zoning By-law provided that the uses on the subject parcel are limited to an office, micro-brewery, dry-cleaning establishment and residential units on the upper level of the building. The applicant shall assign designated parking spaces for the residential tenants of the building so as to not create conflict between the residential and commercial uses. Any future change in use (i.e. from an office to a restaurant) on the subject parcel will need to comply with the parking requirements of the Zoning By-law. A restaurant use has different parking requirements that may impact the ability of other uses to park on the site, particularly residential uses.

The variance for the reduction of the required amenity space for residential uses maintains the general intent and purpose of Zoning By-law as there is a concrete patio and garden area proposed at the rear of the building which may be used as amenity space by the residential tenants of the building. There are also public spaces such as the Peace Park and Marlene Streit Park which are located within close proximity to the subject parcel. These public spaces may act as amenity areas for the residential tenants of 1421 Pelham Street. Additionally, there are a number of businesses located within walking distance of the subject parcel. This provides residential tenants with the ability to enjoy the businesses and newly improved streetscape of Downtown Fonthill. It is also noted that each apartment unit proposes to have a private balcony which functions as the amenity space for each unit.

Finally, the requested variances maintain the general intent and purpose of the Zoning By-law as the proposed redevelopment of the subject parcel and the proposed uses are permitted within the 'General Commercial' (GC) Zone of Zoning By-law Number 1136 (1987), as amended. Additionally, the scale and character of the building is appropriate given its location within the Downtown Fonthill Area.

#### *4. The Variance Maintains the General Intent and Purpose of the Official Plan*

The variances maintain the general intent and purpose of the Official Plan as the proposed redevelopment of the subject parcel and proposed uses are permitted in the 'Downtown' designation.

The variance for the reduction in the amenity area for the residential uses is in conformity with Policy B1.2.3(b) of the Official Plan as the subject parcel is located within close proximity to public spaces which can be utilized as amenity areas for residential tenants.

The proposed parking arrangement is also in conformity with Policies B1.2.4.3(c), B1.2.4.5(a) and B1.2.4.5(c) of the Official Plan. In addition the parking lot proposed for the site, the applicant is proposing to utilize on-street parking on Pelham Street and the municipal parking lots located on Pelham Town Square during off-peak hours.

On September 15<sup>th</sup>, 2015, 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 (refer to Appendix 2).

To date, the following comments have been received:

- The Department of Public Works comments, dated September 25, 2015, offer no objections to the application (refer to Appendix 3).





- The Building Department comments, dated September 24, 2015, offer no objections to the application provided that the applicant obtains all necessary building permits prior to construction commencing (refer to Appendix 4).

The following comments were received from the public:

- Fonthill Baptist Church comments, dated September 25, 2015, offer the following objections to the subject application (refer to Appendix 5):
  - Through Minor Variance Application Files A9/2015P and A10/2015P, the applicant is proposing to reduce the overall parking requirement for 1421 and 1423 Pelham Street from 45 spaces to 13 spaces;
  - There is currently a shortage of parking in the Downtown Fonthill area and unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. The church's parking lot is frequently used by shoppers and residents of local apartment buildings because there is not adequate parking. This impedes the function and/or daily operations of the Fonthill Baptist Church; and,
  - Granting relief to the applicant for the required number of parking spaces will only exacerbate the parking problems in the Downtown area.

It is noted in the parking information that was submitted with the application that the proposed plan has the tenants of the new development assigned to signed parking spaces – one parking space will be provided per unit. This will leave three (3) parking spaces for the employees of the businesses. Three of the six people employed at Forestgreen Creations live within walking distance of the office.

The other tenant, a dry-cleaning establishment, has no need for onsite parking because their staff walk to work and their customers use the on-street parking located on Pelham Street. Additionally, the patrons of the micro-brewery located in the lower level of the building will utilize parking in the surrounding municipal parking areas. According to the application, parking for the micro-brewery will be managed via:


- Two (2) hour on-street parking located on Pelham Street. The brewery will operate between the hours of 5:00 pm to 9:00 pm which will not conflict with local businesses and competition for public parking on Pelham Street will be minimized as a result;
- Reliance on the municipal parking lots on Pelham Town Square, which can provide approximately sixty (60) parking spaces during off-peak hours;
- Proposed partnerships with local businesses could be developed for use during non-business hours; and,
- There is potential for on-street parking spaces along Pelham Town Square.

Planning Staff is of the opinion that the application meets the tests required to permit minor variances and it is consistent with Provincial policies and Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. The authorization of the minor variances is not expected to generate negative impacts on adjacent uses and on the

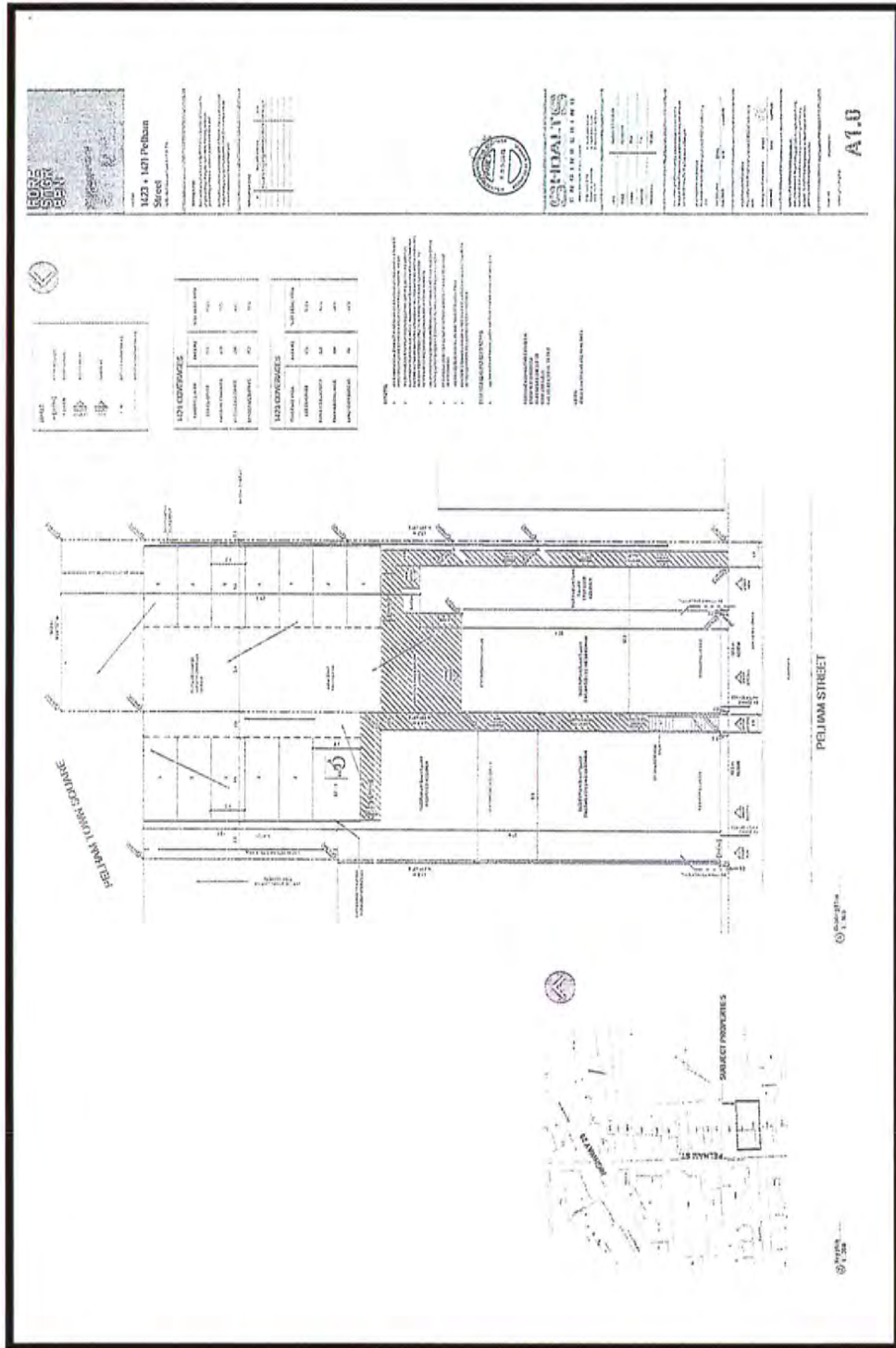
community as a whole. Consequently, Planning Staff recommend that Application File A9/2015P be approved subject to the following conditions:

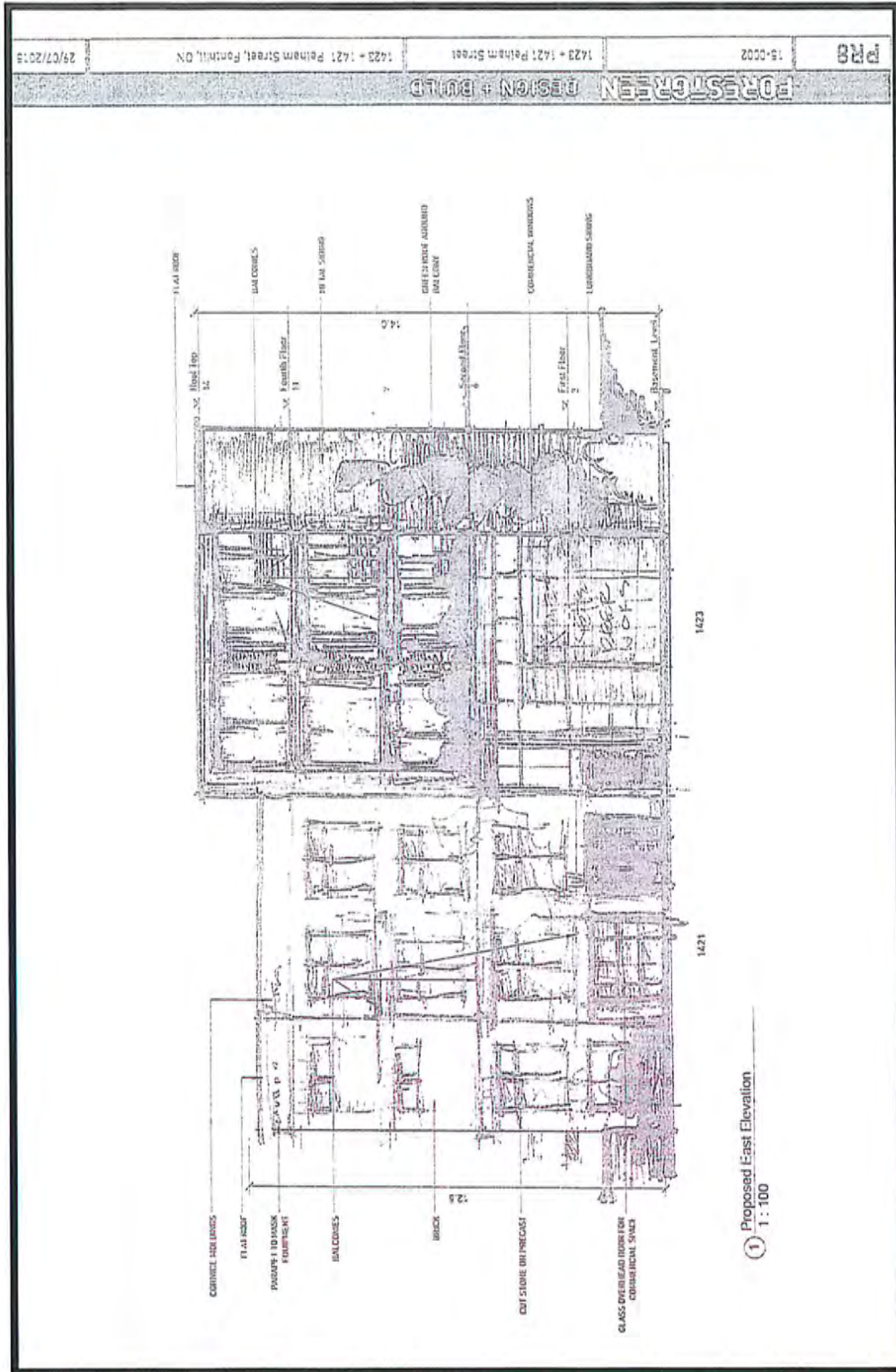
1. That the uses of the subject parcel are limited to an office, micro-brewery, dry-cleaning establishment and residential units above commercial units so as to avoid conflicts with parking on the site; and,
2. That all necessary building permits are obtained prior to construction commencing.

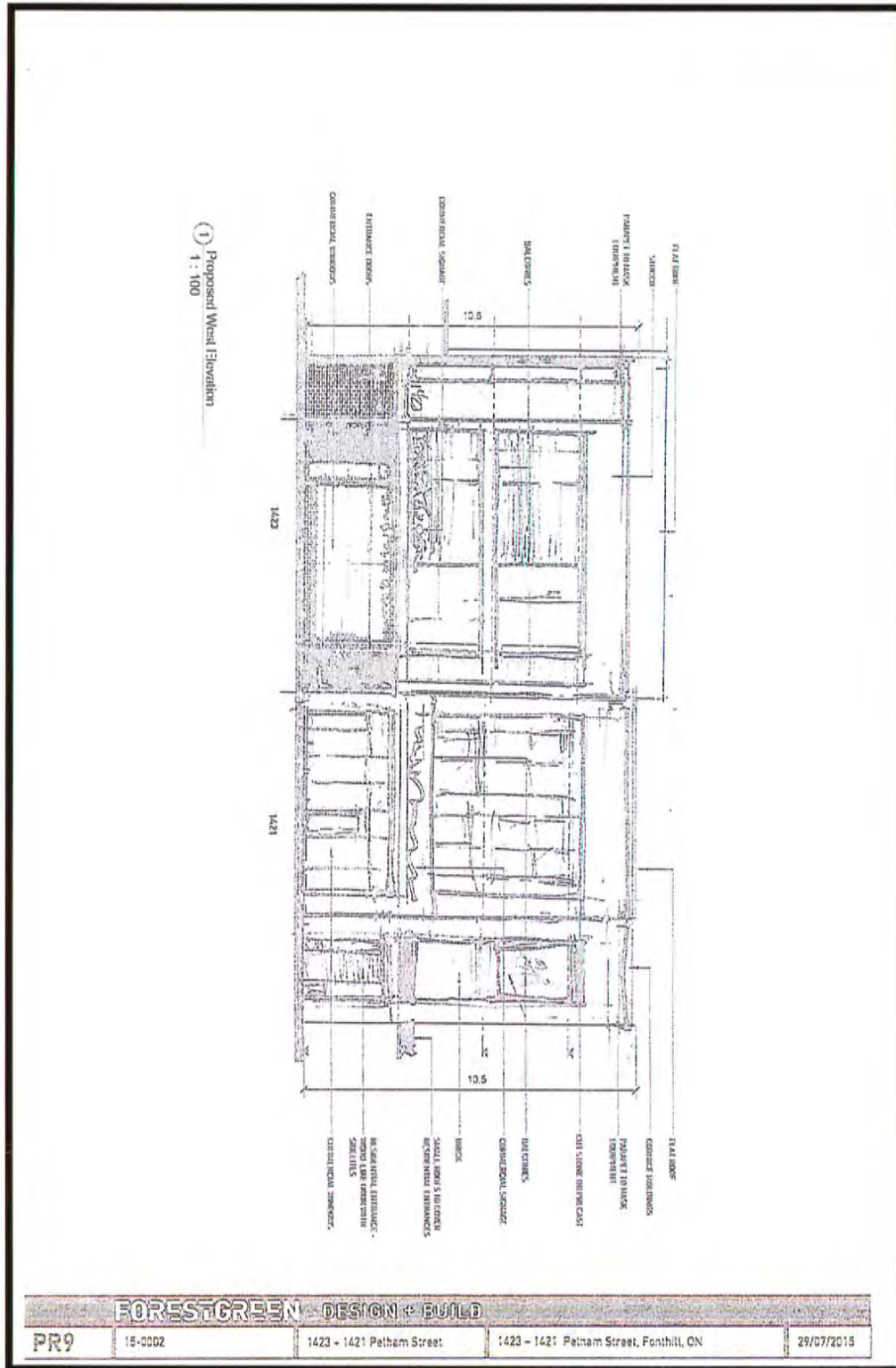
Submitted by,

  
Andrew Gameiro,  
Planner

Appendix 1: Submitted Site Drawings and Parking Information









FORESTGREEN  
DESIGN+BUILD

1423 Pelham Street  
P.O. Box 1485  
Fonthill, Ontario  
Canada L0S 1E0

T 1 (905) 892 9737

info@forestgreencreations.com  
forestgreencreations.com

@forestgreencreations

Dear Mrs. Barbara Wiens,

Thank you for meeting with me on September 14th to discuss the minor variance application for the proposed development of 1421-23 Pelham Street. We touched upon parking requirements and as it stands the development requires 45 spaces with consideration of the lowest level being used as an eating establishment. The plan submitted provides only 13, a shortfall of 32 parking spaces at peak densities. We have been studying the parking vacancies over the past year in preparation for this development and feel there is ample existing parking for the right businesses within our downtown.

Our plan for development has the Tenants of the new development assigned to signed parking spaces; one per unit. This will account for 10 of the spaces provided onsite, leaving 3 for employees of the businesses. Three of the six people employed at Forestgreen live within walking distance of the office. The other tenant, Quality Cleaners at 1421 Pelham Street, has no need for onsite parking because their staff walk and their customers use the pull up parking out front. The patrons of the Microbrewery located in the lower levels of the development will need find parking in the surrounding municipal parking areas. Parking alternatives do exist in abundance and therefore will not burden existing businesses. Brewery parking will be managed via:

- (2 hour parking on Pelham Street) Hours of operation 5-9pm, will not conflict with local business and competition for public parking on Pelham Street will be minimized as a result
- (Municipal Parking lots) Reliance on the Municipal lots off of Pelham Town Square, which can provide approximately 60 spaces during off peak hours.
- (partnerships) Proposed partnerships with local businesses could be developed for use during non-business hours
- (potential) 30+ parking spaces could be developed along Pelham Town Square

Factually, we in the downtown are among 700+ available parking spaces as described in the Downtown Master plan. Further, the official plan states that parking should be accommodated on-site, at the rear of the lot, on the street or in a communal parking area. We agree with the statements in the Official plan and will meet these guidelines. *See attached images and mapping.*

Given the effective utilization of existing and proposed parking, our tenants, employees and patrons will be well served and it is for these reasons that we requested relief of the parking requirements.

At Forestgreen, we are passionate about design and we believe responsible development is vital to a sustainable community. Our focus is on supporting, improving and responsibly developing the communities in which we live, work and play.

Sincerely,

Todd Barber

**FORESTGREEN**



**FORESTGREEN**  
DESIGN•BUILD

1423 Pelham Street  
P.O. Box 1485  
Fonthill, Ontario  
Canada L0S 1E0

T 1 (905) 892 9237

info@forestgreencreations.com  
forestgreencreations.com

@forestgreencreations



Town Square looking to Station Street has lots of parking.



Pelham Street at 7pm on a Thursday has lots of on street parking

**FORESTGREEN**





FORESTGREEN  
DESIGN • BUILD

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P.O. Box 1485  
Fonthill, Ontario  
Canada L0S 1E0

T 1 (905) 892 9237

info@forestgreencreations.com  
forestgreencreations.com

@forestgreencreations



Town hall parking during the day, leaves room for parking most evenings.



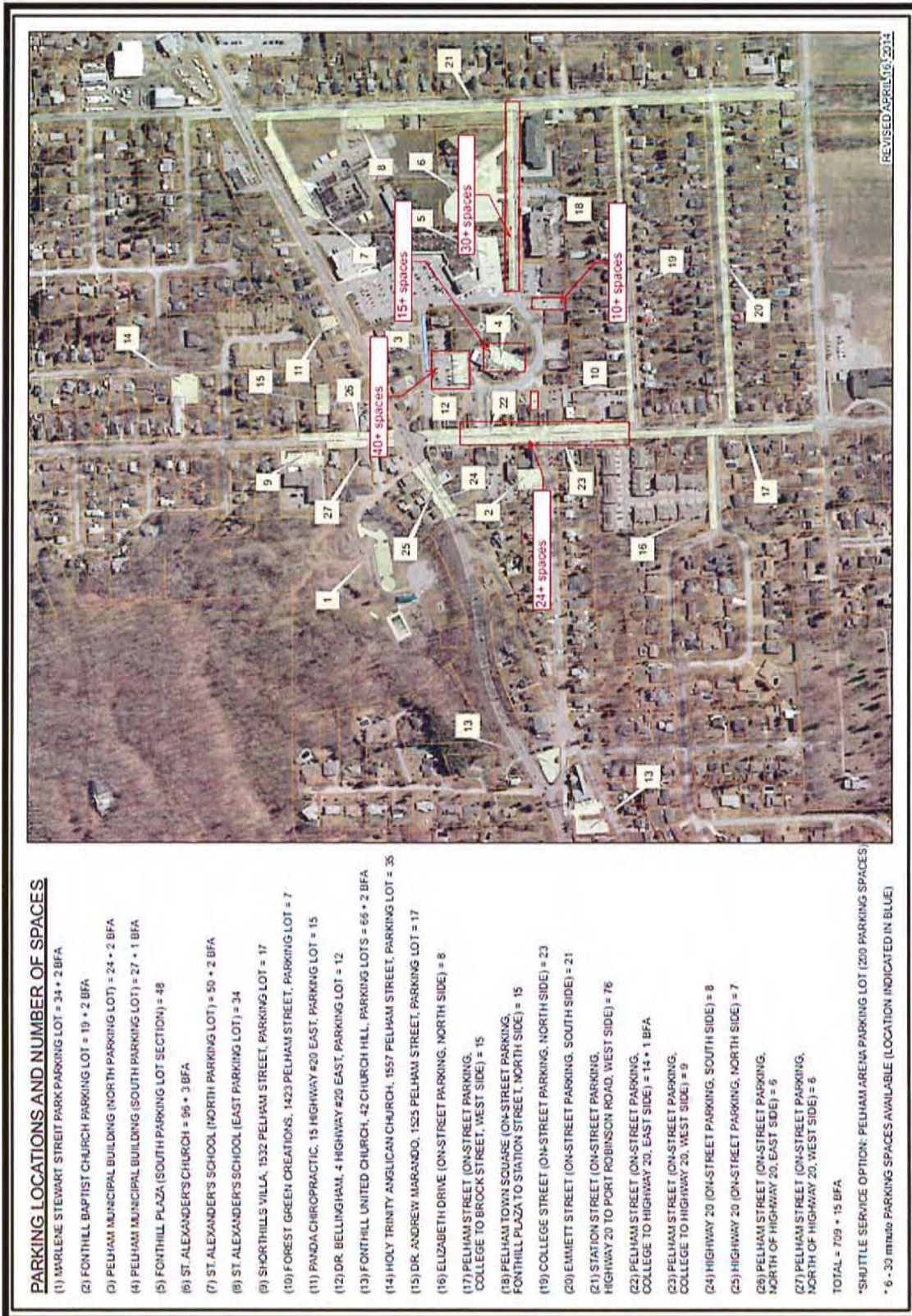
Municipal parking lots have available space during the day and are vacant most nights.

**FORESTGREEN**





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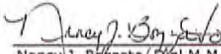




Appendix 2: Public Notice

	
In the matter of the Planning Act, R.S.O. 1990, as amended And in the matter of an application for minor variance or permission on behalf of:	
<div style="border: 1px solid black; padding: 5px; text-align: center;">                     NOTICE OF PUBLIC HEARING                 </div>	<b>WHAT:</b> FILE A9/2015P <b>WHO:</b> McGill Turpel Family Holding Company Pursuant to Agreement of Purchase & Sale Part Lot 25, Plan 717, 1421 Pelham Street, Pelham
	<b>WHEN:</b> TUESDAY, OCTOBER 6, 2015 at 4:00 p.m.
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above.
<b>DESCRIPTION &amp; LOCATION OF SUBJECT LANDS:</b> The subject land is located on the east side of Pelham Street between Pelham Town Square and College Street, being part Lot 25, Plan 717 and known municipally as 1421 Pelham Street in the Town of Pelham. The subject land is depicted on the Key Map below and is shown on the sketch accompanying this notice.	
<b>NATURE &amp; EXTENT OF RELIEF / PERMISSION APPLIED FOR:</b> The subject land is zoned General Commercial in accordance with Pelham Zoning By-law 1136(1987), as amended. The variances requested to facilitate construction of an addition to the commercial component of the building and to construct four (4) residential units above are outlined on the reverse of this Notice of Hearing.	
Applications A10/2015P and B13/2015P and B14/2015P are being considered concurrently.	
*Key Map not to scale	
	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, approvals or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing.
<div style="border: 1px solid black; padding: 5px; text-align: center;">                     HAVE YOUR SAY                 </div>	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> The Committee would appreciate receiving your written comments regarding this application by <b>SEPTEMBER 24, 2015</b> . If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.
	<b>NEED MORE INFORMATION? CONTACT US!</b> <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>
	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Town of Pelham Committee of Adjustment	



  
 Nancy J. Bozzato, Dipl. M.M., AMCT  
 Town Clerk / Secretary-Treasurer



<b>WHAT:</b>	<b>FILE A9/2015P</b>		
<b>WHO:</b>	<b>McGill Turpel Family Holding Company</b> <b>Pursuant to an Agreement of Purchase and Sale</b> Part Lot 25, Plan 717, 1421 Pelham Street, Pelham		
<b>WHEN:</b>	<b>TUESDAY, OCTOBER 6, 2015 at 4:00 p.m.</b>		
<b>WHERE:</b>	Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario		
Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above.			
<b>NATURE &amp; EXTENT OF RELIEF / PERMISSION APPLIED FOR:</b>			
The subject land is zoned General Commercial in accordance with Pelham Zoning By-law 1136(1987), as amended.			
The applicant is seeking relief from the zoning by-law to facilitate construction of an addition to the commercial component of the existing building, and the addition of four (4) residential units above the commercial portion, as follows:			
<b>By-law Section</b>	<b>Description</b>	<b>Required/Permitted</b>	<b>Proposed</b>
General Commercial Section 20.2(h)	Building Height	10.5 metres (34.45 ft.) required	11.05 metres (36.25 ft.)
General Provisions Section 6.9(c) (ii)	Loading Space Requirements	1 loading space required	Zero (0) loading spaces
General Provisions Section 6.16 (l)(a)	Parking Spaces	24 spaces required	7 parking spaces
Section 19.3(c) (as required by 20.4)	Amenity Space for residential uses	275 square metres required for 4 units	Zero amenity area proposed
<b>Related Applications:</b>			
A10/2015P - Todd Barber and Michelle Barber re 1423 Pelham Street - Minor Variances			
B13/2015P - Todd Barber and Michelle Barber - Consent Application for Right-of-Way for Mutual Ingress/Egress			
B14/2015P - McGill Turpel Family Holding Company - Consent application for Right-of-Way for Mutual Ingress/Egress			



**Appendix 3: Department of Public Works Comments**



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**Memorandum**  
**Public Works Department - Engineering**

DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File A9/2015P  
1421 Pelham Street

---

We have completed the review of the minor variance application A9/2015P for minor variances as described in the application.

Public Works has no comments.



20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055  
[pelham.ca](http://pelham.ca)



#### Appendix 4: Building Department Comments



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**File:** A9/2015P  
**Address:** Part Lot 25, Plan 717, 1421 Pelham Street, Pelham  
**Owner:** McGill Turpel Family Holding Company  
**Agent:** Todd Barber

September 24, 2015

Nancy Bozzato  
Town Clerk/Secretary-Treasurer


The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



## Appendix 5: Fonthill Baptist Church Comments



# Fonthill Baptist Church

TOWN OF PELHAM  
SEP 28 2015  
RECEIVED

25 Sept 2015

Nancy Bozzato  
Town Clerk / Secretary-Treasurer  
Town of Pelham  
PO Box 400  
Fonthill, ON  
L0S 1E0

RE: Files A9, A10, B13, B14 / 2015P


We received your notice of Public Hearing to be held 06 October 2015 regarding an application for minor variance for these Files. This letter is to register a written objection concerning the above noted application.

Our specific objection is with respect to the relief for Parking Spaces under By-law General Provisions Section 6.16 (i) (a). The current requirement is 24 parking spaces for File A9 and 21 parking spaces for File A10. The proposed request is to reduce this to 7 plus 6 parking spaces for the respective Files. This is a combined reduction from a requirement of 45 spaces down to 13 spaces.

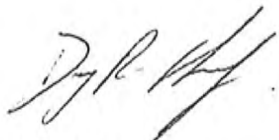
There is currently a shortage of parking spaces in the downtown area. Unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. Shoppers park there because the businesses they visit on Church Hill or Pelham Street do not have adequate parking. Our lot is frequently used by people living in nearby apartment buildings because they don't have adequate parking.

This creates problems for us in our normal operation. Parents dropping off or picking up children attending our Nursery School program are often unable to find parking space due to unauthorized vehicles using our lot. Snow removal from our lot is often hampered by unauthorized parked vehicles.

The Church has signage indicating that our parking lot is private property. Despite this signage, we regularly witness unauthorized usage. The root cause of the problem, is inadequate parking at nearby commercial operations and apartments. Giving relief to the applicant for the required parking spaces will only exacerbate the problem. We cannot support any deviation to the current By-law concerning Parking Spaces.

*A Member of the Baptist Convention of Ontario and Quebec* 

The Baptist Church would like to be notified of the decision of the Committee of Adjustment in respect of this application. Feel free to contact us if you have any questions.



Doug Hardy  
Trustee & Stewardship Chairman  
Fonthill Baptist Church



**File:** A9/2015P

September 24, 2015

**Address:** Part Lot 25, Plan 717, 1421 Pelham Street, Pelham

**Owner:** McGill Turpel Family Holding Company

**Agent:** Todd Barber

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

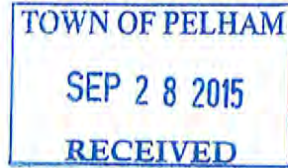
Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development





# Fonthill Baptist Church

Box 306, Fonthill, ON L0S 1E0 • Tel.: (905) 892-3925



25 Sept 2015

Nancy Bozzato  
Town Clerk / Secretary-Treasurer  
Town of Pelham  
PO Box 400  
Fonthill, ON  
L0S 1E0

RE: Files A9, A10, B13, B14 / 2015P

We received your notice of Public Hearing to be held 06 October 2015 regarding an application for minor variance for these Files. This letter is to register a written objection concerning the above noted application.

Our specific objection is with respect to the relief for Parking Spaces under By-law General Provisions Section 6.16 (i) (a). The current requirement is 24 parking spaces for File A9 and 21 parking spaces for File A10. The proposed request is to reduce this to 7 plus 6 parking spaces for the respective Files. This is a combined reduction from a requirement of 45 spaces down to 13 spaces.

There is currently a shortage of parking spaces in the downtown area. Unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. Shoppers park there because the businesses they visit on Church Hill or Pelham Street do not have adequate parking. Our lot is frequently used by people living in nearby apartment buildings because they don't have adequate parking.

This creates problems for us in our normal operation. Parents dropping off or picking up children attending our Nursery School program are often unable to find parking space due to unauthorized vehicles using our lot. Snow removal from our lot is often hampered by unauthorized parked vehicles.

The Church has signage indicating that our parking lot is private property. Despite this signage, we regularly witness unauthorized usage. The root cause of the problem, is inadequate parking at nearby commercial operations and apartments. Giving relief to the applicant for the required parking spaces will only exacerbate the problem. We cannot support any deviation to the current By-law concerning Parking Spaces.



## Appendix 3 for 5.2.: File A9-2015P Fonthill Baptist Church

The Baptist Church would like to be notified of the decision of the Committee of Adjustment in respect of this application. Feel free to contact us if you have any questions.

A handwritten signature in black ink, appearing to read "Doug Hardy". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

Doug Hardy  
Trustee & Stewardship Chairman  
Fonthill Baptist Church



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A10/2015P (Todd & Michelle Barber)  
1423 Pelham Street, Pelham, ON  
Part Lot 27, Plan 717, Pelham, ON  
Roll No. 273203000414700**

The subject application is for minor variances from the following Zoning By-law provisions:

- 1) Section 20.2(c) to increase the lot coverage to 52 percent (52%), whereas a maximum of 40 percent (40%) is permitted;
- 2) Section 20.2(h) to increase the building height to 12.15 metres (39.86 feet), whereas a maximum of 10.5 metres (34.45 feet) is permitted;
- 3) Section 6.9(c)(ii) to reduce the number of loading spaces to zero (0), whereas a minimum of 1 loading space is required;
- 4) Section 6.16(i)(a) to reduce the number of parking spaces to 6, whereas a minimum of 21 parking spaces is required; and,
- 5) Section 19.3(c) (as required by Section 20.4) to reduce the amenity space for residential uses to zero (0), whereas 275 square metres (2,960.1 square feet) is required for five (5) residential units.

Relief is requested to facilitate the construction of an addition to the commercial component of the existing building, and the addition of five (5) residential units above the commercial portion.

The subject parcel is located on the east side of Pelham Street between Pelham Town Square and College Street, being Part Lot 27, Plan 717 and known municipally as 1423 Pelham Street in the Town of Pelham.

Applications A9/2015P, B13/2015P and B14/2015P are being considered concurrently.



## Applicable Planning Policies

### Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014.

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

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

### The Greenbelt Plan (2005)

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

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

The Regional Official Plan, 2014, designates the subject parcel as 'Urban Area Boundary – Built-up Area'.

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

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

### Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, designates the subject parcel as 'Downtown'.

The purpose of the 'Downtown' designation is to maintain and promote Downtown Fonthill and Downtown Fenwick as the focal points for commerce and hospitality in the Town and establish a definitive boundary for the Downtowns, within which a pedestrian-oriented environment can be fostered.

The permitted uses in the 'Downtown' designation include: retail uses including farmers markets; service uses; business offices; banks and financial institutions; hotels, inns and bed and breakfast establishments; entertainment uses; daycare centres; private and commercial schools; places of worship and public institutional uses; health care facilities; restaurants and take out restaurants; micro-breweries and wineries; medium and high density residential uses on upper floors or as mixed uses; parks; funeral homes; galleries, museums and theatres; and uses, building and structures accessory to uses mentioned above.

Policy B1.2.3(b) of the Official Plan states that the scale and location of new development in the Downtowns shall maintain and/or enhance the character of the Downtowns by encouraging the promotion of a "Town Character" in Downtown Fonthill emphasized by mixed-use buildings, prominent civic buildings and integrated residential uses all of which are accessible and/or linked to



existing public spaces, the most prominent being Pelham Town Square.

According to Policy B1.2.4.3(c) of the Official Plan, parking should not be permitted at the front of the building. Parking should be accommodated on-site at the rear of the lot, on the street or in a communal parking area.

Policy B1.2.4.5(a) of the Official Plan states that wherever possible, parking for new development is encouraged to be provided below grade or to the rear of buildings with access by a rear lane.

Policy B1.2.4.5(c) of the Official Plan states that business owners are encouraged to consolidate parking areas and access for contiguous lots.

Town of Pelham Zoning By-law number 1136 (1897), as amended

The subject parcel is zoned 'General Commercial' (GC) according to Zoning By-law No. 1136 (1987), as amended.

The 'General Commercial' (GC) Zone permits a variety of uses such as: bakeries; banks; clinics; L.C.B.O. and Brewer's retail store; professional and business offices; restaurants; retail stores; service shops; shopping centres; dwelling units above a ground floor; uses, buildings and structures accessory to the foregoing permitted uses; etc.

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:

*1. The Variance is Minor in Nature*

Planning staff are of the opinion that the variance for the increase in lot coverage is minor in nature because the subject parcel is an undersized lot of record and limits the expansion of the existing building. Given the location of the subject parcel within the Downtown area, the increase in lot coverage is of an appropriate scale and will maintain the character of the area.

Planning staff are of the opinion that the variance for the increase in the building height is considered minor in nature because the building height will be marginally adjusted from the zone requirement to facilitate the construction of a parapet to mask the mechanical equipment on the rooftop of the building. This will make the building more appealing and improve the streetscape along Pelham Street.

Planning staff are of the opinion that the variance for the reduction of the number of loading spaces is considered minor because the proposed parking aisle can be utilized as a loading area during off-peak hours. This will ensure that there are no conflicts over parking between the tenants of the building. The on-street parking on Pelham Street may also be utilized as a loading space during off-peak hours.

Planning staff are of the opinion that the variance to reduce the number of parking spaces is minor in nature on the condition that the uses of the building are limited to an office, micro-brewery, dry-cleaning establishment and residential units on the upper level of the building. Parking spaces shall also be dedicated solely to the residential tenants of the building. Additionally, the tenants and businesses of the building may utilize the on-street parking along Pelham Street and the Town-owned parking lots located on Pelham Town square during off-peak hours.



Planning staff are of the opinion that the variance to reduce the amenity area for the residential uses is minor in nature as there is a concrete patio and garden area proposed at the rear of the building which may act as an amenity area for the residential tenants of the building. There are also Town-owned public spaces such as the Peace Park and Marlene Stewart Streit Park which are located within close proximity to the subject parcel. These public spaces may also serve as the amenity area for the residential tenants of 1423 Pelham Street. Given that the parcel is an undersized lot of record, the applicant is unable to provide sufficient amenity area for residential tenants on site.

Finally, Planning staff are of the opinion that the requested variances will not have a negative impact on adjacent properties as the proposal is consistent with the character and built form of the Downtown area of Fonthill.

## *2. The Variance is Desirable for the Development or use of the Land*

The variance for the increase in lot coverage is desirable for the development or use of the land as the lot coverage value will be marginally adjusted to facilitate the expansion of a mixed-use building on an under-sized lot of record within the Downtown Fonthill Area. The subject parcel is also surrounded by similar lots with commercial and mixed-use buildings – some of which exceed the maximum permitted lot coverage value of 40 percent (40%) for the 'General Commercial' (GC) Zone.

The variance for the increase in the building height is considered desirable for the development or use of the lands as the increase in the building height will facilitate the construction of a parapet to mask the mechanical equipment located on the rooftop. This will make the building more appealing and will maintain the look of the streetscape along Pelham Street. The building is also consistent with the character of the Downtown Fonthill area.

The variance for the reduction of the number of loading spaces is considered desirable for the development or use of the lands as the built-form of the Downtown area does not provide sufficient space to easily accommodate a designated loading area for each building. The majority of free-space within the Downtown area is utilized for parking. Additionally, the on-street parking on Pelham Street and the parking aisle at the rear of the subject property may be utilized as a loading space during off-peak hours. This will ensure that there are no conflicts over parking between the tenants of the building and local businesses within the Downtown area.

The variance for the reduction in the number of required parking spaces is considered desirable for the development or use of the lands on the condition that the uses of the building are limited to an office, micro-brewery, dry-cleaning establishment and residential units on the upper level of the building. Parking spaces shall also be dedicated solely to the residential tenants of the building. Given the location of the building within the Downtown area, the building's tenants and businesses may utilize the on-street parking on Pelham Street, as well as the Town-owned lots on Pelham Town square during off-peak hours.

The variance for the reduction of the amenity area for the residential uses on the subject parcel is desirable for the development and use of the land in that the built form and undersized lots within the Downtown Fonthill area do not provide sufficient space to provide amenity areas for residential uses. There are however parks and other public spaces located within the Downtown area which can be utilized as amenity areas for the residential tenants of 1423 Pelham Street. Additionally, the compact form of the Downtown area creates a pedestrian-friendly environment, in which residential tenants can get out and enjoy the streetscape and the businesses on Pelham Street. It is also noted that each apartment unit proposes to have a private balcony which functions as the amenity space for each unit.



Finally, Planning staff are of the opinion that the requested variances will maintain the urban, downtown character of the area and is consistent with the built form on Pelham Street

### *3. The Variance Maintains the General Intent and Purpose of the Zoning By-law*

The variances for the increase in building height and lot coverage maintain the general intent in purpose of the Zoning By-law as the increase is minor in nature and is of an appropriate scale given the location of the subject parcel, and fits within the Downtown Fonthill area.

The variance for the reduction of the number of required loading spaces maintains the general intent and purpose of the Zoning By-law as space is restricted in the Downtown area due to the built form and smaller lot sizes. As such, it is difficult to accommodate dedicated loading spaces for businesses located in Downtown Fonthill. As an alternative, the applicant may utilize the aisle in the rear parking lot as a loading space during off-peak hours provided that the uses of the subject property are limited to an office, micro-brewery, dry-cleaning establishment and residential units on the upper level of the building. The on-street parking located on Pelham Street may also be utilized as loading areas provided that the flow of traffic is not interrupted and loading occurs during off-peak hours.

The variance for the reduction of the number of required parking spaces maintains the general intent and purpose of the Zoning By-law provided that the uses on the subject parcel are limited to an office, micro-brewery, dry-cleaning establishment and residential units on the upper level of the building. The applicant shall assign designated parking spaces for the residential tenants of the building so as to not create conflict between the residential and commercial uses. Any future change in use (i.e. from an office to a restaurant) on the subject parcel will need to comply with the parking requirements of the Zoning By-law. A restaurant use has different parking requirements that may impact the ability of other uses to park on the site, particularly residential uses.

The variance for the reduction of the required amenity space for residential uses maintains the general intent and purpose of Zoning By-law as there is a concrete patio and garden area proposed at the rear of the building which may be used as amenity space by the residential tenants of the building. There are also public spaces such as the Peace Park and Marlene Streit Park which are located within close proximity to the subject parcel. These public spaces may act as amenity areas for the residential tenants of 1423 Pelham Street. Additionally, there are a number of businesses located within walking distance of the subject parcel. This provides residential tenants with the ability to enjoy the businesses and newly improved streetscape of Downtown Fonthill. It is also noted that each apartment unit proposes to have a private balcony which functions as the amenity space for each unit.

Finally, the requested variances maintain the general intent and purpose of the Zoning By-law as the proposed redevelopment of the subject parcel and the proposed uses are permitted within the 'General Commercial' (GC) Zone of Zoning By-law Number 1136 (1987), as amended. Additionally, the scale and character of the building is appropriate given its location within the Downtown Fonthill Area.

### *4. The Variance Maintains the General Intent and Purpose of the Official Plan*

The variances maintain the general intent and purpose of the Official Plan as the proposed redevelopment of the subject parcel and proposed uses are permitted in the 'Downtown' designation.



The variance for the reduction in the amenity area for the residential uses is in conformity with Policy B1.2.3(b) of the Official Plan as the subject parcel is located within close proximity to public spaces which can be utilized as amenity areas for residential tenants.

The proposed parking arrangement is also in conformity with Policies B1.2.4.3(c), B1.2.4.5(a) and B1.2.4.5(c) of the Official Plan. In addition the parking lot proposed for the site, the applicant is proposing to utilize on-street parking on Pelham Street and the municipal parking lots located on Pelham Town Square during off-peak hours.

On September 15<sup>th</sup>, 2015, 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 (refer to Appendix 2).

To date, the following comments have been received:

- The Department of Public Works comments, dated September 25, 2015, offer no objections to the application (refer to Appendix 3).
- The Building Department comments, dated September 24, 2015, offer no objections to the application provided that the applicant obtains all necessary building permits prior to construction commencing and that any existing openings along South side of the building would need to be addressed for the maximum allowable area of unprotected openings in Exterior Walls (9.10.14.4 OBC) (refer to Appendix 4).

The following comments were received from the public:

- Fonthill Baptist Church comments, dated September 25, 2015, offer the following objections to the subject application (refer to Appendix 5):
  - Through Minor Variance Application Files A9/2015P and A10/2015P, the applicant is proposing to reduce the overall parking requirement for 1421 and 1423 Pelham Street from 45 spaces to 13 spaces;
  - There is currently a shortage of parking in the Downtown Fonthill area and unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. The church's parking lot is frequently used by shoppers and residents of local apartment buildings because there is not adequate parking. This impedes the function and/or daily operations of the Fonthill Baptist Church; and,
  - Granting relief to the applicant for the required number of parking spaces will only exacerbate the parking problems in the Downtown area.

It is noted in the parking information that was submitted with the application that the proposed plan has the tenants of the new development assigned to signed parking spaces – one parking space will be provided per unit. This will leave three (3) parking spaces for the employees of the businesses. Three of the six people employed at Forestgreen Creations live within walking distance of the office.

The other tenant, a dry-cleaning establishment, has no need for onsite parking because their staff walk to work and their customers use the on-street parking located on Pelham Street. Additionally, the patrons of the micro-brewery located in the lower level of the building will utilize parking in the surrounding municipal parking areas. According to the application, parking for the micro-brewery will be managed via:

From the Department of



**Community Planning  
& Development**



- Two (2) hour on-street parking located on Pelham Street. The brewery will operate between the hours of 5:00 pm to 9:00 pm which will not conflict with local businesses and competition for public parking on Pelham Street will be minimized as a result;
- Reliance on the municipal parking lots on Pelham Town Square, which can provide approximately sixty (60) parking spaces during off-peak hours;
- Proposed partnerships with local businesses could be developed for use during non-business hours; and,
- There is potential for on-street parking spaces along Pelham Town Square.

Planning Staff is of the opinion that the application meets the tests required to permit minor variances and it is consistent with Provincial policies and Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. The authorization of the minor variances is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File A10/2015P be approved subject to the following conditions:

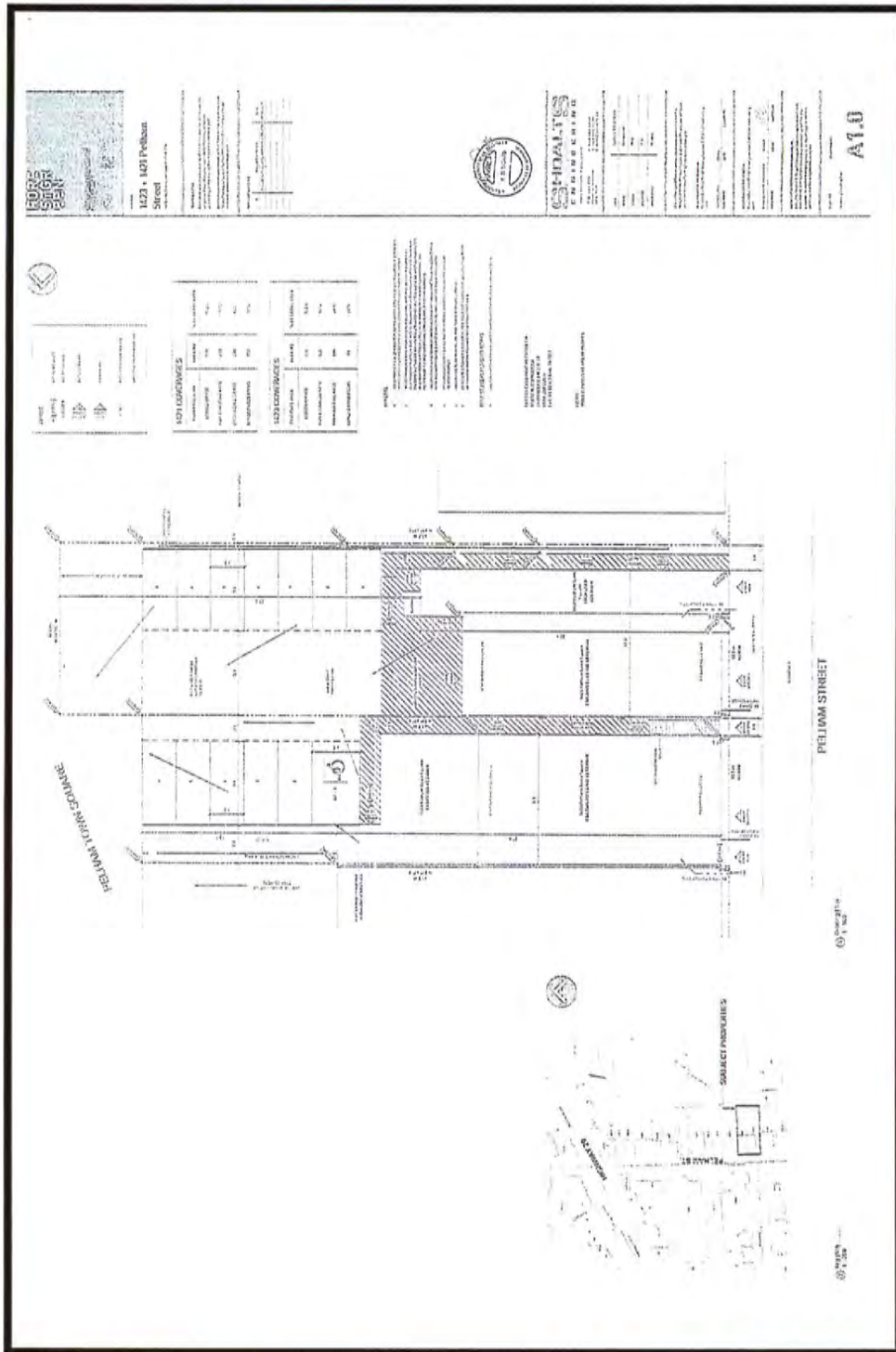
1. That the uses of the subject parcel are limited to an office, micro-brewery, dry-cleaning establishment and residential units above commercial units so as to avoid conflicts with parking on the site;
2. Any existing openings along the south side of the building would need to be addressed for the maximum allowable area of unprotected openings in exterior walls (Section 9.10.14.4 of the Ontario Building Code); and,
3. That all necessary building permits are obtained prior to construction commencing.

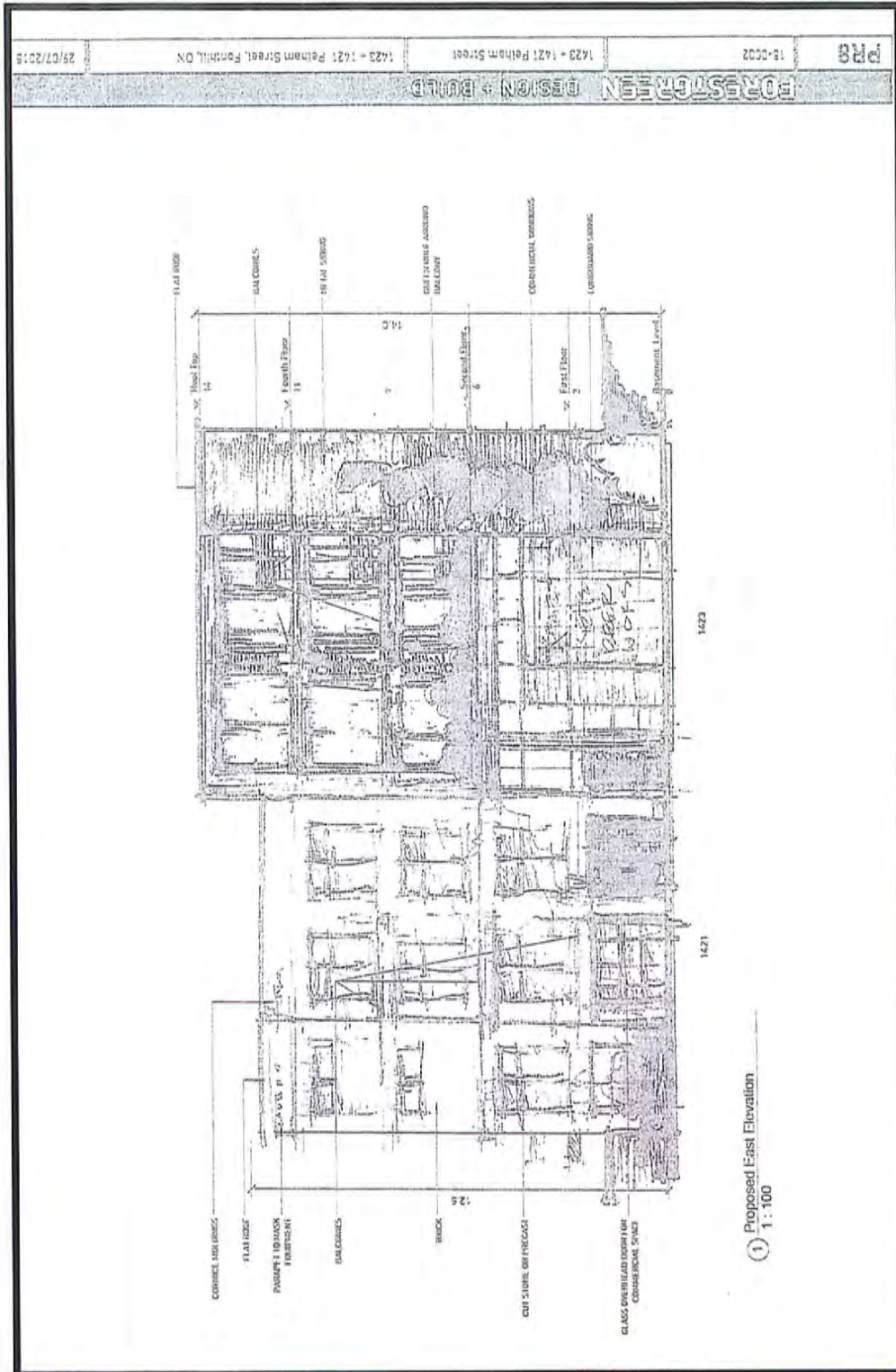
Submitted by,

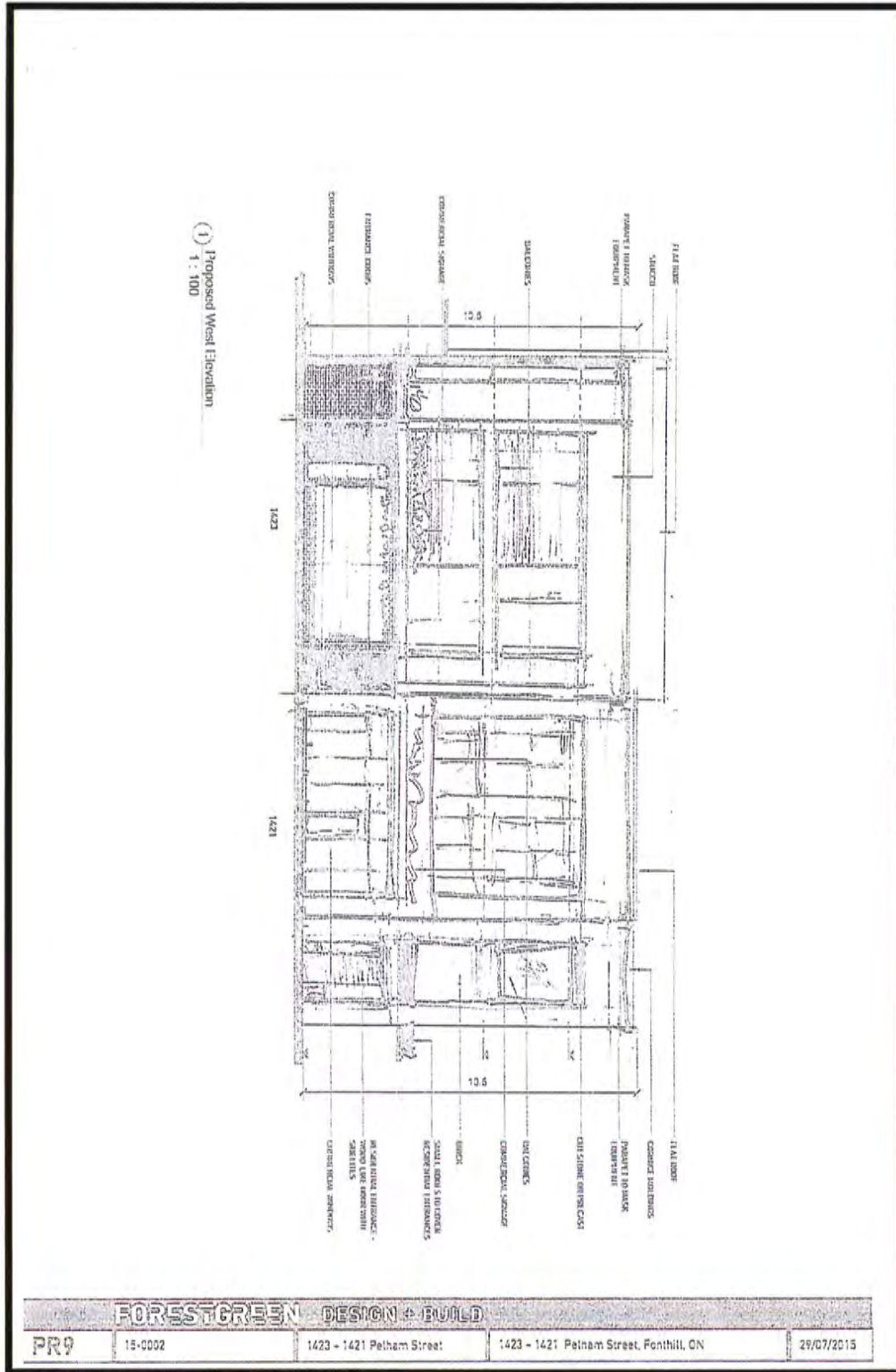


Andrew Gameiro,  
Planner

Appendix 1: Submitted Site Drawings and Parking Information









FORESTGREEN  
DESIGN+BUILD

1423 Pelham Street  
P.O. Box 1485  
Fonthill, Ontario  
Canada L0S 1E0

T 1 (905) 892 9237

info@forestgreencreations.com  
forestgreencreations.com

@forestgreencreations

Dear Mrs. Barbara Wiens,

Thank you for meeting with me on September 14th to discuss the minor variance application for the proposed development of 1421-23 Pelham Street. We touched upon parking requirements and as it stands the development requires 45 spaces with consideration of the lowest level being used as an eating establishment. The plan submitted provides only 13, a shortfall of 32 parking spaces at peak densities. We have been studying the parking vacancies over the past year in preparation for this development and feel there is ample existing parking for the right businesses within our downtown.

Our plan for development has the Tenants of the new development assigned to signed parking spaces; one per unit. This will account for 10 of the spaces provided onsite, leaving 3 for employees of the businesses. Three of the six people employed at Forestgreen live within walking distance of the office. The other tenant, Quality Cleaners at 1421 Pelham Street, has no need for onsite parking because their staff walk and their customers use the pull up parking out front. The patrons of the Microbrewery located in the lower levels of the development will need find parking in the surrounding municipal parking areas. Parking alternatives do exist in abundance and therefore will not burden existing businesses. Brewery parking will be managed via:

- (2 hour parking on Pelham Street) Hours of operation 5-9pm, will not conflict with local business and competition for public parking on Pelham Street will be minimized as a result
- (Municipal Parking lots) Reliance on the Municipal lots off of Pelham Town Square, which can provide approximately 60 spaces during off peak hours.
- (partnerships) Proposed partnerships with local businesses could be developed for use during non-business hours
- (potential) 30+ parking spaces could be developed along Pelham Town Square

Factually, we in the downtown are among 700+ available parking spaces as described in the Downtown Master plan. Further, the official plan states that parking should be accommodated on-site, at the rear of the lot, on the street or in a communal parking area. We agree with the statements in the Official plan and will meet these guidelines. *See attached images and mapping.*

Given the effective utilization of existing and proposed parking, our tenants, employees and patrons will be well served and it is for these reasons that we requested relief of the parking requirements.

At Forestgreen, we are passionate about design and we believe responsible development is vital to a sustainable community. Our focus is on supporting, improving and responsibly developing the communities in which we live, work and play.

Sincerely,

Todd Barber

FORESTGREEN

!



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DESIGN • BUILD

1423 Pelham Street  
P.O. Box 1485  
Fonthill, Ontario  
Canada L0S 1E0

T 1 (905) 892 5237

[info@forestgreencreations.com](mailto:info@forestgreencreations.com)  
[forestgreencreations.com](http://forestgreencreations.com)

@forestgreencreations



Town Square looking to Station Street has lots of parking.



Pelham Street at 7pm on a Thursday has lots of on street parking

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1423 Pelham Street  
P.O. Box 1485  
Fonthill, Ontario  
Canada L0S 1E0

T 1 (905) 892 9737

info@forestgreencreations.com  
forestgreencreations.com

@forestgreencreations



Town hall parking during the day, leaves room for parking most evenings.



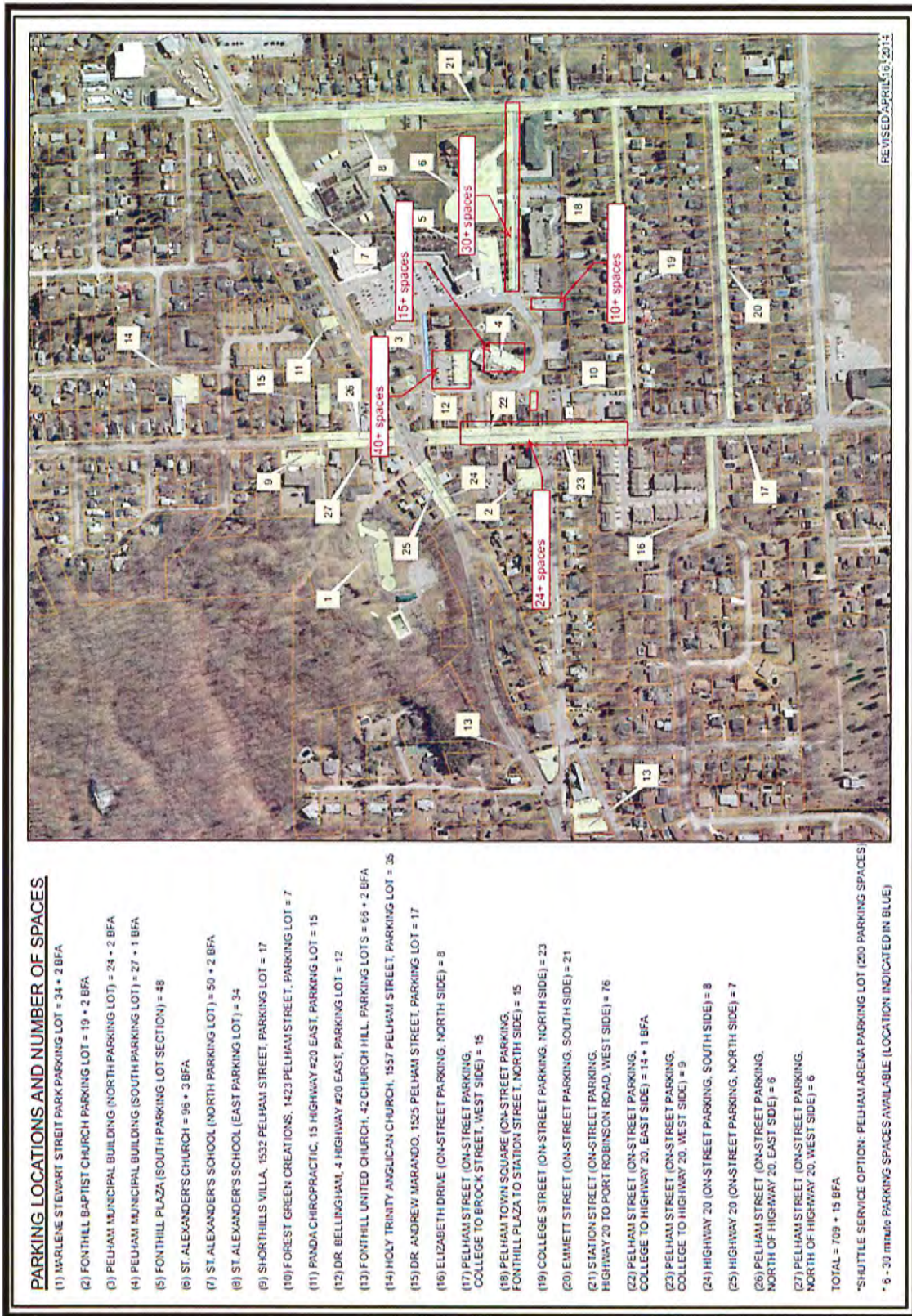
Municipal parking lots have available space during the day and are vacant most nights.

**FORESTGREEN**




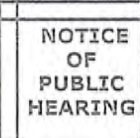




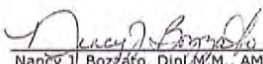
From the Department of

**Community Planning  
& Development**





Appendix 2: Public Notice

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In the matter of the Planning Act, R.S.O. 1990, as amended And in the matter of an application for minor variance or permission on behalf of:	
	<b>WHAT:</b> FILE A10/2015P <b>WHO:</b> Todd Barber and Michelle Barber Part Lot 27, Plan 717, 1423 Pelham Street, Pelham <b>WHEN:</b> TUESDAY, OCTOBER 6, 2015 at 4:00 p.m. <b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above.
	<b>DESCRIPTION &amp; LOCATION OF SUBJECT LANDS:</b> The subject land is located on the east side of Pelham Street between Pelham Town Square and College Street, being part Lot 27, Plan 717 and known municipally as 1423 Pelham Street in the Town of Pelham. The subject land is depicted on the <b>Key Map</b> below and is shown on the sketch accompanying this notice.
	<b>NATURE &amp; EXTENT OF RELIEF / PERMISSION APPLIED FOR:</b> The subject land is zoned General Commercial in accordance with Pelham Zoning By-law 1136(1987), as amended. The variances requested to facilitate construction of an addition to the commercial component of the building and to construct five (5) residential units above are outlined on the reverse of this Notice of Hearing.
	Applications A9/2015P and B13/2015P and B14/2015P are being considered concurrently. *Key Map not to scale
	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, approvals or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing.
	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> The Committee would appreciate receiving your written comments regarding this application by <b>SEPTEMBER 24, 2015</b> . If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released. The applicant or the authorized agent of the applicant <b>MUST</b> be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
	<b>NEED MORE INFORMATION? CONTACT US!</b> <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>
	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Dated this 15 <sup>th</sup> day of September, 2015  Nancy J. Bozzato, Dip. M.M., AMCT Town Clerk / Secretary-Treasurer	
Town of Pelham Committee of Adjustment	



<b>WHAT:</b>	<b>FILE A10/2015P</b>		
<b>WHO:</b>	<b>Todd Barber and Michelle Barber</b>		
	Part Lot 27, Plan 717, 1423 Pelham Street, Pelham		
<b>WHEN:</b>	<b>TUESDAY, OCTOBER 6, 2015 at 4:00 p.m.</b>		
<b>WHERE:</b>	Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario		
Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above.			
<b>NATURE &amp; EXTENT OF RELIEF / PERMISSION APPLIED FOR:</b>			
The subject land is zoned General Commercial in accordance with Pelham Zoning By-law 1136(1987), as amended.			
The applicant is seeking relief from the zoning by-law to facilitate construction of an addition to the commercial component of the existing building, and the addition of five (5) residential units above the commercial portion, as follows:			
<b>By-law Section</b>	<b>Description</b>	<b>Required/Permitted</b>	<b>Proposed</b>
General Commercial Section 20.2(c)	Lot Coverage	40% permitted	52%
General Commercial Section 20.2(h)	Building Height	10.5 metres (34.45 ft.) required	12.15 metres (39.86 ft.)
General Provisions Section 6.9(c) (ii)	Loading Space Requirements	1 loading space required	Zero (0) loading spaces
General Provisions Section 6.16 (l)(a)	Parking Spaces	21 spaces required	6 parking spaces
Section 19.3(c) (as required by 20.4)	Amenity Space for residential uses	275 square metres required for 5 units	Zero amenity area proposed
<b>Related Applications:</b>			
A9/2015P - McGill Turpel Family Holding Company re 1421 Pelham Street - Minor Variances			
B13/2015P - Todd Barber and Michelle Barber - Consent Application for Right-of-Way for Mutual Ingress/Egress			
B14/2015P - McGill Turpel Family Holding Company - Consent application for Right-of-Way for Mutual Ingress/Egress			



**Appendix 3: Department of Public Works Comments**



**Memorandum**  
**Public Works Department - Engineering**

DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File A10/2015P  
1423 Pelham Street

We have completed the review of the minor variance application A10/2015P for minor variances as described in the application.

Public Works has no comments.



20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055  
[pelham.ca](http://pelham.ca)



**Appendix 4: Building Department Comments**



**File:** A10/2015P  
**Address:** Part Lot 27, Plan 717, 1423 Pelham Street, Pelham  
**Owner:** McGill Turpel Family Holding Company  
**Agent:** Todd Barber

September 24, 2015

Nancy Bozzato  
Town Clerk/Secretary-Treasurer


The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.
- Any existing openings along South side of building would need to be addressed for the Maximum allowable area of Unprotected Openings in Exterior Walls. (9.10.14.4 OBC).

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



## Appendix 5: Fonthill Baptist Church Comments



Jesus is Lord  
BAPTIST CHURCH OF A PURE FOUNDATIONAL CONFESSION

## Fonthill Baptist Church

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TOWN OF PELHAM  
SEP 28 2015  
RECEIVED

25 Sept 2015

Nancy Bozzato  
Town Clerk / Secretary-Treasurer  
Town of Pelham  
PO Box 400  
Fonthill, ON  
L0S 1E0

RE: Files A9, A10, B13, B14 / 2015P

We received your notice of Public Hearing to be held 06 October 2015 regarding an application for minor variance for these Files. This letter is to register a written objection concerning the above noted application.


Our specific objection is with respect to the relief for Parking Spaces under By-law General Provisions Section 6.16 (i) (a). The current requirement is 24 parking spaces for File A9 and 21 parking spaces for File A10. The proposed request is to reduce this to 7 plus 6 parking spaces for the respective Files. This is a combined reduction from a requirement of 45 spaces down to 13 spaces.

There is currently a shortage of parking spaces in the downtown area. Unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. Shoppers park there because the businesses they visit on Church Hill or Pelham Street do not have adequate parking. Our lot is frequently used by people living in nearby apartment buildings because they don't have adequate parking.

This creates problems for us in our normal operation. Parents dropping off or picking up children attending our Nursery School program are often unable to find parking space due to unauthorized vehicles using our lot. Snow removal from our lot is often hampered by unauthorized parked vehicles.

The Church has signage indicating that our parking lot is private property. Despite this signage, we regularly witness unauthorized usage. The root cause of the problem, is inadequate parking at nearby commercial operations and apartments. Giving relief to the applicant for the required parking spaces will only exacerbate the problem. We cannot support any deviation to the current By-law concerning Parking Spaces.

*A Member of the Baptist Convention of Ontario and Quebec*



From the Department of



The Baptist Church would like to be notified of the decision of the Committee of Adjustment in respect of this application. Feel free to contact us if you have any questions.



Doug Hardy  
Trustee & Stewardship Chairman  
Fonthill Baptist Church



**File:** A10/2015P

September 24, 2015

**Address:** Part Lot 27, Plan 717, 1423 Pelham Street, Pelham

**Owner:** McGill Turpel Family Holding Company

**Agent:** Todd Barber

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

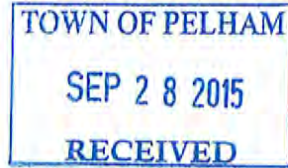
- All necessary permits are required prior to construction commencing.
- Any existing openings along South side of building would need to be addressed for the Maximum allowable area of Unprotected Openings in Exterior Walls.(9.10.14.4 OBC).

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



# Fonthill Baptist Church

Box 306, Fonthill, ON L0S 1E0 • Tel.: (905) 892-3925



25 Sept 2015

Nancy Bozzato  
Town Clerk / Secretary-Treasurer  
Town of Pelham  
PO Box 400  
Fonthill, ON  
L0S 1E0

RE: Files A9, A10, B13, B14 / 2015P

We received your notice of Public Hearing to be held 06 October 2015 regarding an application for minor variance for these Files. This letter is to register a written objection concerning the above noted application.

Our specific objection is with respect to the relief for Parking Spaces under By-law General Provisions Section 6.16 (i) (a). The current requirement is 24 parking spaces for File A9 and 21 parking spaces for File A10. The proposed request is to reduce this to 7 plus 6 parking spaces for the respective Files. This is a combined reduction from a requirement of 45 spaces down to 13 spaces.

There is currently a shortage of parking spaces in the downtown area. Unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. Shoppers park there because the businesses they visit on Church Hill or Pelham Street do not have adequate parking. Our lot is frequently used by people living in nearby apartment buildings because they don't have adequate parking.

This creates problems for us in our normal operation. Parents dropping off or picking up children attending our Nursery School program are often unable to find parking space due to unauthorized vehicles using our lot. Snow removal from our lot is often hampered by unauthorized parked vehicles.

The Church has signage indicating that our parking lot is private property. Despite this signage, we regularly witness unauthorized usage. The root cause of the problem, is inadequate parking at nearby commercial operations and apartments. Giving relief to the applicant for the required parking spaces will only exacerbate the problem. We cannot support any deviation to the current By-law concerning Parking Spaces.





## Appendix 3 for 5.3.: File A10-2015P Fonthill Baptist Church

The Baptist Church would like to be notified of the decision of the Committee of Adjustment in respect of this application. Feel free to contact us if you have any questions.

A handwritten signature in black ink, appearing to read "Doug Hardy". The signature is fluid and cursive, with a large initial "D" and "H".

Doug Hardy  
Trustee & Stewardship Chairman  
Fonthill Baptist Church



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A11/2015P (Douglas & Elizabeth Baldwin)  
1009 Metler Road, Pelham, ON  
Part Lot 20, Concession 5, Pelham, ON  
Roll No. 273201000813600**

The subject application is for a minor variance from Section 7.7(d) of Zoning By-law Number 1136 (1987), as amended, to permit the construction of an accessory building (detached garage) with a proposed height of 4.57 metres (15 feet) to the mid-point of the pitched roof, whereas 3.7 metres (12.14 feet) is permitted. Relief is requested to facilitate the construction of a detached garage (refer to Appendix 1).

The subject parcel is located on the north side of Metler Road, lying east of Victoria Avenue, being part of Lot 20, Concession 5 and known municipally as 1009 Metler Road in the Town of Pelham.

### **Applicable Planning Policies**

#### Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) designates the subject parcel as land within a 'Prime Agricultural Area'. The permitted uses in 'Prime Agricultural Areas' under the PPS are: agricultural uses, agricultural-related uses and on-farm diversified uses.

#### Greenbelt Plan (2005)

The Greenbelt Plan (2005) designates the subject parcel as 'Specialty Crop Area' in the 'Protected Countryside'. Policy 3.1.2.1 states that a full range of agricultural, agriculture-related and secondary uses are supported and permitted on 'Specialty Crop Area' lands.

Policy 4.5.2 states that single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date of the Greenbelt Plan came into force.



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

The Regional Official Plan (Consolidated, August 2014) designates the subject parcel as 'Protected Countryside' and 'Unique Agricultural Area'. Policy 5.B.6 states that single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

### Town Official Plan (2014)

The Town's Official Plan, 2014, designates the subject parcel as 'Specialty Agricultural' and 'Environmental Protection Three'. The 'Environmental Protection Three' designation is associated with a wetland feature at the rear of the property.

The purpose of the 'Specialty Agricultural' designation is to implement the Province of Ontario's Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies.

The permitted uses in the 'Specialty Agricultural' designation include: agricultural uses; farm wineries (subject to Policy B2.1.3.11); single detached dwellings; accessory residential uses on farm properties (subject to Policy B2.1.3.5); bed and breakfast establishments (subject to Policy B2.1.3.6); home occupations and home industries (subject to Policy B2.1.3.7); mineral aggregate operations (subject to Policy B2.5.3.5); forestry and other resource management uses; retail commercial uses (subject to Policy B2.1.3.8); and, agricultural-related exhibitions and tourism establishments (subject to Policy B2.1.3.9). The existing dwelling, accessory building and proposed accessory building are permitted in the 'Specialty Agricultural' designation.

The purpose of the 'Environmental Protection Three' designation is to implement the 'Natural Heritage System' provisions of the Greenbelt Plan (2005) as it applies to key natural heritage features in the Greenbelt Natural Heritage System and key hydrologic features anywhere within the protected countryside.

The permitted uses in the 'Environmental Protection Three' designation include: forest, fish and wildlife management; conservation and flood control or erosion projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; linear infrastructure; mineral aggregate operations and wayside pits and quarries; and, small-scale passive recreational uses. The proposed accessory building is not located within the 'Environmental Protection Three' designation.

### Town Zoning By-law Number 1136 (1987)

The Town of Pelham's Zoning By-law No. 1136 (1987), as amended, identifies the subject parcel as 'Agricultural' (A).

The permitted uses in the 'Agricultural' (A) Zone include: agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares (24.71 acres); one single detached dwelling on one lot; home occupations; kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and, forestry and conservation uses.



Minor Variance Test	Explanation
<p>1. The variance is minor in nature.</p>	<p>Given the location of the subject parcel, size of adjacent lots and proposed setbacks for the proposed accessory building, Planning staff are of the opinion that the variance is considered minor. The height of the accessory building will be adjusted from the zone requirement to accommodate the construction of an accessory building (detached garage) for the storage of personal goods.</p> <p>Planning staff are of the opinion that there shall not be a negative impact on adjacent properties as there will be sufficient space provided around the proposed structure. This will provide sufficient space for future maintenance and set back the accessory structure from the adjacent property to the east.</p> <p>There also appears to be trees located along the eastern property line of the subject parcel. This will maintain privacy between neighbours.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>The variance is considered desirable for the development or use of the land in that the proposed setbacks for the accessory building (detached garage) are maintained. This will preserve the amenity area of the subject parcel and shall not increase shadowing onto adjacent properties. The subject parcel is also surrounded by similar lots with rural residential dwellings and accessory buildings.</p> <p>Planning Staff are of the opinion that the variance will maintain the rural, residential character of the area.</p>
<p>3. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The variance maintains the general intent and purpose of the Zoning By-law as the increase in the height requirement for the proposed accessory building (detached garage) is minor in nature and is of an appropriate scale given the rural residential character of the area.</p> <p>The proposed development is also a permitted use in the 'Agricultural' (A) Zone of the Town's Zoning By-law.</p>
<p>4. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The variance maintains the general intent and purpose of the Official Plan as the use is permitted in the 'Good General Agricultural' designation and does not impact the 'Environmental Protection Three' designation.</p>

On September 15, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Building) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:



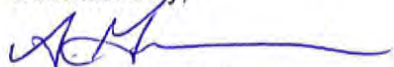
- The Niagara Peninsula Conservation Authority (NPCA) comments, dated September 23, 2015, offer no objections to the application (refer to Appendix 3).
- The Department of Public Works comments, dated September 25, 2015, offer no objections to the application (refer to Appendix 4).
- The Building Department comments, dated September 24, 2015, offer no objections to the application provided that all necessary building permits are obtained prior to construction commencing (refer to Appendix 5).

No comments were received from the public.

Planning Staff is of the opinion that the application meets the tests required to permit a minor variance and it is consistent with Provincial policies and Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File Number A11/2015P be approved subject to the following conditions:

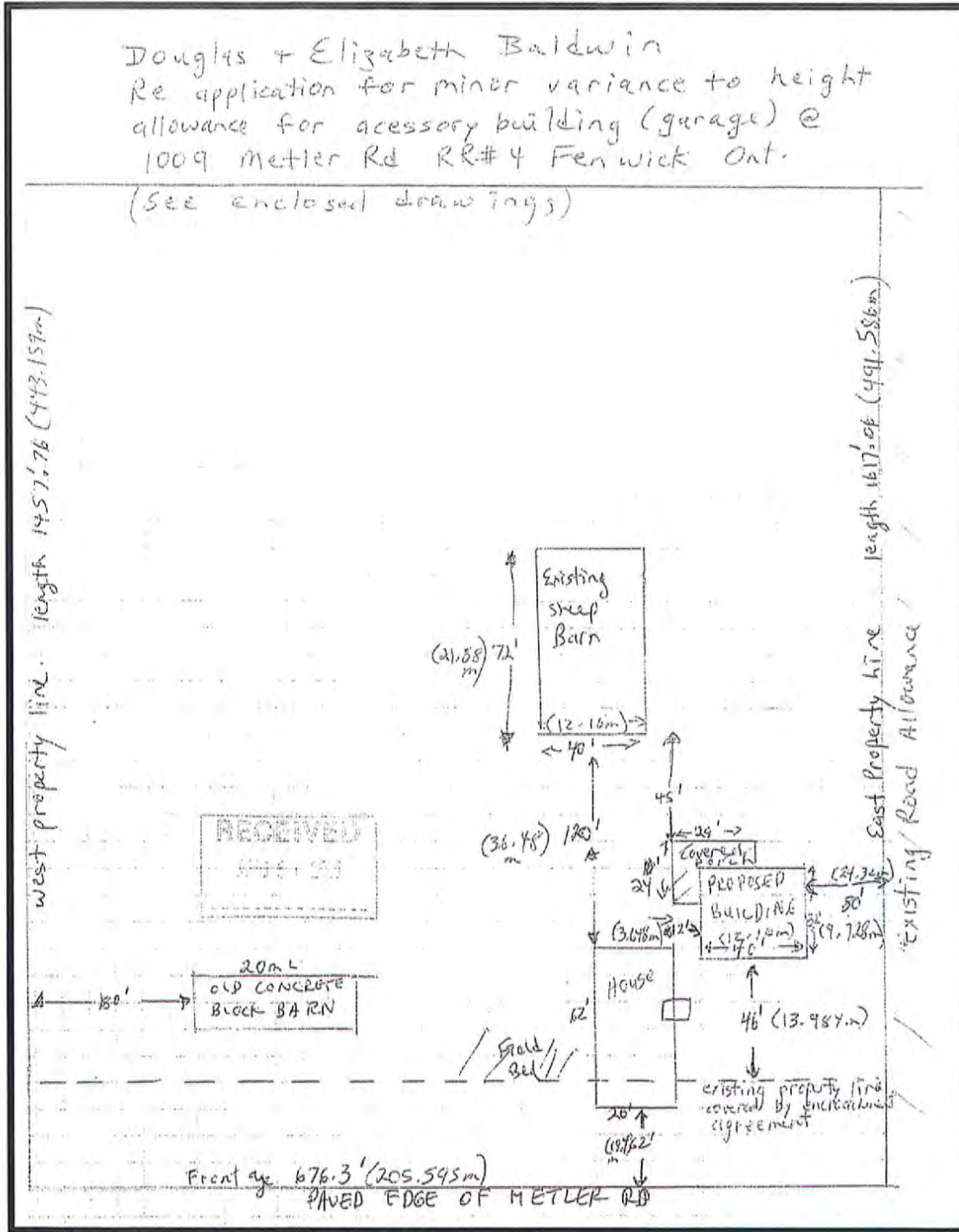
- That all necessary building permits are obtained prior to construction commencing.

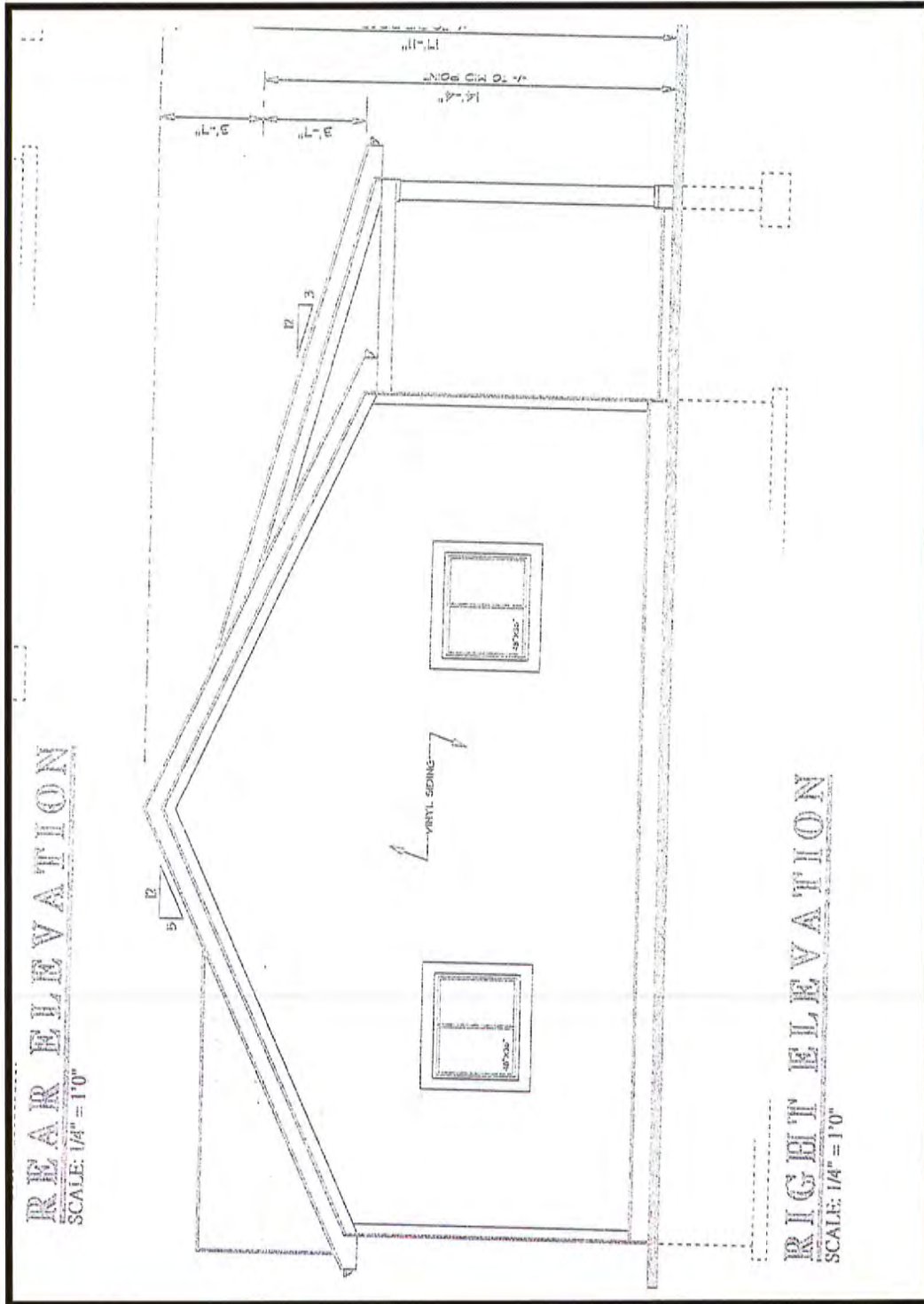
Submitted by,






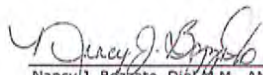

Andrew Gameiro  
Planner

Appendix 1: Submitted Site Drawings





Appendix 2: Public Notice

vibrant • creative • caring				www.pelham.ca	
In the matter of the Planning Act, R.S.O. 1990, as amended And in the matter of an application for minor variance or permission on behalf of:					
<div style="border: 1px solid black; padding: 5px; text-align: center;">                     NOTICE OF PUBLIC HEARING                 </div>	<b>WHAT:</b>	<b>FILE A11/2015P</b>			
	<b>WHO:</b>	<b>Douglas Baldwin &amp; Elizabeth Baldwin</b> Part Lot 20, Concession 5, 1009 Metler Road, Pelham			
	<b>WHEN:</b>	<b>TUESDAY, OCTOBER 6, 2015 at 4:00 p.m.</b>			
	<b>WHERE:</b>	Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario			
Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above.					
<b>DESCRIPTION &amp; LOCATION OF SUBJECT LANDS:</b> The subject land is located on the north side of Metler Road, lying east of Victoria Avenue, being part of Lot 20, Concession 5 and known municipally as 1009 Metler Road in the Town of Pelham. The subject land is depicted on the Key Map below and is shown on the sketch accompanying this notice.					
<b>NATURE &amp; EXTENT OF RELIEF / PERMISSION APPLIED FOR:</b> The subject land is zoned Agriculture A in accordance with Pelham Zoning By-law 1136(1987), as amended. Relief from Section 7.7(d) is requested to facilitate construction of a detached garage having a proposed height of 4.57 m (15 feet) to the mid-point of the pitched roof, whereas 3.7 m (12.14 feet) is permitted.					
<i>*Key Map not to scale</i>					
Information		<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, approvals or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing.			
		<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> The Committee would appreciate receiving your written comments regarding this application by <b>SEPTEMBER 24, 2015</b> . If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.			
HAVE YOUR SAY		The applicant or the authorized agent of the applicant <b>MUST</b> be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.			
NEED MORE INFORMATION? CONTACT US!		<b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>			
		 Nancy J. Bozzato, Dip. M.M., AMCT Town Clerk / Secretary-Treasurer			
Dated this 15 <sup>th</sup> day of September, 2015					
Legal Notice		<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.			
					
Town of Pelham Committee of Adjustment					





### Appendix 3: Niagara Peninsula Conservation Authority (NPCA) Comments

#### Andrew Gameiro

---

**From:** Nancy Bozzato  
**Sent:** September-23-15 11:08 AM  
**To:** Andrew Gameiro  
**Cc:** Judy Sheppard  
**Subject:** FW: A11/15P 1009 Metler Road

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

Hi Andrew;  
For your report ... see below.

Judy – I have added this to the C of A agenda.

Nan



**Nancy Bozzato, Dipl.M.M.**  
*Town Clerk*  
Administration Services

**e: [njbozzato@pelham.ca](mailto:njbozzato@pelham.ca)**  
**p: 905.892.2607 x315**  
pelham.ca

20 Pelham Town Square  
P.O. Box 400  
Fonthill, ON L0S 1E0

**TOWN OF PELHAM CONFIDENTIALITY NOTICE:**

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of 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 it to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

---

**From:** Sarah Mastroianni [<mailto:smastroianni@npca.ca>]  
**Sent:** Wednesday, September 23, 2015 10:31 AM  
**To:** Nancy Bozzato  
**Subject:** A11/15P 1009 Metler Road

Good Morning,

Please be advised that the NPCA offers no objections to the approval of 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](mailto:smastroianni@npca.ca)

Appendix 4: Department of Public Works Comments



**Memorandum**  
**Public Works Department - Engineering**

DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File A11/2015P  
1009 Meller Road

We have completed the review of the minor variance application A11/2015P for height relief for a proposed detached garage.

Public Works has no comments.



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



## Appendix 5: Building Department Comments



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**File:** A11/2015P  
**Address:** Part Lot 20, Concession 5, 1009 Metler Road, Pelham  
**Owner:** Douglas Baldwin & Elizabeth Baldwin

September 24, 2015

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development





**File:** A11/2015P

September 24, 2015

**Address:** Part Lot 20, Concession 5, 1009 Metler Road, Pelham

**Owner:** Douglas Baldwin & Elizabeth Baldwin

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

**Nancy Bozzato**

---

**From:** Sarah Mastroianni <smastroianni@npca.ca>  
**Sent:** Wednesday, September 23, 2015 10:31 AM  
**To:** Nancy Bozzato  
**Subject:** A11/15P 1009 Metler Road

Good Morning,

Please be advised that the NPCA offers no objections to the approval of 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](mailto:smastroianni@npca.ca)*



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Consent (Severance) Application B4/2015P (Marilyn B. Potter & Gail M. Levay)  
151 Highway 20 East, Pelham, ON  
Part of Lot 166, Former Thorold Township  
Roll No. 273202002102100**

The subject application is for consent to create a right-of-way in perpetuity over 113.5 square metres (1221.7 square feet) of vacant land, to the benefit of the abutting lot to the west known municipally as 145 Highway 20 East, for the establishment of a mutual right-of-way for ingress and egress together with a right-of-way in perpetuity over 30.5 square metres (328.29 square feet) of land (Parts 1 and 3) for said mutual ingress and egress. 2,713 square metres (29,202.5 square feet) of land (Parts 2, 4 and 6) are to be retained for continued commercial use. Application B5/2015P on behalf of Andrew and Petronella Groen is being considered concurrently.

The subject parcel, shown as Parts 2 and 4 on the attached sketch, has 12 metres of frontage on the north side of Regional Road 20 (formerly Highway 20), lying between Hurricane Road and Station Street, being Part of Lot 166, former Thorold Township, now in the Town of Pelham and known municipally as 151 Highway 20 East.

### **Applicable Planning Policies**

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

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014.

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

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

#### The Greenbelt Plan (2005)

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



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

The Regional Official Plan, 2014, designates the subject parcel as 'Urban Area Boundary – Built-up Area'.

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

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

### Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, designates the subject parcel as 'Urban Highway Commercial'.

The purpose of the 'Urban Highway Commercial' designation is to recognize existing commercial lands along Highway 20 and provide policy to ensure future expansion and redevelopment of this area is orderly and safe.

The permitted uses in the 'Urban Highway Commercial' designation include: auto service and sales; restaurants and drive-throughs as an accessory use; accommodation facilities; wineries; supermarkets; wholesale establishments; institutional uses; and, space extensive retail uses such as automotive related products, large and bulky goods such as furniture and appliances, home improvements materials, hardware, and nursery or garden supply products.

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

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

It is noted that the consent is for an easement and not the creation of a new lot.

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

The subject parcel is zoned 'Highway Commercial' (HC) according to Zoning By-law No. 1136 (1987), as amended.



The 'Highway Commercial' (HC) Zone permits a variety of uses such as: automobile service stations; motor fuel retail outlets; car washes; vehicle repair shops; public and private clubs; places of entertainment and recreation; service shops; shopping centres less than 2,323 square metres; etc.

### Planning Staff Comments

According to the application and attached survey sketch (refer to Appendix 1), Part 5 contains one (1) commercial building while Part 6 contains two commercial buildings and a gas bar canopy. Parts 1 through 4 contain a portion of two commercial parking lots which front on Highway 20 (Regional Road 20).

The subject parcel is by similar commercial lots and vacant lands which are slated for future commercial development as part of the East Fonthill Secondary Plan.

With respect to the Official Plan, under Policy D5.2.1, the subject application is for consent to create a right-of-way – a new lot will not be created as a result of this consent application. However, Planning staff have regard for Policy D5.2.1 when reviewing consent applications. The easement will provide for a mutual right-of-way at a future intersection of Highway 20 and Wellspring Way that is required to facilitate the development of the East Fonthill Secondary Plan area and will fulfill a condition of Draft Plan Approval for the Village of East Fonthill.

The subject parcel fronts on and is directly accessed by a public road that is maintained on a year-round basis. Planning staff are of the opinion that the site does not pose a traffic hazard as a result of visibility concerns due to topography. The subject application also conforms to the provisions of the Town's Zoning By-law.

Servicing for the subject parcel is not of concern as the parcel is currently serviced by an appropriate water supply and means of sewage disposal, and there is no new development planned for the subject parcel. The Town's Department of Public Works will address drainage and servicing requirements for the subject application. The approval of the application shall be subject to any conditions imposed by the Department of Public Works.

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

Planning staff note that the Niagara Peninsula Conservation Authority's (NPCA) Niagara Natural Environment Information Mapping Screening Area (NNEIMSA) does not affect the subject parcel. As such, Planning staff are of the opinion that the subject application will not have a negative impact on the features and functions of any environmentally sensitive features in the area.

On September 14<sup>th</sup>, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Building) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:



- Niagara Region Planning and Development Services comments, dated September 23, 2015, offer the following conditions of approval (refer to Appendix 3):
  - That the owners provide an easement in favour of the Region over Parts 3 and 4 as shown on the attached survey sketch; and
  - That the required easement document for the intersection infrastructure works and maintenance be registered on Parts 3 and 4 to the satisfaction of the Niagara Region.
- The Department of Public Works comments, dated September 25, 2015, offer the following conditions of approval (refer to Appendix 4):
  - That should any existing water, sewer or storm services branch from or through Part 2 or 4 to service 151 Highway 20 East, 145 Highway 20 East or other neighbouring properties, the easement documents shall reflect the service right-of-way.
- The Building Department comments, dated September 24, 2015, offer no objections to the application (refer to Appendix 5).

No comments were received from the public.

Planning Staff is of the opinion that the application for consent to sever is consistent with Provincial policies and Regional Official Plan, and complies with the Town's Official Plan and Zoning By-law. The authorization of the consent is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File B4/2015P be approved subject to the following conditions:

- 1) That the owners provide an easement in favour of the Region over Parts 3 and 4 as shown on the attached survey sketch;
  - 2) That the required easement document for the intersection infrastructure works and maintenance be registered on Parts 3 and 4 to the satisfaction of the Niagara Region;
  - 3) That should any existing water, sewer or storm services branch from or through Part 2 or 4 to service 151 Highway 20 East, 145 Highway 20 East or other neighbouring properties, the easement documents shall reflect the service right-of-way;
- 1) That 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; and,
  - 2) That the final certification fee of \$358.00, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.

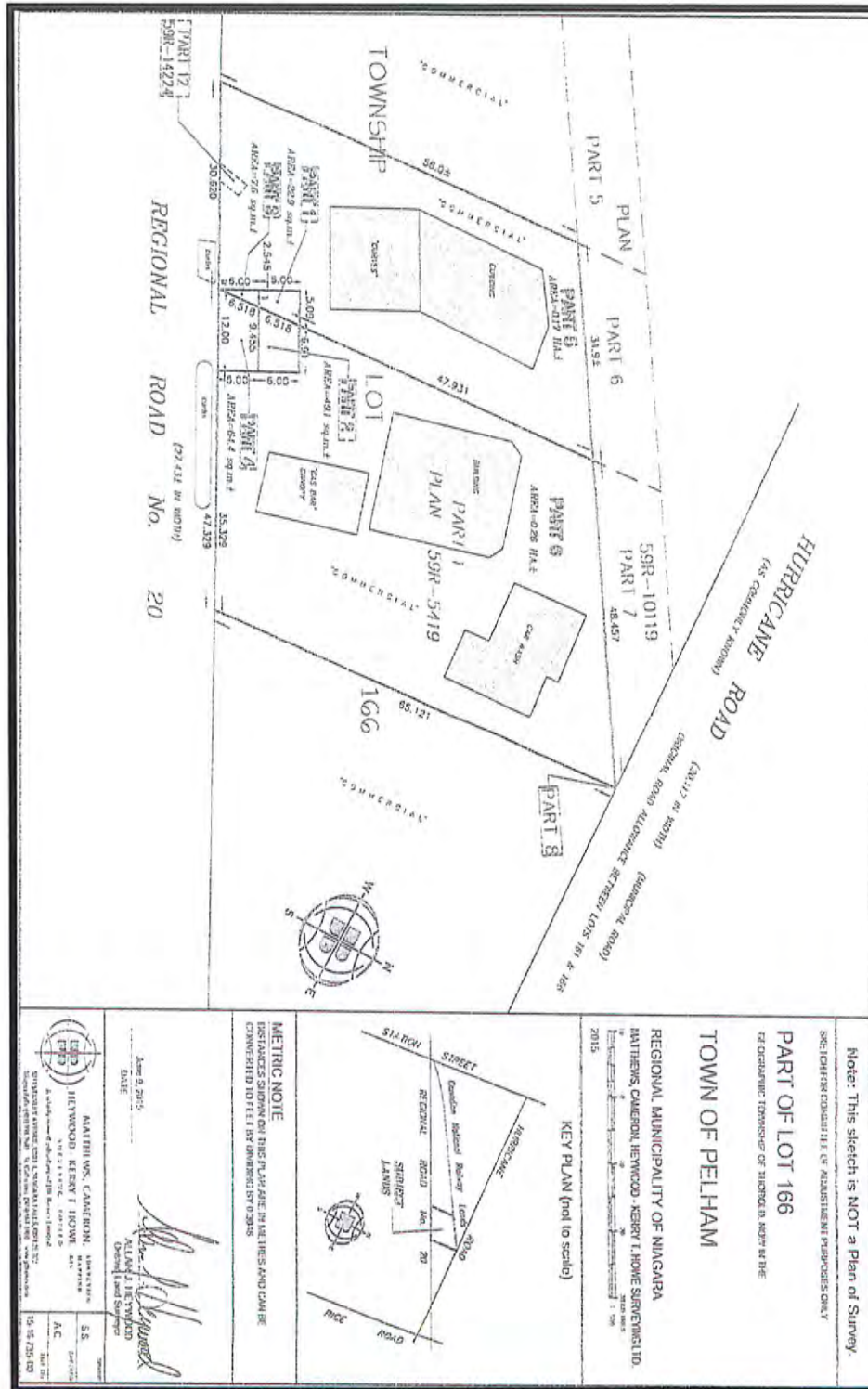
Submitted by,



Andrew Gameiro  
Planner








Appendix 1: Submitted Site Drawing



From the Department of  
**Community Planning & Development**

Appendix 2: Public Notice

	
In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and; In the matter of an application for consent on behalf of:	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">                     NOTICE OF PUBLIC HEARING                 </div>	<b>WHAT:</b> FILE B4/2015P <b>WHO:</b> MARILYN B. POTTER AND GAIL M. LEVAY Part Lot 166, former Township of Thorold, now Town of Pelham 151 Highway 20 East, Pelham
	<b>WHEN:</b> TUESDAY, OCTOBER 6, 2015 at 4:00 p.m.
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Notice is hereby given that an application for consent under the above noted file number will be heard by the Committee of Adjustment for the Town of Pelham on the date and at the time and place shown above.
<b>LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:</b> The subject parcel, shown as Parts 2 and 4 on the attached sketch, has 12 metres frontage on the north side of Regional Road 20 (formerly Highway 20), lying between Hurricane Road and Station Street, being Part of Lot 166, former Thorold Township, now in the Town of Pelham and known municipally as 151 Highway 20 East.  Application is made for consent to create a right-of-way in perpetuity over 113.5 square metres of vacant land, to the benefit of the abutting lot to the west known municipally as 145 Highway 20 East, for the establishment of a mutual right-of-way for ingress and egress, together with a right-of-way in perpetuity over 30.5 square metres of land (Parts 1 and 3) for said mutual ingress and egress. 2713 square metres of land (Part 2, 4 and 6) are to be retained for continued commercial use. Application B5/2015P on behalf of Andrew Groen and Petronella Groen is being considered concurrently.	
Information 	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application they may be forwarded in writing to the Secretary-Treasurer at the address above or you may appear in person or by counsel and make a verbal presentation to the Committee.
HAVE YOUR SAY 	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> The Committee would appreciate receiving your written comments regarding this application by SEPTEMBER 24, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.  The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
	<b>NEED MORE INFORMATION? CONTACT US!</b> <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>
Legal Notice 	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Town of Pelham Committee of Adjustment	

From the Department of



### Appendix 3: Niagara Region Planning and Development Services Comments



#### Planning & Development Services

Development Services

2201 St. David's Road W, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-8056

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

VIA E-MAIL ONLY

September 23, 2015

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

Applications for Consent B4/2015P & B5/2015P

Applicant: Marilyn B. Potter & Gail M. Levay and Andrew Groen & Petronella Groen

Proposal: Reciprocal Rights-of-Way in Perpetuity

Location: Regional Road 20 (145 Highway 20 East & 151 Highway 20 East)  
In the Town of Pelham

Our File: CS-15-064 & CS-15-065

Regional Niagara Development Services Division has received the proposed applications for the above-noted development. The Niagara Region has been working collaboratively with the Town and Development Group on the Village of East Fonthill Subdivision on the south side of Highway 20 East. These Consent applications and associated Regional requirements have been part of this project discussion. Niagara Region has reviewed the current applications and provides the following comments and conditions of consent approval:

#### 1) Regional Road Allowance

The subject properties have frontage along Regional Road 20 (Highway 20). As part of the development occurring on the south side of RR 20 a signalized intersection will be built in front of the subject properties. The Region will require an easement be registered in favour of the Niagara Region on Parts 3 & 4 of this application to allow for the installation of the intersection traffic signal loops, line painting and maintenance of these works. The easement document wording is attached in the Appendix for your use. Once the documents have been prepared please contact Stephanie Tripp, Real Estate Officer, (905) 685-4225 extension 3327. E-mail [stephanie.tripp@niagararegion.ca](mailto:stephanie.tripp@niagararegion.ca) for review prior to registration.

#### 2) Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property.

From the Department of



**Community Planning  
& Development**

The Region has no objection to the submitted Consent applications subject to the satisfaction of any local requirements and the following conditions:

1. That the owners provide an easement in favour of the Region over Parts 3 & 4 as shown on the attached survey sketch; and
2. That the required easement document for the intersection infrastructure works and maintenance be registered on Parts 3 & 4 to the satisfaction of the Niagara Region.

Please send a copy of the final decision to the Niagara Region for our records. If there are any questions on the above, please feel free to contact me or Rick Wilson, Senior Planner, extension 3391.

Yours truly,




Susana Dunsmore, P.Eng.  
Development Engineer  
Niagara Region, Planning and Development Services

Attachment -- Appendix (Regional Easement Document Wording)

L:\D.21 Development Planning\infswrk\paw\_dev\Consents - Minor Variances\Pelham\CS-15-065 - 151 RR 20 (East Fonthill signal)\CS-15-065 letter to Town.docx

Ecc. J. Hannah, Town of Pelham  
R. Wilson, RMON  
P. Busnello, RMON  
S. Tripp, RMON

Appendix 4: Department of Public Works Comments



*Vibrant • Creative • Caring*

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## Memorandum

### Public Works Department - Engineering

DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File B4/2015P  
151 Highway 20 East


---

We have completed the review of the minor variance application B4/2015P for creation of a right-of-way.

Services through right-of-ways are avoided due to ownership and maintenance challenges. Please note the following suggested condition regarding the above-noted application:

1. That should any existing water, sewer or storm services branch from or through Part 2 or 4 to service 151 Highway 20 East, 145 Highway 20 East or other neighbouring properties, the easement documents shall reflect the service right-of-way.

From the Department of



**Public Works  
& Utilities**

20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055  
[pelham.ca](http://pelham.ca)



## Appendix 5: Building Department Comments



**File:** B4/2015P  
**Address:** 151 Hwy 20, East, Pelham  
**Agent:** Upper Canada Consultants  
**Owner:** Marilyn B. Potter and Gail M. Levay

September 24, 2015

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development





## VIA E-MAIL ONLY

September 23, 2015

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

Applications for Consent B4/2015P & B5/2015P  
Applicant: Marilyn B. Potter & Gail M. Levey and Andrew Groen & Petronella Groen  
Proposal: Reciprocal Rights-of-Way in Perpetuity  
Location: Regional Road 20 (145 Highway 20 East & 151 Highway 20 East)  
In the Town of Pelham  
Our File: CS-15-064 & CS-15-065

Regional Niagara Development Services Division has received the proposed applications for the above-noted development. The Niagara Region has been working collaboratively with the Town and Development Group on the Village of East Fonthill Subdivision on the south side of Highway 20 East. These Consent applications and associated Regional requirements have been part of this project discussion. Niagara Region has reviewed the current applications and provides the following comments and conditions of consent approval:

## 1) Regional Road Allowance

The subject properties have frontage along Regional Road 20 (Highway 20). As part of the development occurring on the south side of RR 20 a signalized intersection will be built in front of the subject properties. The Region will require an easement be registered in favour of the Niagara Region on Parts 3 & 4 of this application to allow for the installation of the intersection traffic signal loops, line painting and maintenance of these works. The easement document wording is attached in the Appendix for your use. Once the documents have been prepared please contact Stephanie Tripp, Real Estate Officer, (905) 685-4225 extension 3327. E-mail [stephanie.tripp@niagararegion.ca](mailto:stephanie.tripp@niagararegion.ca) for review prior to registration.

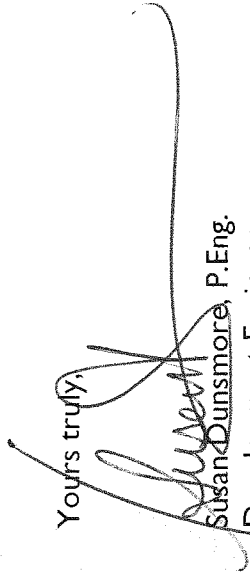
## 2) Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property.

The Region has no objection to the submitted Consent applications subject to the satisfaction of any local requirements and the following conditions:

1. That the owners provide an easement in favour of the Region over Parts 3 & 4 as shown on the attached survey sketch; and
2. That the required easement document for the intersection infrastructure works and maintenance be registered on Parts 3 & 4 to the satisfaction of the Niagara Region.

Please send a copy of the final decision to the Niagara Region for our records. If there are any questions on the above, please feel free to contact me or Rick Wilson, Senior Planner, extension 3391.

Yours truly,  
  
 Susan Dunsmore, P.Eng.  
 Development Engineer  
 Niagara Region, Planning and Development Services

Attachment – Appendix (Regional Easement Document Wording)

L:\D:21 Development Planning\mfrs\wrkgrp\pw\_dev\Consents - Minor Variances\Pelham\CS-15-065 - 151 RR 20 (East Fonthill signal)\CS-15-065 letter to Town.docx

Ecc. J. Hannah, Town of Pelham  
 R. Wilson, RMON  
 P. Busnello, RMON  
 S. Tripp, RMON

**Appendix  
145 & 151 Highway 20 East  
Regional Easement Document Wording**

The Transferor is the owner of the lands described in the Properties Section of the Transfer of Easement to which this schedule is attached (the "Servient Tenement");

The dominant tenement of the Transferee consists of Regional Road Highway 20 (RR20) of The Regional Municipality of Niagara (the "Region") situate in the Regional Municipality of Niagara (the "Dominant Tenement");

The Transferor hereby grants unto the Transferee a permanent easement in gross (the "Easement") in, upon, under, along, over, through and across the Servient Tenement for the purposes of a traffic signal, traffic control loops and line painting (the "Works"), and for all purposes necessary or incidental to the exercise and enjoyment of the rights hereby granted;

TOGETHER WITH the right of free, uninterrupted and unobstructed access to the Transferee, its servants, agents, workmen and contractors, and their vehicles, supplies, machinery and equipment, at all times and for all purposes and things necessary or incidental to the exercise and enjoyment of the rights hereby granted.

The Transferor, for itself, its successors and assigns, covenants with the Transferee, its successors and assigns, as follows:

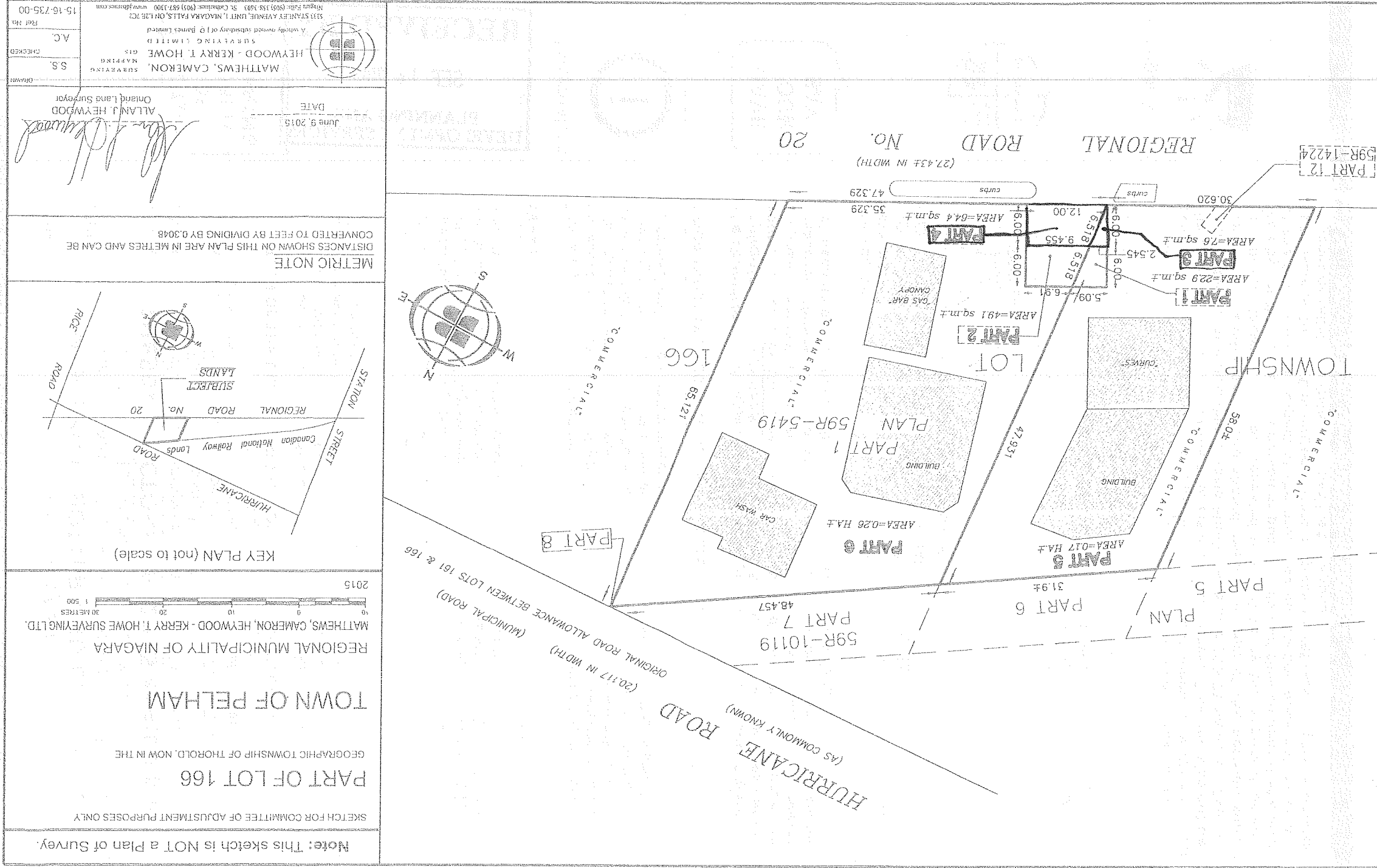
1. To remove from and keep the Servient Tenement free and clear of any trees, buildings, structures or obstructions and not to deposit on or remove any fill from the Servient Tenement and not to do or suffer to be done any other thing that might injure or damage any of the Works or interfere with the rights of the Transferee under this Easement;
2. To permit the Transferee to sever, fell, cut, trim and remove at any time all trees, shrubs, branches, stumps or roots, and to prevent or control the growth of same within the limits of the Servient Tenement which may at any time interfere with or endanger the operation of the Works.
3. That the Transferor shall not excavate, drill, install, erect or permit to be excavated, drilled, installed or erected, on or under the Servient Lands, any pit, well, foundation, pavement, building or other structure or installation, nor change any grades, or install any obstruction or improvement, including the planting of trees, or in any way restrict, impede, affect or alter the construction of the Works on the Servient Lands without the written consent of the Transferee; but otherwise the Transferor shall have the full right to use and enjoy the Servient Lands, subject always to and so as not to interfere with the easement, rights, licence and privileges hereby granted and conferred upon the Transferee.
4. That the Transferor shall be responsible for any damage to the property of the Transferee caused directly or indirectly by the acts or omissions of the Transferor or any persons acting under the authority of the Transferor;
5. That the Transferor will execute such further assurances of the Servient Tenement in respect of this grant as may be requisite.

The Transferee, for itself, its successors and assigns, covenants with the Transferor, its successors and assigns, as follows:

1. To be responsible for any damage to the property of the Transferor caused directly or indirectly by the acts or omissions of the Transferee or of persons acting under the authority of the Transferee and the Transferee will indemnify and save harmless the Transferor from all claims of every nature whatsoever and howsoever arising out of the maintenance, operation and existence of the said Works.
2. Notwithstanding any rule of law, doctrine of equity, all improvements made to the Servient Lands by the Transferee shall at all times remain the property of the Transferee notwithstanding that the same may be annexed or affixed to the Free Hold and shall at any time or from time to time be removable in whole or in part by the Transferee or by its successors and assigns;
3. The rights and easements hereby granted are and shall be of the same force and effect to all intents and purposes as a covenant running with the land and this grant including all of the covenants and conditions herein contained shall extend to, be binding upon, and enure to the benefit of the respective parties, their heirs, executors, administrators, successors and assigns;
4. The rights, liberties, privileges and easements herein granted, conveyed and transferred are declared to be appurtenant to and for the benefit of the lands of the Transferee, its successors and assigns.
5. To restore the Servient Tenement to its original condition insofar as reasonably possible after any construction or maintenance work is completed.

**Appendix 2 for 6.1: Region of Niagara re B4-2015P**

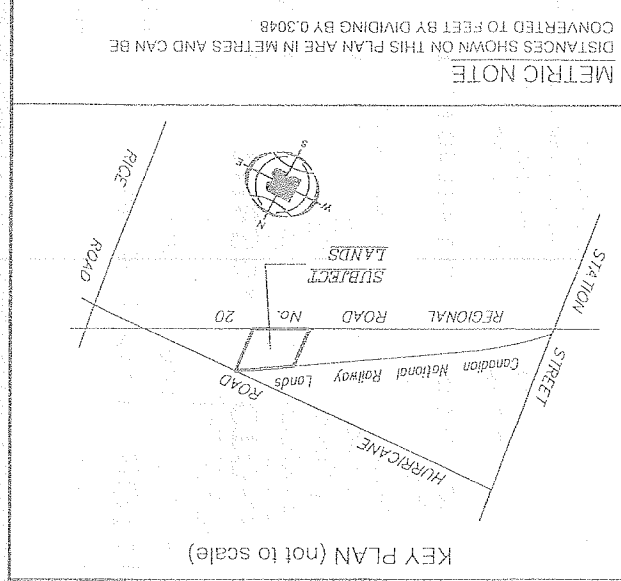
C:\JD\9 Jobs\15-18-7350\Drawings\15-18-735-1-DWG LDC MET 11x17 Jun 09 2015 9:01am



2311 STANLEY AVENUE, UNIT 1, NIAGARA FALLS, ON L2E 7G2  
 Telephone: (905) 338-1093 St. Catharines: (905) 687-1300  
 www.thomson.com  
 A wholly owned subsidiary of J.D. Paterson Limited  
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 MAPPING  
 GIS  
 CHECKED  
 A.C.  
 15-16-735-00  
 Ref. No.

DATE  
 June 8 2015  
 ALLAN J. HEWOOD  
 Ontario Land Surveyor

METRIC NOTE  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
 CONVERTED TO FEET BY DIVIDING BY 0.3048



Scale bar: 0, 10, 20, 30 METRES



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Consent (Severance) Application B5/2015P (Andrew & Petronella Groen)  
145 Highway 20 East, Pelham, ON  
Part of Lot 166, Former Thorold Township  
Roll No. 273202002102200**

The subject application is for consent to create a right-of way in perpetuity over 30.5 square metres (328.29 square feet) of land to the benefit of the abutting lot to the east known municipally as 151 Highway 20 East, for the establishment of a mutual right-of-way for ingress and egress, together with a right-of-way in perpetuity over 113.5 square metres (1,221.7 square feet) of land (Parts 2 and 4) for said mutual ingress and egress. 1,730 square metres (18,621.57 square feet) of land (Parts 1, 3 and 5) are to be retained for continued commercial use. Application B4/2015P on behalf of Marilyn Potter and Gail Levay is being considered concurrently.

The subject parcel, shown as Parts 1 and 3 on the attached sketch, is situated on the north side of Regional Road 20 (formerly Highway 20), lying between Hurricane Road and Station Street, being Part of Lot 166, formerly Thorold Township, now in the Town of Pelham and known municipally as 145 Highway 20 East.

### **Applicable Planning Policies**

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

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014.

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

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

#### The Greenbelt Plan (2005)

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



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

The Regional Official Plan, 2014, designates the subject parcel as 'Urban Area Boundary – Built-up Area'.

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

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

### Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, designates the subject parcel as 'Urban Highway Commercial'.

The purpose of the 'Urban Highway Commercial' designation is to recognize existing commercial lands along Highway 20 and provide policy to ensure future expansion and redevelopment of this area is orderly and safe.

The permitted uses in the 'Urban Highway Commercial' designation include: auto service and sales; restaurants and drive-throughs as an accessory use; accommodation facilities; wineries; supermarkets; wholesale establishments; institutional uses; and, space extensive retail uses such as automotive related products, large and bulky goods such as furniture and appliances, home improvements materials, hardware, and nursery or garden supply products.

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

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

It is noted that the consent is for an easement and not the creation of a new lot.

### Town of Pelham Zoning By-law number 1136 (1897), as amended

The subject parcel is zoned 'Highway Commercial' (HC) according to Zoning By-law No. 1136 (1987), as amended.



The 'Highway Commercial' (HC) Zone permits a variety of uses such as: automobile service stations; motor fuel retail outlets; car washes; vehicle repair shops; public and private clubs; places of entertainment and recreation; service shops; shopping centres less than 2,323 square metres; etc.

### Planning Staff Comments

According to the application and attached survey sketch (refer to Appendix 1), Part 5 contains one (1) commercial building while Part 6 contains two commercial buildings and a gas bar canopy. Parts 1 through 4 contain a portion of two commercial parking lots which front on Highway 20 (Regional Road 20).

The subject parcel is surrounded by similar commercial lots and vacant lands which are slated for future commercial development as part of the East Fonthill Secondary Plan.

With respect to the Official Plan, under Policy D5.2.1, the subject application is for consent to create a right-of-way – a new lot will not be created as a result of this consent application. However, Planning staff have regard for Policy D5.2.1 when reviewing consent applications. The easement will provide for a mutual right-of-way at a future intersection of Highway 20 and Wellspring Way that is required to facilitate the development of the East Fonthill Secondary Plan area and will fulfill a condition of Draft Plan Approval for the Village of East Fonthill.

The subject parcel fronts on and is directly accessed by a public road that is maintained on a year-round basis. Planning staff are of the opinion that the site does not pose a traffic hazard as a result of visibility concerns due to topography. The subject application also conforms to the provisions of the Town's Zoning By-law.

Servicing for the subject parcel is not of concern as the parcel is currently serviced by an appropriate water supply and means of sewage disposal, and there is no new development planned for the subject parcel. The Town's Department of Public Works will address drainage and servicing requirements for the subject application. The approval of the application shall be subject to any conditions imposed by the Department of Public Works.

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

Planning staff note that the Niagara Peninsula Conservation Authority's (NPCA) Niagara Natural Environment Information Mapping Screening Area (NNEIMSA) does not affect the subject parcel. As such, Planning staff are of the opinion that the subject application will not have a negative impact on the features and functions of any environmentally sensitive features in the area.

On September 14<sup>th</sup>, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Building) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:





- Niagara Region Planning and Development Services comments, dated September 23, 2015, offer the following conditions of approval (refer to Appendix 3):
  - That the owners provide an easement in favour of the Region over Parts 3 and 4 as shown on the attached survey sketch; and
  - That the required easement document for the intersection infrastructure works and maintenance be registered on Parts 3 and 4 to the satisfaction of the Niagara Region.
- The Department of Public Works comments, dated September 25, 2015, offer the following conditions of approval (refer to Appendix 4):
  - That should any existing water, sewer or storm services branch from or through Part 1 or 3. This includes servicing to 145 Highway 20 East, 151 Highway 20 East or other neighbouring properties; the easement documents shall reflect the service right-of-way.
- The Building Department comments, dated September 24, 2015, offer no objections to the application (refer to Appendix 5).

No comments were received from the public.

Planning Staff is of the opinion that the application for consent to sever is consistent with Provincial policies and Regional Official Plan, and complies with the Town's Official Plan and Zoning By-law. The authorization of the consent is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File B5/2015P be approved subject to the following conditions:

- 1) That the owners provide an easement in favour of the Region over Parts 3 and 4 as shown on the attached survey sketch;
- 2) That the required easement document for the intersection infrastructure works and maintenance be registered on Parts 3 and 4 to the satisfaction of the Niagara Region;
- 3) That should any existing water, sewer or storm services branch from or through Part 1 or 3. This includes servicing to 145 Highway 20 East, 151 Highway 20 East or other neighbouring properties; the easement documents shall reflect the service right-of-way.
- 4) That 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; and,
- 5) That the final certification fee of \$358.00, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.

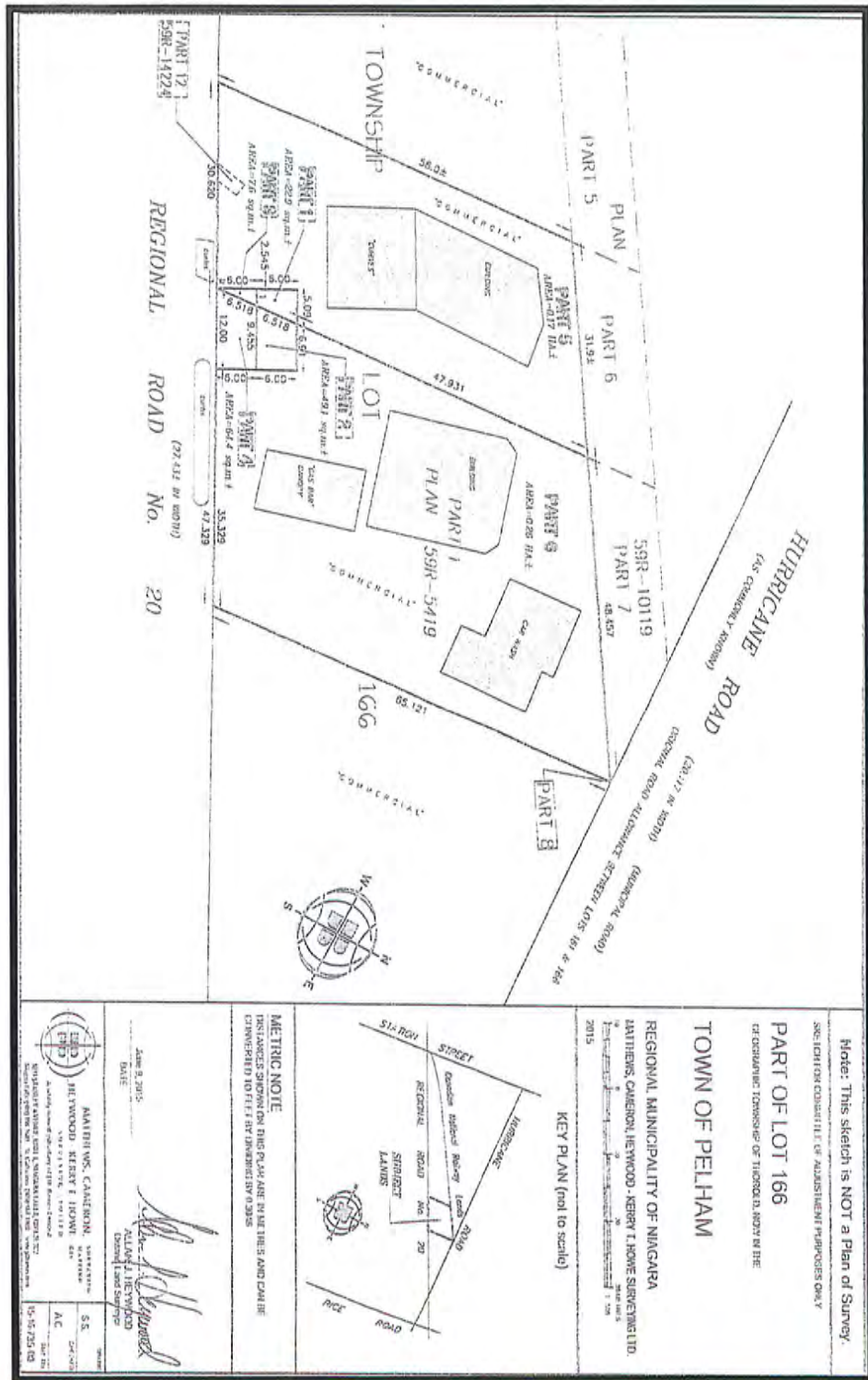
Submitted by,







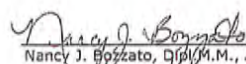

Andrew Gameiro  
Planner



Appendix 1: Submitted Site Drawing



Appendix 2: Public Notice

		
In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and; In the matter of an application for consent on behalf of:		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">                     NOTICE OF PUBLIC HEARING                 </div>	<b>WHAT:</b> FILE B5/2015P <b>WHO:</b> ANDREW GROEN AND PETRONELLA GROEN Part of Lot 166, former Township of Thorold, now Town of Pelham 145 Highway 20 East, Pelham	
	<b>WHEN:</b> TUESDAY, OCTOBER 6, 2015 AT 4:00 P.M.	
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario	
	Notice is hereby given that an application for consent under the above noted file number will be heard by the Committee of Adjustment for the Town of Pelham on the date and at the time and place shown above.	
	<b>LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:</b> The subject parcel, shown as Parts 1 and 3 on the attached sketch, is situated on the north side of Regional Road 20 (formerly Highway 20), lying between Hurricane Road and Station Street, being Part of Lot 166, formerly Thorold Township, now in the Town of Pelham and known municipally as 145 Highway 20 East.  Application is made for consent to create a right-of-way in perpetuity over 30.5 sq. metres of land to the benefit of the abutting lot to the east known municipally as 151 Highway 20 East, for the establishment of a mutual right-of-way for ingress and egress, together with a right-of-way in perpetuity over 113.5 square metres of land (Parts 2 and 4) for said mutual ingress and egress. 1730 square metres of land (Parts 1, 3 and 5) are to be retained for continued commercial use. Application B4/2015P on behalf of Marilyn Potter and Gail Levay is being considered concurrently.	
Information 	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application they may be forwarded in writing to the Secretary-Treasurer at the address above or you may appear in person or by counsel and make a verbal presentation to the Committee.	
HAVE YOUR SAY 	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> <i>The Committee would appreciate receiving your written comments regarding this application by September 24, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i>  The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.	
	<b>NEED MORE INFORMATION? CONTACT US!</b>  <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>  Dated this 14 <sup>th</sup> day of September, 2015 <div style="text-align: right;">                       Nancy J. Bozzato, Dip. P.M., AMCT                      Town Clerk / Secretary-Treasurer                 </div>	
Legal Notice 	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.	
Town of Pelham Committee of Adjustment		



### Appendix 3: Niagara Region Planning and Development Services Comments

Niagara  Region

Planning & Development Services

Development Services

2201 St. David's Road W, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-8056

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

VIA E-MAIL ONLY

September 23, 2015

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

Applications for Consent B4/2015P & B5/2015P

Applicant: Marilyn B. Potter & Gail M. Levay and Andrew Groen & Petronella Groen

Proposal: Reciprocal Rights-of-Way in Perpetuity

Location: Regional Road 20 (145 Highway 20 East & 151 Highway 20 East)  
In the Town of Pelham

Our File: CS-15-064 & CS-15-065

Regional Niagara Development Services Division has received the proposed applications for the above-noted development. The Niagara Region has been working collaboratively with the Town and Development Group on the Village of East Fonthill Subdivision on the south side of Highway 20 East. These Consent applications and associated Regional requirements have been part of this project discussion. Niagara Region has reviewed the current applications and provides the following comments and conditions of consent approval:

1) Regional Road Allowance

The subject properties have frontage along Regional Road 20 (Highway 20). As part of the development occurring on the south side of RR 20 a signalized intersection will be built in front of the subject properties. The Region will require an easement be registered in favour of the Niagara Region on Parts 3 & 4 of this application to allow for the installation of the intersection traffic signal loops, line painting and maintenance of these works. The easement document wording is attached in the Appendix for your use. Once the documents have been prepared please contact Stephanie Tripp, Real Estate Officer, (905) 685-4225 extension 3327. E-mail [stephanie.tripp@niagararegion.ca](mailto:stephanie.tripp@niagararegion.ca) for review prior to registration.

2) Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property.

From the Department of




**Community Planning  
& Development**

The Region has no objection to the submitted Consent applications subject to the satisfaction of any local requirements and the following conditions:

1. That the owners provide an easement in favour of the Region over Parts 3 & 4 as shown on the attached survey sketch; and
2. That the required easement document for the intersection infrastructure works and maintenance be registered on Parts 3 & 4 to the satisfaction of the Niagara Region.

Please send a copy of the final decision to the Niagara Region for our records. If there are any questions on the above, please feel free to contact me or Rick Wilson, Senior Planner, extension 3391.

Yours truly,



Susan Dunsmore, P.Eng.  
Development Engineer  
Niagara Region, Planning and Development Services

Attachment -- Appendix (Regional Easement Document Wording)

L:\D.21 Development Planning\refswrk\p\w\_dev\Consents - Minor Variances\Pelham\CS-15-065 - 151 RR. 20 (East Fonthill signal)\CS-15-065 letter to Town.docx

Ecc. J. Hannah, Town of Pelham  
R. Wilson, RMON  
P. Busnello, RMON  
S. Tripp, RMON

Appendix 4: Department of Public Works Comments



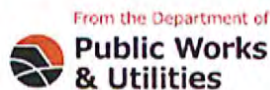
**Memorandum**  
**Public Works Department - Engineering**

DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File B5/2015P  
145 Highway 20 East

We have completed the review of the minor variance application B5/2015P for creation of a right-of-way.

Services through right-of-ways are avoided due to ownership and maintenance challenges. Please note the following suggested condition regarding the above-noted application:

1. That should any existing water, sewer or storm services branch from or through Part 1 or 3. This includes servicing to 145 Highway 20 East, 151 Highway 20 East or other neighbouring properties, the easement documents shall reflect the service right-of-way.



20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055  
[pelham.ca](http://pelham.ca)



## Appendix 5: Building Department Comments



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**File:** B5/2015P  
**Address:** 145 Hwy 20, East, Pelham  
**Agent:** Upper Canada Consultants  
**Owner:** Andrew Groen & Petronella Groen

September 24, 2015

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development





*Vibrant · Creative · Caring*

---

**File: B5/2015P**

September 24, 2015

**Address:** 145 Hwy 20, East, Pelham

**Agent:** Upper Canada Consultants

**Owner:** Andrew Groen & Petronella Groen

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips

Building Intake/Plans Examiner

Community Planning & Development



VIA E-MAIL ONLY

September 23, 2015

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

Applications for Consent B4/2015P & B5/2015P  
Applicant: Marilyn B. Potter & Gail M. Levey and Andrew Groen & Petronella Groen  
Proposal: Reciprocal Rights-of-Way in Perpetuity  
Location: Regional Road 20 (145 Highway 20 East & 151 Highway 20 East)  
In the Town of Pelham  
Our File: CS-15-064 & CS-15-065

Regional Niagara Development Services Division has received the proposed applications for the above-noted development. The Niagara Region has been working collaboratively with the Town and Development Group on the Village of East Fonthill Subdivision on the south side of Highway 20 East. These Consent applications and associated Regional requirements have been part of this project discussion. Niagara Region has reviewed the current applications and provides the following comments and conditions of consent approval:

1) Regional Road Allowance

The subject properties have frontage along Regional Road 20 (Highway 20). As part of the development occurring on the south side of RR 20 a signalized intersection will be built in front of the subject properties. The Region will require an easement be registered in favour of the Niagara Region on Parts 3 & 4 of this application to allow for the installation of the intersection traffic signal loops, line painting and maintenance of these works. The easement document wording is attached in the Appendix for your use. Once the documents have been prepared please contact Stephanie Tripp, Real Estate Officer, (905) 685-4225 extension 3327. E-mail [stephanie.tripp@niagararegion.ca](mailto:stephanie.tripp@niagararegion.ca) for review prior to registration.

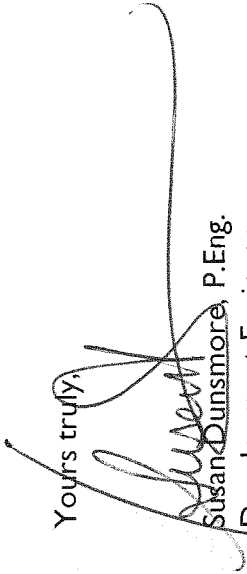
2) Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property.

The Region has no objection to the submitted Consent applications subject to the satisfaction of any local requirements and the following conditions:

1. That the owners provide an easement in favour of the Region over Parts 3 & 4 as shown on the attached survey sketch; and
2. That the required easement document for the intersection infrastructure works and maintenance be registered on Parts 3 & 4 to the satisfaction of the Niagara Region.

Please send a copy of the final decision to the Niagara Region for our records. If there are any questions on the above, please feel free to contact me or Rick Wilson, Senior Planner, extension 3391.

Yours truly,  
  
Susan Dunsmore, P.Eng.  
Development Engineer  
Niagara Region, Planning and Development Services

Attachment – Appendix (Regional Easement Document Wording)

L:\D:21 Development Planning\mfrs\wrkgrp\pw\_dev\Consents - Minor Variances\Pelham\CS-15-065 - 151 RR 20 (East Fonthill signal)\CS-15-065 letter to Town.docx

Ecc. J. Hannah, Town of Pelham  
R. Wilson, RMON  
P. Busnello, RMON  
S. Tripp, RMON

**Appendix  
145 & 151 Highway 20 East  
Regional Easement Document Wording**

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The Transferor is the owner of the lands described in the Properties Section of the Transfer of Easement to which this schedule is attached (the "Servient Tenement");

The dominant tenement of the Transferee consists of Regional Road Highway 20 (RR20) of The Regional Municipality of Niagara (the "Region") situate in the Regional Municipality of Niagara (the "Dominant Tenement");

The Transferor hereby grants unto the Transferee a permanent easement in gross (the "Easement") in, upon, under, along, over, through and across the Servient Tenement for the purposes of a traffic signal, traffic control loops and line painting (the "Works"), and for all purposes necessary or incidental to the exercise and enjoyment of the rights hereby granted;

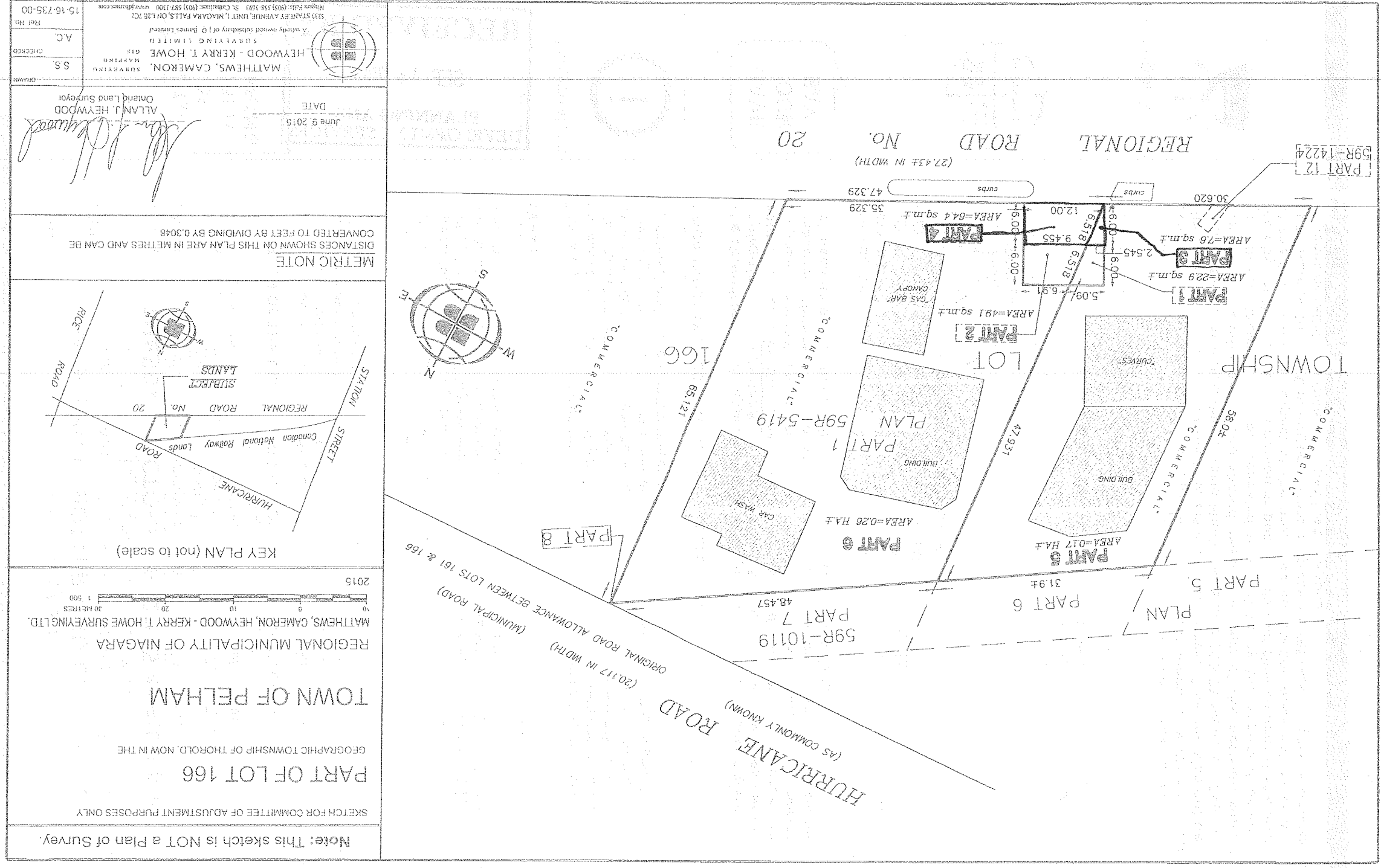
TOGETHER WITH the right of free, uninterrupted and unobstructed access to the Transferee, its servants, agents, workmen and contractors, and their vehicles, supplies, machinery and equipment, at all times and for all purposes and things necessary or incidental to the exercise and enjoyment of the rights hereby granted.

The Transferor, for itself, its successors and assigns, covenants with the Transferee, its successors and assigns, as follows:

1. To remove from and keep the Servient Tenement free and clear of any trees, buildings, structures or obstructions and not to deposit on or remove any fill from the Servient Tenement and not to do or suffer to be done any other thing that might injure or damage any of the Works or interfere with the rights of the Transferee under this Easement;
2. To permit the Transferee to sever, fell, cut, trim and remove at any time all trees, shrubs, branches, stumps or roots, and to prevent or control the growth of same within the limits of the Servient Tenement which may at any time interfere with or endanger the operation of the Works.
3. That the Transferor shall not excavate, drill, install, erect or permit to be excavated, drilled, installed or erected, on or under the Servient Lands, any pit, well, foundation, pavement, building or other structure or installation, nor change any grades, or install any obstruction or improvement, including the planting of trees, or in any way restrict, impede, affect or alter the construction of the Works on the Servient Lands without the written consent of the Transferee; but otherwise the Transferor shall have the full right to use and enjoy the Servient Lands, subject always to and so as not to interfere with the easement, rights, licence and privileges hereby granted and conferred upon the Transferee.
4. That the Transferor shall be responsible for any damage to the property of the Transferee caused directly or indirectly by the acts or omissions of the Transferor or any persons acting under the authority of the Transferor;
5. That the Transferor will execute such further assurances of the Servient Tenement in respect of this grant as may be requisite.

The Transferee, for itself, its successors and assigns, covenants with the Transferor, its successors and assigns, as follows:

1. To be responsible for any damage to the property of the Transferor caused directly or indirectly by the acts or omissions of the Transferee or of persons acting under the authority of the Transferee and the Transferee will indemnify and save harmless the Transferor from all claims of every nature whatsoever and howsoever arising out of the maintenance, operation and existence of the said Works.
2. Notwithstanding any rule of law, doctrine of equity, all improvements made to the Servient Lands by the Transferee shall at all times remain the property of the Transferee notwithstanding that the same may be annexed or affixed to the Free Hold and shall at any time or from time to time be removable in whole or in part by the Transferee or by its successors and assigns;
3. The rights and easements hereby granted are and shall be of the same force and effect to all intents and purposes as a covenant running with the land and this grant including all of the covenants and conditions herein contained shall extend to, be binding upon, and enure to the benefit of the respective parties, their heirs, executors, administrators, successors and assigns;
4. The rights, liberties, privileges and easements herein granted, conveyed and transferred are declared to be appurtenant to and for the benefit of the lands of the Transferee, its successors and assigns.
5. To restore the Servient Tenement to its original condition insofar as reasonably possible after any construction or maintenance work is completed.



Note: This sketch is NOT a Plan of Survey.

SKETCH FOR COMMITTEE OF ADJUSTMENT PURPOSES ONLY

PART OF LOT 166

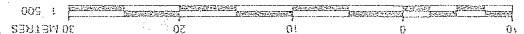
GEOGRAPHIC TOWNSHIP OF THOROLD, NOW IN THE

TOWN OF PELHAM

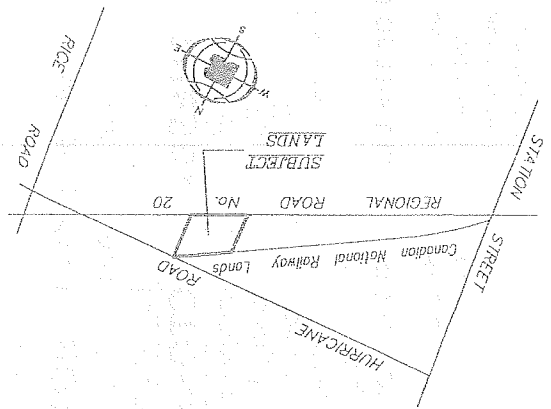
REGIONAL MUNICIPALITY OF NIAGARA

MATTHEWS, CAMERON, HEWOOD - KERRY T. HOWE SURVEYING LTD.

2015



KEY PLAN (not to scale)



METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DATE June 8 2015  
 ALLAN J. HEWOOD  
 Ontario Land Surveyor

MATTHEWS, CAMERON, HEWOOD - KERRY T. HOWE SURVEYING LTD.  
 A wholly owned subsidiary of J.P. James Limited  
 SURVEYING LIMITED  
 2211 STANLEY AVENUE, UNIT 1, NIAGARA FALLS, ON L2E 7C2  
 Niagara Falls: (905) 338-3693 St. Catharines: (905) 687-3300 www.jpx.com



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Consent (Severance) Application B9/2015P (Hummel Properties Inc. & Rainer Hummel)  
59 Port Robinson Road, Pelham, ON  
Part Lot 17, Plan 717, Pelham, ON  
Roll No. 273203000406001**

The subject application is for consent to partial discharge of mortgage and to convey 12,880.1 square metres (138,604.24 square feet) of vacant land, to be added to the abutting lands to the east known municipally as 65 Port Robinson Road. 1,548.1 square metres (16,663.6 square feet) of land (Part 2) with a dwelling known municipally as 59 Port Robinson Road is to be retained for continued residential use. Applications B10/2015P and B11/2015P are being considered concurrently.

The subject parcel, shown as Part 1 on the attached sketch, is an interior parcel of land lying north of Port Robinson Road, east of Station Street and being Part of Lot 17, Plan 717, in the Town of Pelham.

### **Applicable Planning Policies**

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

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014.

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

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

#### The Greenbelt Plan (2005)

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



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

The Regional Official Plan, 2014, designates the subject parcel as 'Urban Area Boundary – Built-up Area'.

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

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

### Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, identifies the subject parcel as part of the East Fonthill Secondary Plan. According to the Official Plan, the subject parcel is designated 'EF- Low Density Residential' and 'EF – Medium Density Residential'.

The permitted uses in the 'EF – Low Density Residential' designation include: single detached and semi-detached dwelling units; accessory apartments/secondary suites; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and, public and public and private utilities. In addition to the permitted uses identified above, townhouses may be permitted and may constitute up to a maximum of 15 percent (15%) of the total number of dwelling units within any individual draft plan of subdivision.

The permitted uses in the 'EF- Medium Density Residential' designation include: all forms of townhouse units; small scale apartment buildings; accessory apartments/secondary suites; live-work units; housing for seniors and/or special needs housing; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and, public uses and public and private utilities. In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15 percent (15%) of the total number of dwelling units within any individual draft plan of subdivision.

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

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

From the Department of



It is noted that the subject application is for consent for partial discharge of mortgage and to convey vacant land to the abutting lands to the east. A new lot will not be created as a result of this consent application.

### Town of Pelham Zoning By-law number 1136 (1897), as amended

The subject parcel is zoned 'Agricultural' (A) according to Zoning By-law Number 1163 (1987), as amended.

The permitted uses in the 'Agricultural' (A) Zone include: agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares; one single detached dwelling on one lot; home occupations; kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and, forestry and conservation uses.

### **Planning Staff Comments**

According to the application and attached survey sketch (refer to Appendix 1), Part 1 consists of vacant land while Part 2 contains an existing dwelling which is to be retained for continued residential use. Part 1 will be added to the abutting lands to the east and is slated for future residential development as part of the East Fonthill Secondary Plan. Any future development on Part 1 will be subject to future planning applications (i.e. Plan of Subdivision, Zoning By-law Amendment, etc.).

The subject parcel is surrounded by similar single residential lots and vacant lands which are also slated for future residential development as part of the East Fonthill Secondary Plan.

With respect to the Official Plan, under Policy D5.2.1, the subject application is for consent for partial discharge of mortgage and to convey 12,880.1 square metres (138,604.24 square feet) of vacant land to the abutting lands to the east – a new lot will not be created as a result of this consent application. However, Planning staff have regard for Policy D5.2.1 when reviewing all consent applications.

The subject parcel fronts on and is directly accessed by a public road (Port Robinson Road) that is maintained on a year-round basis. Planning staff are of the opinion that the site does not pose a traffic hazard as a result of visibility concerns due to topography. The subject application also conforms to the provisions of the Town's Zoning By-law; provided that the applicant submits an application for a Zoning By-law Amendment for Part 2 on the attached survey sketch (refer to Appendix 1). Part 2 shall be re-zoned from 'Agricultural' (A) to 'Residential Multiple 1' (RM1) as a condition of approval for this Consent Application. Planning staff note that Part 2 will be considered legal non-conforming according to the Town's Zoning By-law as a result of the re-zoning. However, a Zoning By-law Amendment will bring Part 2 further into conformity with the East Fonthill Secondary Plan which designates the lands as 'EF – Medium Density Residential'.

Servicing for Parts 1 and 2 on the attached survey sketch is not of concern as both parts will be serviced by an appropriate water supply and means of sewage disposal. Part 1 will utilize the municipal water and sanitary services of 65 Port Robinson Road while Part 2 will utilize the municipal water and sanitary services of 59 Port Robinson Road. The Town's Department of Public Works will address drainage and servicing requirements for the subject application in greater detail. The approval of the application shall be subject to any conditions imposed by the Department of Public Works.





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

Planning staff note that the Niagara Peninsula Conservation Authority's (NPCA) Niagara Natural Environment Information Mapping Screening Area (NNEIMSA) affects the subject parcel. The Niagara Peninsula Conservation Authority will provide comments regarding environmental features in the area.

On September 15<sup>th</sup>, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Building) and all assessed property owners within 120 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- Niagara Peninsula Conservation Authority (NPCA) comments, dated September 25, 2015, offer no objections to the approval of the subject application (refer to Appendix 3).
- The Department of Public Works comments, dated September 25, 2015, offer no objections to the approval of the subject application (refer to Appendix 4).
- The Building Department comments, dated September 24, 2015, offer no objections to the approval of the subject application (refer to Appendix 5).

No comments were received from the public.

Planning Staff are of the opinion that the application for consent to sever is consistent with Provincial policies and Regional Official Plan, and complies with the Town's Official Plan and Zoning By-law. The authorization of the consent is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File Number B9/2015P be approved subject to the following conditions:

- 1) An application for a Zoning By-law Amendment is required for Part 2 on the attached survey sketch to re-zone the lands from 'Agricultural' (A) to 'Residential Multiple 1' (RM1);
- 2) That 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.
- 3) That the final certification fee of \$358.00, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.

Submitted by,





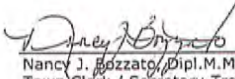



Andrew Gameiro  
Planner





Appendix 2: Public Notice

	
In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and; In the matter of an application for consent on behalf of:	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>NOTICE OF PUBLIC HEARING</b> </div>	<b>WHAT:</b> <b>FILE B9/2015P</b> <b>WHO:</b> <b>HUMMEL PROPERTIES INC. AND RAINER HUMMEL</b> Part Lot 17, Plan 717, 59 Port Robinson Rd., Pelham
	<b>WHEN:</b> <b>TUESDAY, OCTOBER 6, 2015, at 4:00 pm</b>
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Notice is hereby given that an application for consent under the above noted file number will be heard by the Committee of Adjustment for the Town of Pelham on the date and at the time and place shown above.
<b>LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:</b> The subject parcel, shown as Part 1 on the attached sketch, is an interior parcel of land lying north of Port Robinson Road, east of Station Street and being Part of Lot 17, Plan 717, in the Town of Pelham.  Application is made for consent to partial discharge of mortgage and to convey 12880.1 square metres of vacant land, to be added to the abutting lands to the east known municipally as 65 Port Robinson Road. 1548.1 square metres of land (Part 2) with a dwelling known municipally as 59 Port Robinson Road is to be retained for continued residential use. Applications B10/2015P and B11/2015P are being considered concurrently.	
Information 	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application they may be forwarded in writing to the Secretary-Treasurer at the address above or you may appear in person or by counsel and make a verbal presentation to the Committee.
	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> <i>The Committee would appreciate receiving your written comments regarding this application by SEPTEMBER 24, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i>  The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
	<b>NEED MORE INFORMATION? CONTACT US!</b>  <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>  Dated this 15 <sup>th</sup> day of September, 2015  Nancy J. Bozzato, Dipl. M.M., AMCT Town Clerk / Secretary-Treasurer
Legal Notice 	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Town of Pelham Committee of Adjustment	



### Appendix 3: Niagara Peninsula Conservation Authority (NPCA) Comments



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

September 25, 2015

File No. MPR 2.11

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

Attn: Nancy Bozzato

Subject: B9/2015, B10/2015 and B11/2015

---

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

These concurrent applications have been made to permit the conveyance of lands which will merge together for future residential use. These applications will also create three single residential lots fronting on Port Robinson Road known as 56, 69 and 107 Port Robinson Road.

#### **NPCA Regulations:**

NPCA mapping shows a very small watercourse that is a part of the Welland Canal North Sub-watershed traversing the subject lands. As such, development of these lands will be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses (O. Reg. 155/06). In accordance with our policies, new development and site alterations are not permitted within a watercourse or regulated flooding hazard.

Given the small drainage area of this watercourse, the NPCA does not have any flooding concerns for these applications. Any works within the watercourse, or proposals to cross or relocate the feature will require approvals from the NPCA and may require Work Permits from this office prior to the commencement of the works on site.

#### **Region of Niagara's Natural Heritage Comments:**

Portions of the subject lands have been identified as a Highly Vulnerable Aquifer (HVA). As such, the groundwater in this area is more susceptible to land use changes. Regional Policy 7. A.2.9 states that development and site alterations shall not have a negative impact on the groundwater quality or quantity.

It is the NPCA's understanding that all future development will be on municipal services (water and sanitary) and that the retained single residential lots will also be required to decommission the existing septic systems and connect to municipal sanitary services. As such, there are no concerns from a groundwater impact perspective.

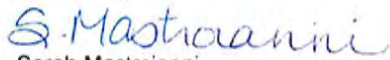
#### **Conclusion:**

In light of the above, this office offers no objections to the approval of this application.



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 Development Planner, Niagara Region

From the Department of



Appendix 4: Department of Public Works Comments



**Memorandum**

**Public Works Department - Engineering**

DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File B9/2015P  
59 Port Robinson  
Conveyance Application

We have completed the review of the land conveyance application B9/2015P as described in the application.

Public Works has no comments.



20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055  
[pelham.ca](http://pelham.ca)



**Appendix 5: Building Department Comments**



**File:** B9/2015P

September 24, 2015

**Address:** Part Lot 17, Plan 717, 59 Port Robinson Road, Pelham

**Agent:** The Larocque Group/Brent Larocque

**Owner:** Hummel Properties Inc., and Rainer Hummel

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development





*Vibrant · Creative · Caring*

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**File: B9/2015P**

September 24, 2015

**Address:** Part Lot 17, Plan 717, 59 Port Robinson Road, Pelham

**Agent:** The Larocque Group/Brent Larocque

**Owner:** Hummel Properties Inc., and Rainer Hummel

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development





September 25, 2015

File No. MPR 2.11

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

Attn: Nancy Bozzato

Subject: B9/2015, B10/2015 and B11/2015

---

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

These concurrent applications have been made to permit the conveyance of lands which will merge together for future residential use. These applications will also create three single residential lots fronting on Port Robinson Road known as 56, 69 and 107 Port Robinson Road.

**NPCA Regulations:**

NPCA mapping shows a very small watercourse that is a part of the Welland Canal North Sub-watershed traversing the subject lands. As such, development of these lands will be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses (O. Reg. 155/06). In accordance with our policies, new development and site alterations are not permitted within a watercourse or regulated flooding hazard.

Given the small drainage area of this watercourse, the NPCA does not have any flooding concerns for these applications. Any works within the watercourse, or proposals to cross or relocate the feature will require approvals from the NPCA and may require Work Permits from this office prior to the commencement of the works on site.

**Region of Niagara's Natural Heritage Comments:**

Portions of the subject lands have been identified as a Highly Vulnerable Aquifer (HVA). As such, the groundwater in this area is more susceptible to land use changes. Regional Policy 7. A.2.9 states that development and site alterations shall not have a negative impact on the groundwater quality or quantity.

It is the NPCA's understanding that all future development will be on municipal services (water and sanitary) and that the retained single residential lots will also be required to decommission the existing septic systems and connect to municipal sanitary services. As such, there are no concerns from a groundwater impact perspective.

**Conclusion:**

In light of the above, this office offers no objections to the approval of this application.

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 Development Planner, Niagara Region



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Consent Application B10/2015P (Hummel Properties Inc. & Rainer Hummel)  
69 Port Robinson Road, Pelham, ON  
Part Lot 19, Plan 717, Pelham, ON  
Roll No. 273203000406300**

The subject application is for consent to partial discharge of mortgage and to convey 7,917 square metres (85,217.9 square feet) of vacant land to be added to the abutting lands to the west, known municipally as 65 Port Robinson Road. 879.8 square metres (9,470.1 square feet) of land (Part 2) with a dwelling known municipally as 69 Port Robinson Road is to be retained for continued residential use. Applications B9/2015P and B11/2015P are being considered concurrently.

The subject parcel, shown as Part 1 on the attached sketch, has 5.76 metres (18.89 feet) and 3.34 metres (10.95 feet) of (broken) frontage on the north side of Port Robinson Road, east of Station Street and being Part of Lot 19, Plan 717, in the Town of Pelham.

### **Applicable Planning Policies**

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

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014.

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

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

#### The Greenbelt Plan (2005)

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



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

The Regional Official Plan, 2014, designates the subject parcel as 'Urban Area Boundary – Built-up Area'.

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

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

### Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, identifies the subject parcel as part of the East Fonthill Secondary Plan. According to the Official Plan, the subject parcel is designated 'EF- Low Density Residential' and 'EF – Medium Density Residential'.

The permitted uses in the 'EF – Low Density Residential' designation include: single detached and semi-detached dwelling units; accessory apartments/secondary suites; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and, public and public and private utilities. In addition to the permitted uses identified above, townhouses may be permitted and may constitute up to a maximum of 15 percent (15%) of the total number of dwelling units within any individual draft plan of subdivision.

The permitted uses in the 'EF- Medium Density Residential' designation include: all forms of townhouse units; small scale apartment buildings; accessory apartments/secondary suites; live-work units; housing for seniors and/or special needs housing; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and, public uses and public and private utilities. In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15 percent (15%) of the total number of dwelling units within any individual draft plan of subdivision.

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

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



It is noted that the subject application is for consent for partial discharge of mortgage and to convey vacant land to the abutting lands to the west. A new lot will not be created as a result of this consent application.

### Town of Pelham Zoning By-law number 1136 (1897), as amended

The subject parcel is zoned 'Agricultural' (A) according to Zoning By-law Number 1163 (1987), as amended.

The permitted uses in the 'Agricultural' (A) Zone include: agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares; one single detached dwelling on one lot; home occupations; kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and, forestry and conservation uses.

### **Planning Staff Comments**

According to the application and attached survey sketch (refer to Appendix 1), Part 1 consists of vacant land while Part 2 contains an existing dwelling which is to be retained for continued residential use. Part 1 will merge with the abutting lands to the west and is slated for future residential development as part of the East Fonthill Secondary Plan. Any future development on Part 1 will be subject to future planning applications (i.e. Plan of Subdivision, Zoning By-law Amendment, etc.).

The subject parcel is surrounded by similar single residential lots and vacant lands which are also slated for future residential development as part of the East Fonthill Secondary Plan.

With respect to the Official Plan, under Policy D5.2.1, the subject application is for consent for partial discharge of mortgage and to convey 7,917 square metres (85,217.9 square feet) of vacant land to be added to the abutting lands to the west – a new lot will not be created as a result of this consent application. However, Planning staff have regard for Policy D5.2.1 when reviewing all consent applications.

The subject parcel fronts on and is directly accessed by a public road (Port Robinson Road) that is maintained on a year-round basis. Planning staff are of the opinion that the site does not pose a traffic hazard as a result of visibility concerns due to topography. The subject application also conforms to the provisions of the Town's Zoning By-law; provided that the applicant submits an application for a Zoning By-law Amendment for Part 2 on the attached survey sketch (refer to Appendix 1). Part 2 shall be re-zoned from 'Agricultural' (A) to 'Residential Multiple 1' (RM1) as a condition of approval for this Consent Application. Planning staff note that Part 2 will be considered legal non-conforming according to the Town's Zoning By-law as a result of the re-zoning. However, a Zoning By-law Amendment will bring Part 2 further into conformity with the East Fonthill Secondary Plan which designates the lands as 'EF – Medium Density Residential'.

Servicing for Parts 1 and 2 on the attached survey sketch is not of concern as both parts will be serviced by an appropriate water supply and means of sewage disposal. Part 1 will utilize the municipal water and sanitary services of 69 Port Robinson Road while Part 2 will utilize the municipal water and sanitary services of 65 Port Robinson Road. The Town's Department of Public Works will address drainage and servicing requirements for the subject application in greater detail. The approval of the application shall be subject to any conditions imposed by the Department of Public Works.



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

Planning staff note that the Niagara Peninsula Conservation Authority's (NPCA) Niagara Natural Environment Information Mapping Screening Area (NNEIMSA) affects the subject parcel. The Niagara Peninsula Conservation Authority will provide comments regarding environmental features in the area.

On September 15<sup>th</sup>, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Building) and all assessed property owners within 120 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- Niagara Peninsula Conservation Authority (NPCA) comments, dated September 25, 2015, offer no objections to the approval of the subject application (refer to Appendix 3).
- The Department of Public Works comments, dated September 25, 2015, offer the following comments (refer to Appendix 4):
  - That the applicant confirm, to the satisfaction of the Director of Public Works, that no existing water, sewer or storm services branch from or through Part 1 to service other neighbouring properties, including the residence in Part 2. Should there be existing servicing as such, a service right-of-way may need to be established, or services may require relocation, at the discretion of the Director.
- The Building Department comments, dated September 24, 2015, offer no objections to the approval of the subject application (refer to Appendix 5).

No comments were received from the public.

Planning Staff are of the opinion that the application for consent to sever is consistent with Provincial policies and Regional Official Plan, and complies with the Town's Official Plan and Zoning By-law. The authorization of the consent is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File Number B10/2015P be approved subject to the following conditions:

- 1) An application for a Zoning By-law Amendment is required for Part 2 on the attached survey sketch to re-zone the lands from 'Agricultural' (A) to 'Residential Multiple 1' (RM1);
- 2) That the applicant confirm, to the satisfaction of the Director of Public Works, that no existing water, sewer or storm services branch from or through Part 1 to service other neighbouring properties, including the residence in Part 2. Should there be existing servicing as such, a service right-of-way may need to be established, or services may require relocation, at the discretion of the Director;



- 3) That 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; and,
- 4) That the final certification fee of \$358.00, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.

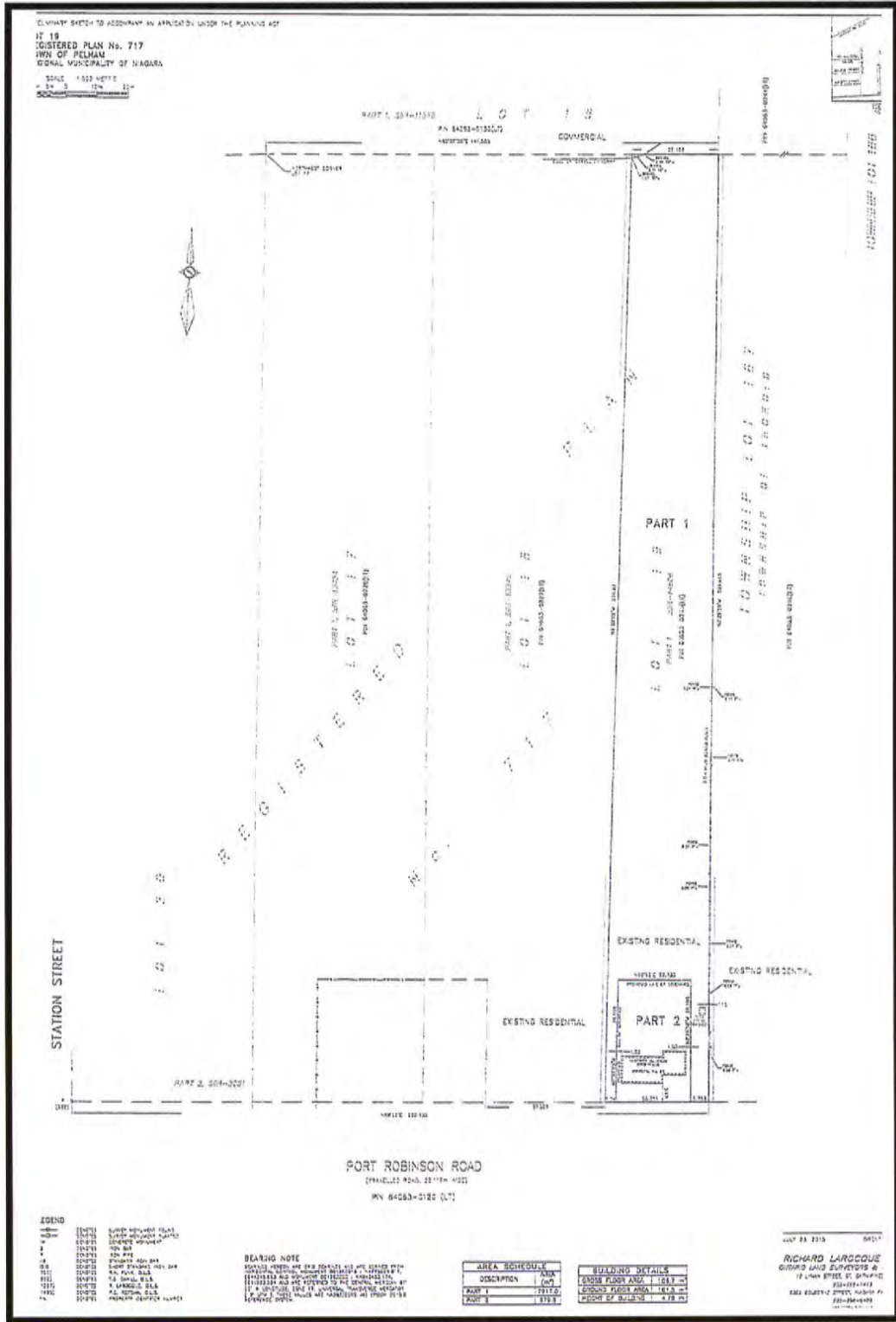
Submitted by,



Andrew Gameiro  
Planner






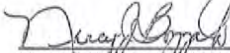


Appendix 1: Submitted Site Drawing





Appendix 2: Public Notice

	
In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and; In the matter of an application for consent on behalf of:	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>NOTICE OF PUBLIC HEARING</b> </div>	<b>WHAT:</b> <b>FILE B10/2015P</b> <b>WHO:</b> <b>HUMMEL PROPERTIES INC. AND RAINER HUMMEL</b> Part Lot 17, Plan 717, 69 Port Robinson Rd., Pelham
	<b>WHEN:</b> <b>TUESDAY, OCTOBER 6, 2015, at 4:00 pm</b>
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Notice is hereby given that an application for consent under the above noted file number will be heard by the Committee of Adjustment for the <b>Town of Pelham</b> on the date and at the time and place shown above.
	<b>LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:</b>  The subject parcel, shown as Part 1 on the attached sketch, has 5.76 metres and 3.34 metres (broken) frontage on the north side of Port Robinson Road, east of Station Street and being Part of Lot 19, Plan 717, in the Town of Pelham.  Application is made for consent to partial discharge of mortgage and to convey 7917 square metres of vacant land, to be added to the abutting lands to the west known municipally as 65 Port Robinson Road. 879.8 square metres of land (Part 2) with a dwelling known municipally as 69 Port Robinson Road is to be retained for continued residential use. Applications B9/2015P and B11/2015P are being considered concurrently.
 Information	<b>WHAT IS THIS?</b>  This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application they may be forwarded in writing to the Secretary-Treasurer at the address above or you may appear in person or by counsel and make a verbal presentation to the Committee.
 HAVE YOUR SAY	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b>  <i>The Committee would appreciate receiving your written comments regarding this application by <b>SEPTEMBER 24, 2015</b>. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i>  The applicant or the authorized agent of the applicant <b>MUST</b> be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
 NEED MORE INFORMATION? CONTACT US!	<b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>
 Legal Notice	<b>IMPORTANT INFORMATION!</b>  If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Dated this 15 <sup>th</sup> day of September, 2015	
 Nancy J. Bozzato, Dip. M.M., AMCT Town Clerk / Secretary-Treasurer	
Town of Pelham Committee of Adjustment	



### Appendix 3: Niagara Peninsula Conservation Authority (NPCA) Comments



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.786.3135 | Facsimile 905.788.1121 | [www.npcaca.com](http://www.npcaca.com)

September 25, 2015

File No. MPR 2.11

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

Attn: Nancy Bozzato

Subject: B9/2015, B10/2015 and B11/2015

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

These concurrent applications have been made to permit the conveyance of lands which will merge together for future residential use. These applications will also create three single residential lots fronting on Port Robinson Road known as 56, 69 and 107 Port Robinson Road.

#### **NPCA Regulations:**

NPCA mapping shows a very small watercourse that is a part of the Welland Canal North Sub-watershed traversing the subject lands. As such, development of these lands will be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses (O. Reg. 155/06). In accordance with our policies, new development and site alterations are not permitted within a watercourse or regulated flooding hazard.

Given the small drainage area of this watercourse, the NPCA does not have any flooding concerns for these applications. Any works within the watercourse, or proposals to cross or relocate the feature will require approvals from the NPCA and may require Work Permits from this office prior to the commencement of the works on site.

#### **Region of Niagara's Natural Heritage Comments:**

Portions of the subject lands have been identified as a Highly Vulnerable Aquifer (HVA). As such, the groundwater in this area is more susceptible to land use changes. Regional Policy 7. A.2.9 states that development and site alterations shall not have a negative impact on the groundwater quality or quantity.

It is the NPCA's understanding that all future development will be on municipal services (water and sanitary) and that the retained single residential lots will also be required to decommission the existing septic systems and connect to municipal sanitary services. As such, there are no concerns from a groundwater impact perspective.

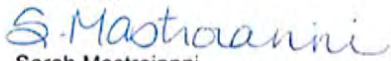
#### **Conclusion:**

In light of the above, this office offers no objections to the approval of this application.



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 Development Planner, Niagara Region

**Appendix 4: Department of Public Works Comments**



*Vibrant • Creative • Growing*

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## Memorandum

### Public Works Department - Engineering


DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File B10/2015P  
69 Port Robinson Road

---

Please note the following suggested conditions regarding the above-noted application:

1. That the applicant confirm, to the satisfaction of the Director of Public Works, that no existing water, sewer or storm services branch from or through Part 1 to service other neighbouring properties, including the residence in Part 2. Should there be existing servicing as such, a service right-of-way may need to be established, or services may require relocation, at the discretion of the Director.

From the Department of



**Public Works  
& Utilities**

20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055  
[pelham.ca](http://pelham.ca)



**Appendix 5: Building Department Comments**



**File:** B10/2015P

September 24, 2015

**Address:** Part Lot 17, Plan 717, 69 Port Robinson Road, Pelham

**Agent:** The Larocque Group/Brent Larocque

**Owner:** Hummel Properties Inc., and Rainer Hummel

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development





*Vibrant · Creative · Caring*

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**File: B10/2015P**

September 24, 2015

**Address:** Part Lot 17, Plan 717, 69 Port Robinson Road, Pelham

**Agent:** The Larocque Group/Brent Larocque

**Owner:** Hummel Properties Inc., and Rainer Hummel

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



September 25, 2015

File No. MPR 2.11

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

Attn: Nancy Bozzato

Subject: B9/2015, B10/2015 and B11/2015

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Given the small drainage area of this watercourse, the NPCA does not have any flooding concerns for these applications. Any works within the watercourse, or proposals to cross or relocate the feature will require approvals from the NPCA and may require Work Permits from this office prior to the commencement of the works on site.

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It is the NPCA's understanding that all future development will be on municipal services (water and sanitary) and that the retained single residential lots will also be required to decommission the existing septic systems and connect to municipal sanitary services. As such, there are no concerns from a groundwater impact perspective.

**Conclusion:**

In light of the above, this office offers no objections to the approval of this application.

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 Development Planner, Niagara Region





October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Consent Application B11/2015P (Sleek Developments Inc.)  
107 Port Robinson Road, Pelham, ON  
Part Lot 167, Thorold Township, Pelham, ON  
Roll No. 273203002005100**

The subject application is for consent to partial discharge of mortgage and to convey 7,686.2 square metres (82,733.5 square feet) of land, to be added to the abutting lands to the west known municipally as 65 Port Robinson Road. The building situated on the subject parcel is to be removed. 756.4 square metres (8,141.8 square feet) of land (Part 2) with a dwelling known municipally as 107 Port Robinson Road is to be retained for continued residential use. Applications B9/2015P and B10/2015P are being considered concurrently.

The subject parcel, shown as Part 1 on the attached sketch, has 8.78 metres of frontage on the north side of Port Robinson Road, east of Station Street and being Part of Lot 167 in the former Township of Thorold, now the Town of Pelham.

### **Applicable Planning Policies**

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

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014.

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

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

#### The Greenbelt Plan (2005)

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



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

The Regional Official Plan, 2014, designates the subject parcel as 'Urban Area Boundary – Built-up Area'.

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

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

### Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, identifies the subject parcel as part of the East Fonthill Secondary Plan. According to the Official Plan, the subject parcel is designated 'EF- Low Density Residential' and 'EF – Medium Density Residential'.

The permitted uses in the 'EF – Low Density Residential' designation include: single detached and semi-detached dwelling units; accessory apartments/secondary suites; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and, public and public and private utilities. In addition to the permitted uses identified above, townhouses may be permitted and may constitute up to a maximum of 15 percent (15%) of the total number of dwelling units within any individual draft plan of subdivision.

The permitted uses in the 'EF- Medium Density Residential' designation include: all forms of townhouse units; small scale apartment buildings; accessory apartments/secondary suites; live-work units; housing for seniors and/or special needs housing; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and, public uses and public and private utilities. In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15 percent (15%) of the total number of dwelling units within any individual draft plan of subdivision.

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

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

From the Department of



It is noted that the subject application is for consent for partial discharge of mortgage and to convey vacant land to the abutting lands to the west. A new lot will not be created as a result of this consent application.

Town of Pelham Zoning By-law number 1136 (1897), as amended

The subject parcel is zoned 'Agricultural' (A) according to Zoning By-law Number 1163 (1987), as amended.

The permitted uses in the 'Agricultural' (A) Zone include: agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares; one single detached dwelling on one lot; home occupations; kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and, forestry and conservation uses.

**Planning Staff Comments**

According to the application and attached survey sketch (refer to Appendix 1), Part 1 contains an accessory building which is to be removed. As such, Part 1 will consist of vacant land while Part 2 contains an existing dwelling which is to be retained for continued residential use. Part 1 will be added to the abutting lands to the west and is slated for future residential development as part of the East Fonthill Secondary Plan. Any future development on Part 1 will be subject to future planning applications (i.e. Plan of Subdivision, Zoning By-law Amendment, etc.).

The subject parcel is surrounded by similar single residential lots and vacant lands which are also slated for future residential and commercial development as part of the East Fonthill Secondary Plan.

With respect to the Official Plan, under Policy D5.2.1, the subject application is for consent for partial discharge of mortgage and to convey 7,686.2 square metres (82,733.5 square feet) of land, to be added to the abutting lands to the west – a new lot will not be created as a result of this consent application. However, Planning staff have regard for Policy D5.2.1 when reviewing all consent applications.

The subject parcel fronts on and is directly accessed by a public road (Port Robinson Road) that is maintained on a year-round basis. Planning staff are of the opinion that the site does not pose a traffic hazard as a result of visibility concerns due to topography. The subject application also conforms to the provisions of the Town's Zoning By-law; provided that the applicant submits an application for a Zoning By-law Amendment for Part 2 on the attached survey sketch (refer to Appendix 1). Part 2 shall be re-zoned from 'Agricultural' (A) to 'Residential Multiple 1' (RM1) as a condition of approval for this Consent Application. Planning staff note that Part 2 will be considered legal non-conforming according to the Town's Zoning By-law as a result of the re-zoning. However, a Zoning By-law Amendment will bring Part 2 further into conformity with the East Fonthill Secondary Plan which designates the lands as 'EF – Medium Density Residential'.

Servicing for Parts 1 and 2 on the attached survey sketch is not of concern as both parts will be serviced by an appropriate water supply and means of sewage disposal. Part 1 will utilize the municipal water and sanitary services of 65 Port Robinson Road while Part 2 will utilize the municipal water and sanitary services of 107 Port Robinson Road. The Town's Department of Public Works will address drainage and servicing requirements for the subject application in greater detail. The approval of the application shall be subject to any conditions imposed by the Department of Public Works.



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

Planning staff note that the Niagara Peninsula Conservation Authority's (NPCA) Niagara Natural Environment Information Mapping Screening Area (NNEIMSA) affects the subject parcel. The Niagara Peninsula Conservation Authority will provide comments regarding environmental features in the area.

On September 15<sup>th</sup>, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Building) and all assessed property owners within 120 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- Niagara Peninsula Conservation Authority (NPCA) comments, dated September 25, 2015, offer no objections to the approval of the subject application (refer to Appendix 3).
- The Department of Public Works comments, dated September 25, 2015, offer the following conditions of approval (refer to Appendix 4):
  - That the applicant confirm, to the satisfaction of the Director of Public Works, that no existing water, sewer or storm services branch from or through Part 1, including the Building in Part 1, to service other neighbouring properties, including the residence in Part 2. Should there be existing servicing as such, a service right-of-way may need to be established, or services may require relocation, at the discretion of the Director.
- The Building Department comments, dated September 24, 2015, offer no objections to the approval of the subject application (refer to Appendix 5).

No comments were received from the public.

Planning Staff are of the opinion that the application for consent to sever is consistent with Provincial policies and Regional Official Plan, and complies with the Town's Official Plan and Zoning By-law. The authorization of the consent is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File Number B11/2015P be approved subject to the following conditions:

- 1) An application for a Zoning By-law Amendment is required for Part 2 on the attached survey sketch to re-zone the lands from 'Agricultural' (A) to 'Residential Multiple 1' (RM1);
- 2) That the applicant confirm, to the satisfaction of the Director of Public Works, that no existing water, sewer or storm services branch from or through Part 1, including the Building in Part 1, to service other neighbouring properties, including the residence in Part 2. Should there be existing servicing as such, a service right-of-way may need to be established, or services may require relocation, at the discretion of the Director;
- 3) That the applicant obtain a demolition permit from the Town's Building Department to demolish the accessory building located on Part 1 on the attached survey sketch (refer to Appendix 1);



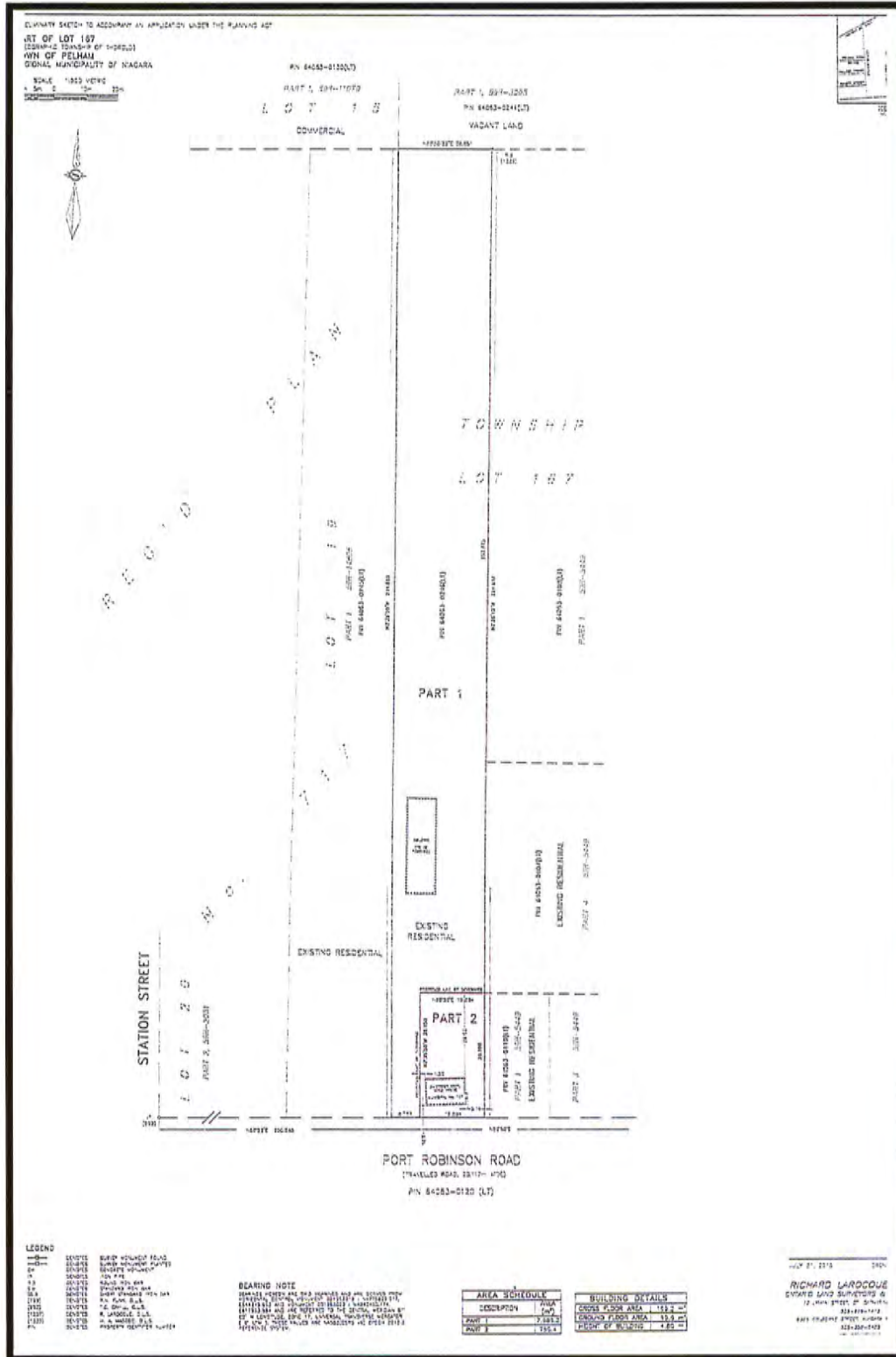
- 4) That the Secretary-Treasurer be provided with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent; and,
- 5) That the final certification fee of \$358.00, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.

Submitted by, ,



Andrew Gameiro  
Planner






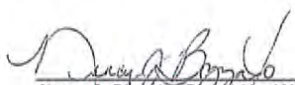
Appendix 1: Submitted Site Drawing



From the Department of



Appendix 2: Public Notice

	
In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and; In the matter of an application for consent on behalf of:	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <b>NOTICE OF PUBLIC HEARING</b> </div>	<b>WHAT:</b> FILE B11/2015P <b>WHO:</b> SLEEK DEVELOPMENTS INC. Part Lot 167, Thorold Township, 107 Port Robinson Rd., Pelham
	<b>WHEN:</b> TUESDAY, OCTOBER 6, 2015, at 4:00 pm
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Notice is hereby given that an application for consent under the above noted file number will be heard by the Committee of Adjustment for the Town of Pelham on the date and at the time and place shown above.
<b>LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:</b> The subject parcel, shown as Part 1 on the attached sketch, has 8,787 metres frontage on the north side of Port Robinson Road, east of Station Street and being Part of Lot 167 in the former Township of Thorold, now Town of Pelham.  Application is made for consent to partial discharge of mortgage and to convey 7686.2 square metres of land, to be added to the abutting lands to the west known municipally as 65 Port Robinson Road. The building situated on the subject parcel is to be removed. 756.4 square metres of land (Part 2) with a dwelling known municipally as 107 Port Robinson Road is to be retained for continued residential use. Applications B9/2015P and B10/2015P are being considered concurrently.	
Information 	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application they may be forwarded in writing to the Secretary-Treasurer at the address above or you may appear in person or by counsel and make a verbal presentation to the Committee.
HAVE YOUR SAY 	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> The Committee would appreciate receiving your written comments regarding this application by <b>SEPTEMBER 24, 2015</b> . If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.  The applicant or the authorized agent of the applicant <b>MUST</b> be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
	<b>NEED MORE INFORMATION? CONTACT US!</b>  <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>
Legal Notice 	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Dated this 15 <sup>th</sup> day of September, 2015  Nancy D. Bozzato, Dipl.M.M., AMCT Town Clerk / Secretary-Treasurer	
Town of Pelham Committee of Adjustment	



### Appendix 3: Niagara Peninsula Conservation Authority (NPCA) Comments



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

September 25, 2015

File No. MPR 2.11

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

Attn: Nancy Bozzato

Subject: B9/2015, B10/2015 and B11/2015

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

These concurrent applications have been made to permit the conveyance of lands which will merge together for future residential use. These applications will also create three single residential lots fronting on Port Robinson Road known as 56, 69 and 107 Port Robinson Road.

#### **NPCA Regulations:**

NPCA mapping shows a very small watercourse that is a part of the Welland Canal North Sub-watershed traversing the subject lands. As such, development of these lands will be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses (O. Reg. 155/06). In accordance with our policies, new development and site alterations are not permitted within a watercourse or regulated flooding hazard.

Given the small drainage area of this watercourse, the NPCA does not have any flooding concerns for these applications. Any works within the watercourse, or proposals to cross or relocate the feature will require approvals from the NPCA and may require Work Permits from this office prior to the commencement of the works on site.

#### **Region of Niagara's Natural Heritage Comments:**

Portions of the subject lands have been identified as a Highly Vulnerable Aquifer (HVA). As such, the groundwater in this area is more susceptible to land use changes. Regional Policy 7. A.2.9 states that development and site alterations shall not have a negative impact on the groundwater quality or quantity.

It is the NPCA's understanding that all future development will be on municipal services (water and sanitary) and that the retained single residential lots will also be required to decommission the existing septic systems and connect to municipal sanitary services. As such, there are no concerns from a groundwater impact perspective.

#### **Conclusion:**

In light of the above, this office offers no objections to the approval of this application.

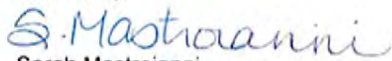




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I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,



Sarah Mastroianni  
Watershed Planner (ext. 249)

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



#### Appendix 4: Department of Public Works Comments



Vibrant • Creative • Caring

### Memorandum Public Works Department - Engineering

DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File B11/2015P  
107 Port Robinson Road  
Conveyance Application

Please note the following suggested conditions regarding the above-noted application:

1. That the applicant confirm, to the satisfaction of the Director of Public Works, that no existing water, sewer or storm services branch from or through Part 1, including the Building in Part 1, to service other neighbouring properties, including the residence in Part 2. Should there be existing servicing as such, a service right-of-way may need to be established, or services may require relocation, at the discretion of the Director.



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



**Appendix 5: Building Department Comments**



**File: B11/2015P**

September 24, 2015

**Address:** Part Lot 167, Thorold township, 107 Port Robinson Road, Pelham

**Agent:** The Larocque Group/Brent Larocque

**Owner:** Sleek Developments Inc.,

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

|





*Vibrant · Creative · Caring*

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**File: B11/2015P**

September 24, 2015

**Address:** Part Lot 167, Thorold township, 107 Port Robinson Road, Pelham

**Agent:** The Larocque Group/Brent Larocque

**Owner:** Sleek Developments Inc.,

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



September 25, 2015

File No. MPR 2.11

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

Attn: Nancy Bozzato

Subject: B9/2015, B10/2015 and B11/2015

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

These concurrent applications have been made to permit the conveyance of lands which will merge together for future residential use. These applications will also create three single residential lots fronting on Port Robinson Road known as 56, 69 and 107 Port Robinson Road.

**NPCA Regulations:**

NPCA mapping shows a very small watercourse that is a part of the Welland Canal North Sub-watershed traversing the subject lands. As such, development of these lands will be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses (O. Reg. 155/06). In accordance with our policies, new development and site alterations are not permitted within a watercourse or regulated flooding hazard.

Given the small drainage area of this watercourse, the NPCA does not have any flooding concerns for these applications. Any works within the watercourse, or proposals to cross or relocate the feature will require approvals from the NPCA and may require Work Permits from this office prior to the commencement of the works on site.

**Region of Niagara's Natural Heritage Comments:**

Portions of the subject lands have been identified as a Highly Vulnerable Aquifer (HVA). As such, the groundwater in this area is more susceptible to land use changes. Regional Policy 7. A.2.9 states that development and site alterations shall not have a negative impact on the groundwater quality or quantity.

It is the NPCA's understanding that all future development will be on municipal services (water and sanitary) and that the retained single residential lots will also be required to decommission the existing septic systems and connect to municipal sanitary services. As such, there are no concerns from a groundwater impact perspective.

**Conclusion:**

In light of the above, this office offers no objections to the approval of this application.

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 Development Planner, Niagara Region



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Consent (Severance) Application B13/2015P (Todd & Michelle Barber)  
1423 Pelham Street, Pelham, ON  
Part Lot 27, Plan 717, Pelham, ON  
Roll No. 273203000414700**

The subject application is for consent to create a right-of-way in perpetuity over 30.8 square metres (331.5 square feet) of land, to the benefit of the abutting lot to the south known as 1421 Pelham Street, for mutual ingress and egress purposes. 438.9 square metres (4,724.28 square feet) of land (Parts 1 and 2) will be retained for continued commercial and proposed residential use. Applications B14/2015P, A9/2015P and A10/2015P are being considered concurrently.

The subject parcel, shown as Part 2 on the attached survey sketch, is situated east of Pelham Street, at the rear of the property which has access from Pelham Town Square, being Part of Lot 27, Plan 717, municipally known as 1423 Pelham Street in the Town of Pelham.

#### **Applicable Planning Policies**

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

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014.

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

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

##### The Greenbelt Plan (2005)

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



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

The Regional Official Plan, 2014, designates the subject parcel as 'Urban Area Boundary – Built-up Area'.

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

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

### Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, designates the subject parcel as 'Downtown'.

The purpose of the 'Downtown' designation is to maintain and promote Downtown Fonthill and Downtown Fenwick as the focal points for commerce and hospitality in the Town and establish a definitive boundary for the Downtowns, within which a pedestrian-oriented environment can be fostered.

The permitted uses in the 'Downtown' designation include: retail uses including farmers markets; service uses; business offices; banks and financial institutions; hotels, inns and bed and breakfast establishments; entertainment uses; daycare centres; private and commercial schools; places of worship and public institutional uses; health care facilities; restaurants and take out restaurants; micro-breweries and wineries; medium and high density residential uses on upper floors or as mixed uses; parks; funeral homes; galleries, museums and theatres; and uses, building and structures accessory to uses mentioned above.

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

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

It is noted that the consent application is for an easement and not the creation of a new lot.

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

The subject parcel is zoned 'General Commercial' (GC) according to Zoning By-law No. 1136 (1987), as amended.





The 'General Commercial' (GC) Zone permits a variety of uses such as: bakeries; banks; clinics; L.C.B.O. and Brewer's retail store; professional and business offices; restaurants; retail stores; service shops; shopping centres; dwelling units above a ground floor; uses, buildings and structures accessory to the foregoing permitted uses; etc.

### Planning Staff Comments

According to the application and attached survey sketch (refer to Appendix 1), Parts 1 and 5 each contain an existing commercial building and a parking area. Parts 2, 3 and 4 contain a portion of two commercial parking lots which front onto Pelham Town Square.

The subject parcel is surrounded by similar lots which contain commercial buildings with accessory residential units above the ground floor. The easement for mutual access will recognize an existing condition as well as facilitate future development of the two properties by formalizing the existing shared access and right-of-way.

With respect to the Official Plan, under Policy D5.2.1, the subject application is for consent to create a right-of-way – a new lot will not be created as a result of this consent application. However, Planning staff have regard for Policy D5.2.1 when reviewing consent applications.

The subject parcel fronts on and is directly accessed by a public road (Pelham Town Square) that is maintained on a year-round basis. Planning staff are of the opinion that the site does not pose a traffic hazard as a result of visibility concerns due to topography. The subject application for easement also conforms to the provisions of the Town's Zoning By-law.

Servicing for the subject parcel is not of concern as the parcel is currently serviced by an appropriate water supply and means of sewage disposal, and there is no new development planned within the proposed right-of-way. The Town's Department of Public Works will address drainage and servicing requirements for the subject application. The approval of the application shall be subject to any conditions imposed by the Department of Public Works. It is noted that the future redevelopment of the parcel will be subject to other planning applications such as Minor Variance and Site Plan Approval, and may be subject to conditions through those approvals as well.

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

Planning staff note that the Niagara Peninsula Conservation Authority's (NPCA) Niagara Natural Environment Information Mapping Screening Area (NNEIMSA) does not affect the subject parcel. As such, Planning staff are of the opinion that the subject application will not have a negative impact on the features and functions of any environmentally sensitive features in the area.

On September 15<sup>th</sup>, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Building) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:



- The Department of Public Works comments, dated September 25, 2015, offer the following conditions of approval (refer to Appendix 3):
  - That the applicant confirm, to the satisfaction of the Director of Public Works, that no existing water, sewer or storm services branch from or through Part 2. This includes servicing to 1423 Pelham Street, or servicing to other neighbouring properties, including the existing and proposed buildings at 1421 Pelham. Should there be existing servicing as such, the easement documents shall reflect the service right-of-way.
- The Building Department comments, dated September 24, 2015, offer no objections to the subject application (refer to Appendix 4).

The following comments were received from the public:

- Fonthill Baptist Church comments, dated September 25, 2015, offer the following objections to the subject application (refer to Appendix 5):
  - Through Minor Variance Application Files A9/2015P and A10/2015P, the applicant is proposing to reduce the overall parking requirement from 45 spaces to 13 spaces;
  - There is currently a shortage of parking in the Downtown Fonthill and unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. The church's parking lot is frequently used by shoppers and residents of local apartment buildings because there is not adequate parking. This impedes the function and/or daily operations of the Fonthill Baptist Church; and,
  - Granting relief to the applicant for the required number of parking spaces will only exacerbate the parking problems in the Downtown area.

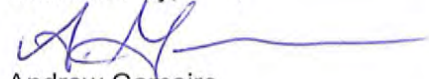
The comments above will be addressed in the planning reports regarding Minor Variance Application Files A9/2015P and A10/2015P as the subject application is for consent to create a right-of-way.

Planning Staff is of the opinion that the application for consent is consistent with Provincial policies and Regional Official Plan, and complies with the Town's Official Plan and Zoning By-law. The authorization of the consent is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File B13/2015P be approved subject to the following conditions:

- 1) That the applicant confirm, to the satisfaction of the Director of Public Works, that no existing water, sewer or storm services branch from or through Part 2. This includes servicing to 1423 Pelham Street, or servicing to other neighbouring properties, including the existing and proposed buildings at 1421 Pelham. Should there be existing servicing as such, the easement documents shall reflect the service right-of-way;
- 2) That 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; and,
- 3) That the final certification fee of \$358.00, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.



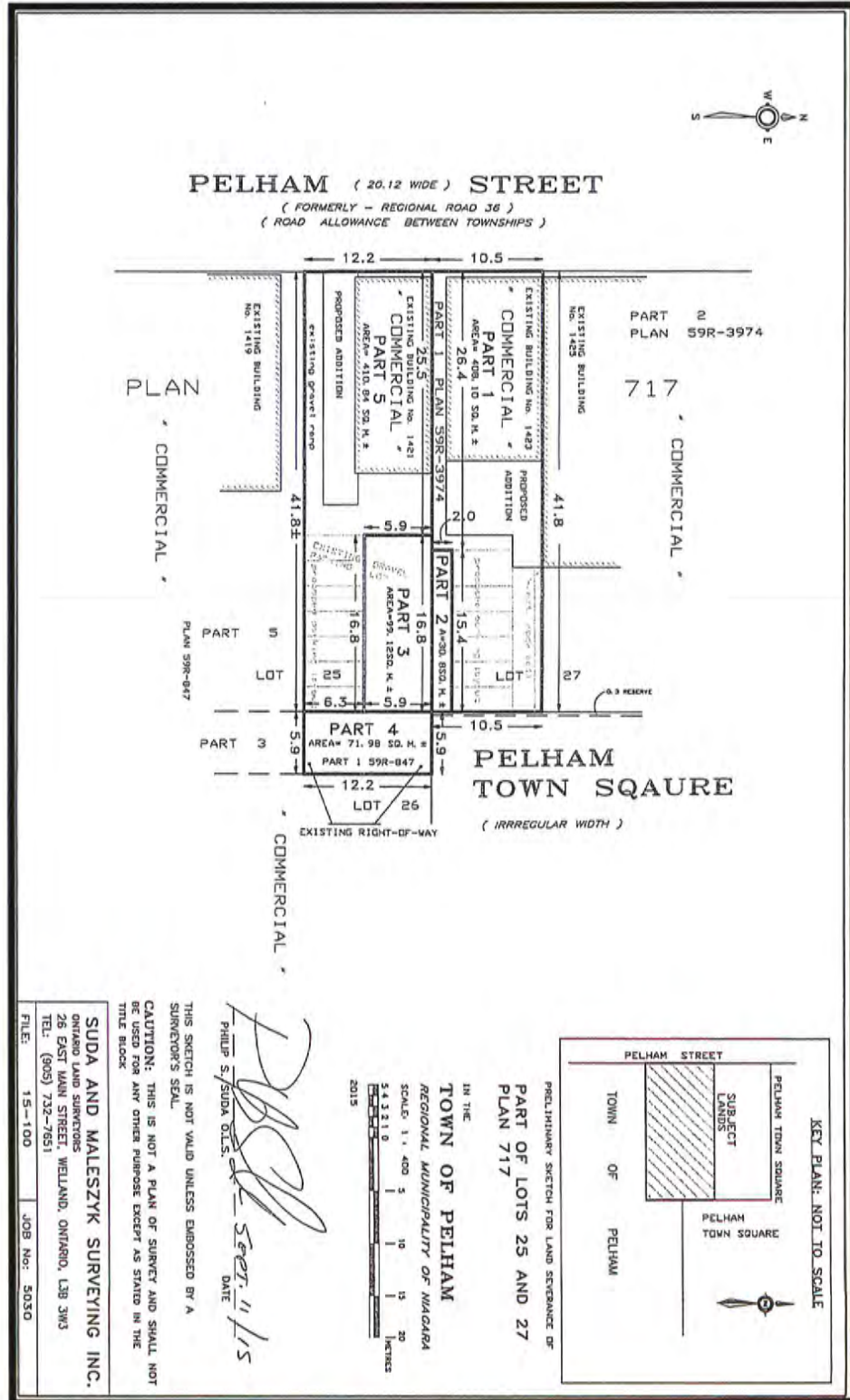
Submitted by,








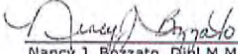

Andrew Gameiro  
Planner



Appendix 1: Submitted Site Drawing



Appendix 2: Public Notice

	
In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and; In the matter of an application for consent on behalf of:	
	<b>WHAT:</b> FILE B 13/2015P <b>WHO:</b> Todd Barber and Michelle Barber Part Lot 27, Plan 717, 1423 Pelham Street, Pelham
	<b>WHEN:</b> Tuesday, October 6, 2015 at 4:00 p.m.
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Notice is hereby given that an application for consent under the above noted file number will be heard by the Committee of Adjustment for the Town of Pelham on the date and at the time and place shown above.
<b>LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:</b> The subject parcel, shown as Part 2 on the attached sketch, is situated east of Pelham Street, at the rear of the property which has access from Pelham Town Square, being part of Lot 27, Plan 717, municipally known as 1423 Pelham Street in the Town of Pelham. Application is made for consent to a right of way in perpetuity over 30.8 square metres of land, to the benefit of the abutting lot to the south known as 1421 Pelham Street, for mutual ingress and egress purposes. 438.9 square metres of land (Parts 1 and 2) will be retained for continued commercial and proposed residential use. Applications B14/2015P, A9/2015P and A10/2015P are being considered concurrently.	
<b>Information</b> 	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application they may be forwarded in writing to the Secretary-Treasurer at the address above or you may appear in person or by counsel and make a verbal presentation to the Committee.
<b>HAVE YOUR SAY</b> 	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> The Committee would appreciate receiving your written comments regarding this application by <b>SEPTEMBER 24, 2015</b> . If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released. The applicant or the authorized agent of the applicant <b>MUST</b> be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
	<b>NEED MORE INFORMATION? CONTACT US!</b> <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NBozzato@pelham.ca">NBozzato@pelham.ca</a>  Nancy J. Bozzato, Dipl.M.M., AMCT Town Clerk / Secretary-Treasurer Dated this 15 <sup>th</sup> day of September, 2015
<b>Legal Notice</b> 	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Town of Pelham Committee of Adjustment	



Appendix 3: Department of Public Works Comments



**Memorandum**  
**Public Works Department - Engineering**

DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File B13/2015P  
1423 Pelham Street  
Conveyance Right of Way Application

Please note the following suggested conditions regarding the above-noted application:

1. Services through right-of-ways are avoided due to ownership and maintenance challenges. Although it is not anticipated that any servicing runs through the rear of these properties to Pelham Town Square, please note the following suggested conditions regarding the above-noted application:
2. That the applicant confirm, to the satisfaction of the Director of Public Works, that no existing water, sewer or storm services branch from or through Part 2. This includes servicing to 1423 Pelham Street, or servicing to other neighbouring properties, including the existing and proposed buildings at 1421 Pelham. Should there be existing servicing as such, the easement documents shall reflect the service right-of-way.



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



**Appendix 4: Building Department Comments**



**File:** B13/2015P

September 24, 2015

**Address:** Part Lot 27, Plan 717, 1423 Pelham Street, Pelham

**Owner:** Todd Barber & Michelle Barber


Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



Appendix 5: Fonthill Baptist Church Comments



## Fonthill Baptist Church

TOWN OF PELHAM  
SEP 28 2015  
RECEIVED

25 Sept 2015

Nancy Bozzato  
Town Clerk / Secretary-Treasurer  
Town of Pelham  
PO Box 400  
Fonthill, ON  
L0S 1E0

RE: Files A9, A10, B13, B14 / 2015P

We received your notice of Public Hearing to be held 06 October 2015 regarding an application for minor variance for these Files. This letter is to register a written objection concerning the above noted application.


Our specific objection is with respect to the relief for Parking Spaces under By-law General Provisions Section 6.16 (i) (a). The current requirement is 24 parking spaces for File A9 and 21 parking spaces for File A10. The proposed request is to reduce this to 7 plus 6 parking spaces for the respective Files. This is a combined reduction from a requirement of 45 spaces down to 13 spaces.

There is currently a shortage of parking spaces in the downtown area. Unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. Shoppers park there because the businesses they visit on Church Hill or Pelham Street do not have adequate parking. Our lot is frequently used by people living in nearby apartment buildings because they don't have adequate parking.

This creates problems for us in our normal operation. Parents dropping off or picking up children attending our Nursery School program are often unable to find parking space due to unauthorized vehicles using our lot. Snow removal from our lot is often hampered by unauthorized parked vehicles.

The Church has signage indicating that our parking lot is private property. Despite this signage, we regularly witness unauthorized usage. The root cause of the problem, is inadequate parking at nearby commercial operations and apartments. Giving relief to the applicant for the required parking spaces will only exacerbate the problem. We cannot support any deviation to the current By-law concerning Parking Spaces.

*A Member of the Baptist Convention of Ontario and Quebec*





The Baptist Church would like to be notified of the decision of the Committee of Adjustment in respect of this application. Feel free to contact us if you have any questions.



Doug Hardy  
Trustee & Stewardship Chairman  
Fonthill Baptist Church





*Vibrant · Creative · Caring*

---

**File: B13/2015P**

September 24, 2015

**Address:** Part Lot 27, Plan 717, 1423 Pelham Street, Pelham

**Owner:** Todd Barber & Michelle Barber

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

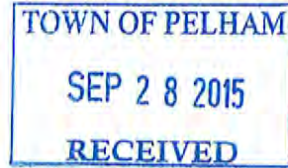
The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



# Fonthill Baptist Church

Box 306, Fonthill, ON L0S 1E0 • Tel.: (905) 892-3925



25 Sept 2015

Nancy Bozzato  
Town Clerk / Secretary-Treasurer  
Town of Pelham  
PO Box 400  
Fonthill, ON  
L0S 1E0

RE: Files A9, A10, B13, B14 / 2015P

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Our specific objection is with respect to the relief for Parking Spaces under By-law General Provisions Section 6.16 (i) (a). The current requirement is 24 parking spaces for File A9 and 21 parking spaces for File A10. The proposed request is to reduce this to 7 plus 6 parking spaces for the respective Files. This is a combined reduction from a requirement of 45 spaces down to 13 spaces.

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## Appendix 3 for 6.6.: File A13-2015P Fonthill Baptist Church

The Baptist Church would like to be notified of the decision of the Committee of Adjustment in respect of this application. Feel free to contact us if you have any questions.

A handwritten signature in black ink, appearing to read "Doug Hardy". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

Doug Hardy  
Trustee & Stewardship Chairman  
Fonthill Baptist Church



October 1, 2015

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

Dear Mrs. Bozzato:

**Re: Consent (Severance) Application B14/2015P (McGill Turpel Family Holding Company)  
1421 Pelham Street, Pelham, ON  
Part Lot 25, Plan 717, Pelham, ON  
Roll No. 273203000414800**

The subject application is for consent to create a right-of-way in perpetuity over 171.1 square metres (1,841.7 square feet) of land, to the benefit of the abutting lot to the north known as 1423 Pelham Street, for mutual ingress and egress purposes. 581.94 square metres (6,263.95 square feet) of land (Parts 3, 4 and 5) will be retained for continued commercial/residential use. Applications B13/2015P, A9/2015P and A10/2015P are being considered concurrently.

The subject parcel, shown as Parts 3 and 4 on the attached sketch, is situated east of Pelham Street, at the rear of the property which has access from Pelham Town Square, being Part of Lot 25, Plan 717, municipally known as 1421 Pelham Street in the Town of Pelham.

### **Applicable Planning Policies**

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

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014.

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

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

#### The Greenbelt Plan (2005)

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



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

The Regional Official Plan, 2014, designates the subject parcel as 'Urban Area Boundary – Built-up Area'.

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

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

### Town Pelham Official Plan, 2014

The Town's Official Plan, 2014, designates the subject parcel as 'Downtown'.

The purpose of the 'Downtown' designation is to maintain and promote Downtown Fonthill and Downtown Fenwick as the focal points for commerce and hospitality in the Town and establish a definitive boundary for the Downtowns, within which a pedestrian-oriented environment can be fostered.

The permitted uses in the 'Downtown' designation include: retail uses including farmers markets; service uses; business offices; banks and financial institutions; hotels, inns and bed and breakfast establishments; entertainment uses; daycare centres; private and commercial schools; places of worship and public institutional uses; health care facilities; restaurants and take out restaurants; micro-breweries and wineries; medium and high density residential uses on upper floors or as mixed uses; parks; funeral homes; galleries, museums and theatres; and uses, building and structures accessory to uses mentioned above.

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

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

It is noted that the consent application is for an easement and not the creation of a new lot.

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

The subject parcel is zoned 'General Commercial' (GC) according to Zoning By-law No. 1136 (1987), as amended.

From the Department of



The 'General Commercial' (GC) Zone permits a variety of uses such as: bakeries; banks; clinics; L.C.B.O. and Brewer's retail store; professional and business offices; restaurants; retail stores; service shops; shopping centres; dwelling units above a ground floor; uses, buildings and structures accessory to the foregoing permitted uses; etc.

### Planning Staff Comments

According to the application and attached survey sketch (refer to Appendix 1), Parts 1 and 5 each contain an existing commercial building and a parking area. Parts 2, 3 and 4 contain a portion of two commercial parking lots which front onto Pelham Town Square.

The subject parcel is surrounded by similar lots which contain commercial buildings with accessory residential units above the ground floor. The easement for mutual access will recognize an existing condition as well as facilitate future development of the two properties by formalizing the existing shared access and right-of-way.

With respect to the Official Plan, under Policy D5.2.1, the subject application is for consent to create a right-of-way – a new lot will not be created as a result of this consent application. However, Planning staff have regard for Policy D5.2.1 when reviewing consent applications.

The subject parcel fronts on and is directly accessed by a public road (Pelham Town Square) that is maintained on a year-round basis. Planning staff are of the opinion that the site does not pose a traffic hazard as a result of visibility concerns due to topography. The subject application for easement also conforms to the provisions of the Town's Zoning By-law.

Servicing for the subject parcel is not of concern as the parcel is currently serviced by an appropriate water supply and means of sewage disposal, and there is no new development planned within the proposed right-of-way. The Town's Department of Public Works will address drainage and servicing requirements for the subject application. The approval of the application shall be subject to any conditions imposed by the Department of Public Works. It is noted that the future redevelopment of the parcel will be subject to other planning applications such as Minor Variance and Site Plan Approval, and may be subject to conditions through those approvals as well.

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

Planning staff note that the Niagara Peninsula Conservation Authority's (NPCA) Niagara Natural Environment Information Mapping Screening Area (NNEIMSA) does not affect the subject parcel. As such, Planning staff are of the opinion that the subject application will not have a negative impact on the features and functions of any environmentally sensitive features in the area.

On September 15<sup>th</sup>, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Building) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:



- The Department of Public Works comments, dated September 25, 2015, offer the following conditions of approval (refer to Appendix 3):
  - That the applicant confirm, to the satisfaction of the Director of Public Works that no existing water, sewer or storm services branch from or through Part 3 or 4. This includes servicing to 1421 Pelham Street, or servicing to other neighbouring properties, including the existing and proposed buildings at 1423 Pelham. Should there be existing servicing as such, the easement documents shall reflect the service right-of-way.
- The Building Department comments, dated September 24, 2015, offer no objections to the subject application (refer to Appendix 4).

The following comments were received from the public:

- Fonthill Baptist Church comments, dated September 25, 2015, offer the following objections to the subject application (refer to Appendix 5):
  - Through Minor Variance Application Files A9/2015P and A10/2015P, the applicant is proposing to reduce the overall parking requirement from 45 spaces to 13 spaces;
  - There is currently a shortage of parking in the Downtown Fonthill and unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. The church's parking lot is frequently used by shoppers and residents of local apartment buildings because there is not adequate parking. This impedes the function and/or daily operations of the Fonthill Baptist Church; and,
  - Granting relief to the applicant for the required number of parking spaces will only exacerbate the parking problems in the Downtown area.

The comments above will be addressed in the planning reports regarding Minor Variance Application Files A9/2015P and A10/2015P as the subject application is for consent to create a right-of-way.

Planning Staff is of the opinion that the application for consent is consistent with Provincial policies and Regional Official Plan, and complies with the Town's Official Plan and Zoning By-law. The authorization of the consent is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File B14/2015P be approved subject to the following conditions:

- 1) That the applicant confirm, to the satisfaction of the Director of Public Works that no existing water, sewer or storm services branch from or through Part 3 or 4. This includes servicing to 1421 Pelham Street, or servicing to other neighbouring properties, including the existing and proposed buildings at 1423 Pelham. Should there be existing servicing as such, the easement documents shall reflect the service right-of-way;
- 2) That 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; and,
- 3) That the final certification fee of \$358.00, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.









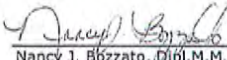

Submitted by,



Andrew Gameiro  
Planner



Appendix 2: Public Notice

	
In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and; In the matter of an application for consent on behalf of:	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>NOTICE OF PUBLIC HEARING</b> </div>	<b>WHAT:</b> <b>FILE B 14/2015P</b> <b>WHO:</b> <b>McGill Turpel Family Holding Company</b> <b>Pursuant to Agreement of Purchase &amp; Sale</b> Part Lot 25, Plan 717, 1421 Pelham Street, Pelham
	<b>WHEN:</b> <b>Tuesday, October 6, 2015 at 4:00 p.m.</b>
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Notice is hereby given that an application for consent under the above noted file number will be heard by the Committee of Adjustment for the Town of Pelham on the date and at the time and place shown above.
<b>LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:</b> The subject parcel, shown as Parts 3 and 4 on the attached sketch, is situated east of Pelham Street, at the rear of the property which has access from Pelham Town Square, being part of Lot 25, Plan 717, municipally known as 1421 Pelham Street in the Town of Pelham.  Application is made for consent to a right of way in perpetuity over 171.1 square metres of land, to the benefit of the abutting lot to the north known as 1423 Pelham Street, for mutual ingress and egress purposes. 581.94 square metres of land (Parts 3, 4 and 5) will be retained for continued commercial/residential use.  Applications B13/2015P, A9/2015P and A10/2015P are being considered concurrently.	
Information 	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application they may be forwarded in writing to the Secretary-Treasurer at the address above or you may appear in person or by counsel and make a verbal presentation to the Committee.
HAVE YOUR SAY 	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> <i>The Committee would appreciate receiving your written comments regarding this application by SEPTEMBER 24, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i>  The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
	<b>NEED MORE INFORMATION? CONTACT US!</b>  <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>   Nancy J. Bozzato, Dipl.M.M., AMCT Town Clerk / Secretary-Treasurer  Dated this 15 <sup>TH</sup> day of September, 2015
Legal Notice 	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Town of Pelham Committee of Adjustment	



Appendix 3: Department of Public Works Comments



**Memorandum**  
**Public Works Department - Engineering**

DATE: September 25, 2015  
TO: Andrew Gameiro, Planner  
CC: Nancy J. Bozzato, Clerk  
FROM: Andrea Clemencio, Director of Public Works & Utilities  
RE: File B14/2015P  
1421 Pelham Street

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1. That the applicant confirm, to the satisfaction of the Director of Public Works that no existing water, sewer or storm services branch from or through Part 3 or 4. This includes servicing to 1421 Pelham Street, or servicing to other neighbouring properties, including the existing and proposed buildings at 1423 Pelham. Should there be existing servicing as such, the easement documents shall reflect the service right-of-way.



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



**Appendix 4: Building Department Comments**



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**File:** B14/2015P  
**Address:** Part Lot 25, Plan 717, 1421 Pelham Street, Pelham  
**Agent:** Todd Barber  
**Owner:** McGill Turpel Family Holding Company

September 24, 2015


Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



Appendix 5: Fonthill Baptist Church Comments



## Fonthill Baptist Church

TOWN OF PELHAM  
SEP 28 2015  
RECEIVED

25 Sept 2015

Nancy Bozzato  
Town Clerk / Secretary-Treasurer  
Town of Pelham  
PO Box 400  
Fonthill, ON  
L0S 1E0

RE: Files A9, A10, B13, B14 / 2015P

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*A Member of the Baptist Convention of Ontario and Quebec*



From the Department of  
 **Community Planning  
& Development**

The Baptist Church would like to be notified of the decision of the Committee of Adjustment in respect of this application. Feel free to contact us if you have any questions.



Doug Hardy  
Trustee & Stewardship Chairman  
Fonthill Baptist Church





---

**File:** B14/2015P

September 24, 2015

**Address:** Part Lot 25, Plan 717, 1421 Pelham Street, Pelham

**Agent:** Todd Barber

**Owner:** McGill Turpel Family Holding Company

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers no comment at this time.

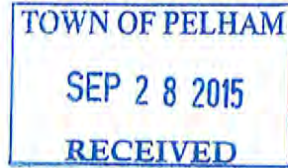
Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development





# Fonthill Baptist Church

Box 306, Fonthill, ON L0S 1E0 • Tel.: (905) 892-3925



25 Sept 2015

Nancy Bozzato  
Town Clerk / Secretary-Treasurer  
Town of Pelham  
PO Box 400  
Fonthill, ON  
L0S 1E0

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We received your notice of Public Hearing to be held 06 October 2015 regarding an application for minor variance for these Files. This letter is to register a written objection concerning the above noted application.

Our specific objection is with respect to the relief for Parking Spaces under By-law General Provisions Section 6.16 (i) (a). The current requirement is 24 parking spaces for File A9 and 21 parking spaces for File A10. The proposed request is to reduce this to 7 plus 6 parking spaces for the respective Files. This is a combined reduction from a requirement of 45 spaces down to 13 spaces.

There is currently a shortage of parking spaces in the downtown area. Unauthorized vehicles are constantly using the parking lot at Fonthill Baptist Church. Shoppers park there because the businesses they visit on Church Hill or Pelham Street do not have adequate parking. Our lot is frequently used by people living in nearby apartment buildings because they don't have adequate parking.

This creates problems for us in our normal operation. Parents dropping off or picking up children attending our Nursery School program are often unable to find parking space due to unauthorized vehicles using our lot. Snow removal from our lot is often hampered by unauthorized parked vehicles.

The Church has signage indicating that our parking lot is private property. Despite this signage, we regularly witness unauthorized usage. The root cause of the problem, is inadequate parking at nearby commercial operations and apartments. Giving relief to the applicant for the required parking spaces will only exacerbate the problem. We cannot support any deviation to the current By-law concerning Parking Spaces.



## Appendix 3 for 6.7.: File A14-2015P Fonthill Baptist Church

The Baptist Church would like to be notified of the decision of the Committee of Adjustment in respect of this application. Feel free to contact us if you have any questions.

A handwritten signature in black ink, appearing to read "Doug Hardy". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

Doug Hardy  
Trustee & Stewardship Chairman  
Fonthill Baptist Church

## **Committee of Adjustment MINUTES**

### **Committee of Adjustment Hearing 5/2015**

Meeting Type : Committee of Adjustment Hearing

Date : Wednesday, August 05, 2015

Location : Town of Pelham Municipal Building - Council Chambers

### **Minutes**

#### **Attendance**

#### **Committee Members**

- Wayne Lockey, Vice Chair
- John Klassen, Member
- Don Cook, Member (arrival 4:15)

#### **Town Clerk / Secretary Treasurer**

- Nancy J. Bozzato

#### **Acting Deputy Clerk**

- Judy Sheppard

#### **Staff**

- Kristina Braun

Brian and Anne Ker, File B6/2015P

Jon Whyte, File A6/2015P

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

Noting that a quorum was present, Vice Chair Lockey called the meeting to order at 4:15 p.m. Vice Chair Lockey read the prescribed opening remarks for the benefit of those present.

#### **Disclosure of Pecuniary**

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

**Interest and  
General Nature  
Thereof**

**Requests for  
Withdrawal or  
Adjournment**

There were no requests for withdrawal or adjournment.

**File A6/2015 -  
Terri DeMelo**  
(Applications for Minor  
Variance)

**Purpose of the Application:**

Application is made for relief from Section 2(g) of Zoning By-law 1136(1987) to permit a rear yard setback distance of 3.5 metres whereas 4 metres is required, and from Section 2(c) to allow a lot coverage of 50% whereas 45% is permitted.

**Representation:**

Mr. Jon Whyte, authorized agent, appeared on behalf of this application.

**Correspondence:**

- Town of Pelham Community Planning Department
- Town of Pelham Public Works Department - Engineering
- Town of Pelham Building Department

**Comments:**

Mr. Whyte noted that the staff report is straightforward. The lot is of a pie shape on the turn of the street which pushes everything on the lot back. The owner is intending to build a bungalow, thus the combination of these factors has dictated the need for the variances.

No one was present in the gallery to speak to this application.

Member Klassen noted that there are no houses in the area at this time. He expressed concern relating to the future impact this approval might have. Mr. Whyte noted that there is only one new house in the immediate vicinity, adding that the greatest risk is to the developer in that once the house is constructed the impact will be to other prospective purchasers.

Member Cook questioned the drainage plans for this application. Mr. Whyte advised that the nearest catch basin is located immediately adjacent to this proposed lot, to the south. He displayed a copy of the subdivision plan and explained the intended drainage flow plan.

Member Cook suggested a condition of approval relating to the drainage, Member Klassen noting however that a grading plan will be needed as part of the building permit approval process. Mr. Whyte indicated that they will have to demonstrate how the grading of this

lot will comply with the overall plan. Further, he advised that there are subterranean infiltration pits in this development to maintain infiltration rates for the Conservation Authority. He explained the system that has been required.

**Resolution #CA20150805.1001**

Moved By: John Klassen Second By: Don Cook

**THAT application A6/2015 on behalf of Terri DeMelo, for relief from Section R1-184 2(g) to allow a rear yard setback distance of 3.5 metres whereas 4 metres is required is hereby granted for the following reasons:**

1. **The variance is minor in nature as the setback will facilitate accommodation of the construction of a single detached dwelling on an irregularly shaped lot.**
2. **Sufficient amenity space will be maintained for maintenance purposes and the preservation of privacy between adjacent properties.**
3. **The proposal is desirable for the appropriate development and/or use of the land given that the urban, residential character of the area will be maintained.**
4. **The general purpose and intent of the Zoning By-Law is maintained as the use is permitted within the Residential 1 R1-184 Zone.**
5. **The intent of the Official Plan is maintained as the use is permitted in the Lot Density Residential and Greenfield Overlay designations.**
6. **The applicant has been advised that the rear yard setback shall not be permitted to impact existing drainage and grading.**
7. **The applicant has been advised that all necessary building permits shall be obtained prior to commencement of construction.**
8. **This application is granted without prejudice to any other application in the Town of Pelham.**
9. **No objections were received from commenting agencies or abutting property owners.**

**AND THAT Application for relief of Section R1-184 §2(c) to permit a lot coverage of 50% whereas 45% is permitted is hereby GRANTED for the following reasons:**

1. **The variance is minor in nature as the setback will facilitate accommodation of the construction of a single detached dwelling on an irregularly shaped lot.**

2. **Sufficient amenity space will be maintained for maintenance purposes and the preservation of privacy between adjacent properties.**
3. **The proposal is desirable for the appropriate development and/or use of the land given that the urban, residential character of the area will be maintained.**
4. **The general purpose and intent of the Zoning By-Law is maintained as the use is permitted within the Residential 1 R1-184 Zone.**
5. **The intent of the Official Plan is maintained as the use is permitted in the Lot Density Residential and Greenfield Overlay designations.**
6. **The applicant has been advised that the rear yard setback shall not be permitted to impact existing drainage and grading.**
7. **The applicant has been advised that all necessary building permits shall be obtained prior to commencement of construction.**
8. **This application is granted without prejudice to any other application in the Town of Pelham.**
9. **No objections were received from commenting agencies or abutting property owners.**

**Carried**

**File B6/2015P -  
Brian and Anne  
Ker**

(Applications for Consent)

**Purpose of the Application:**

Application is made for consent to convey 0.47 hectare of vacant land for single family residential use. 0.68 hectare of land is to be retained for continued use of the dwelling known municipally as 1204 Maple Street.

**Representation:**

Brian and Anne Ker appeared on behalf of this application.

**Correspondence:**

- Town of Pelham Community Planning Department
- Town of Pelham Public Works Department - Engineering
- Town of Pelham Building Department
- Regional Municipality of Niagara Development Services

**Comments:**

Mrs. Ker noted that the application is straightforward, and they intend to convey the parcel to their daughter and future son-in-law for residential use.

While individuals were present in the gallery, no one provided comment.

Member Klassen questioned the septic system on the small parcel between the proposed subject and remnant parcels. The Secretary-Treasurer advised that the Public Health Department will take this matter under their consideration.

Member Cook noted that the lot will be serviced with municipal water. Mr. Ker advised that the sewer system is situated on the east side of Maple Street, however they will not be accessing it to service the new lot.

### **Resolution #CA20150805.1002**

Moved By: Don Cook Second By: John Klassen

**THAT File B6/2015P on behalf of Brian G. Ker and Anne M. Ker for consent to convey 0.47 hectare of land, part of Lot 16, Concession 9, Town of Pelham be granted, subject to the following conditions:**

1. **THAT satisfactory written proof be submitted to the Town of Pelham Director of Public Works indicating that there are no existing water or sewer services that branch from or through the subject and/or remnant parcels to other lands;**
2. **THAT a comprehensive overall lot grading/drainage plan and lot servicing plan, encompassing Parts 1, 2 and 3 of the subject property, be submitted and obtain approval from the Town of Pelham Director of Public Works, such plan showing all proposed and existing services to ensure the lots are serviced with individual water and storm services as applicable and that the location of these services are contained within the proposed lots. Further, the plan should detail the location of the new driveway.**
3. **THAT the Director of Public Works be satisfied that the appropriate water and storm sewer lateral services are provided in accordance with the Town of Pelham standards, and that all costs associated with the installation and/or reconnection are to be borne by the applicant.**
4. **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.**

5. That the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.

**This decision is based on the following reasons:**

1. The application is consistent with 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. The Niagara Peninsula Conservation Authority has advised that the parcel is sufficient in size to ensure that septic waste will be adequately diluted within the property limits so as to minimize the potential impacts to an identified Highly Vulnerable Aquifer.
3. No objections to this proposal were received from commenting agencies or neighbouring property owners.
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.

**Carried**

**Adjournment**

**Resolution #CA20150805.1003**

Moved By: John Klassen

THAT there being no further business, the hearing do now adjourn.

**Carried**

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B. DiMartile, Chair

Nancy J. Bozzato, Town Clerk/Secretary-Treasurer

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Date Approved

Hearing Chair



## **Committee of Adjustment MINUTES**

### **Committee of Adjustment Hearing 6/2015**

Meeting Type : Committee of Adjustment Hearing

Date : Wednesday, September 09, 2015

Location : Town of Pelham Municipal Building - Council Chambers

### **Minutes**

#### **Attendance**

##### **Present were:**

Brian DiMartile, Chair

Wayne Lockey, Member

James Federico, Member

##### **Acting Deputy Clerk**

- Judy Sheppard

##### **Planner**

- Andrew Gameiro

##### **Town Clerk / Secretary Treasurer**

- Nancy J. Bozzato

##### **Applicants and Authorized Agents**

- Glen Hunt
- Andrew Helwig
- Wayne Liebau
- Jennifer Vida
- John Mastek

Interested Citizens

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

Noting that a quorum was present. Chair DiMartile called the meeting to order at approximately 4:00 p.m. 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.

#### **Disclosure of**

There were no disclosures of pecuniary interest by any of the hearing

**Pecuniary  
Interest and  
General Nature  
Thereof**

panel members present regarding any of the applications scheduled for hearing.

**Requests for  
Withdrawal or  
Adjournment**

There were no requests for withdrawal or adjournment by any of the applicants present.

**File A7/2015P -  
Glen Hunt and  
Kim Day**

(Applications for Minor  
Variance)

**Purpose of the Application:**

Application is made for relief from Section 7.4(f) to facilitate construction of a new garage and covered breezeway, having an easterly sideyard setback distance of 2.68 metres whereas 10 metres is required.

**Representation:**

Mr. Andrew Helwig, authorized agent, appeared on behalf of this application.

**Correspondence Received:**

- Town of Pelham Planning Report
- Town of Pelham Building Department
- Town of Pelham Public Works Department
- Niagara Peninsula Conservation Authority

**Comments:**

Mr. Helwig offered no additional comments but indicated he will be willing to respond to questions.

Members of the hearing panel also considered the application to be straightforward, having no questions for the applicant or agent.

**Resolution #CA20150909.1001**

Moved By: Wayne Lockey Second By: James Federico

**THAT Application A7/2015P on behalf of Glen Hunt and Kim Day, Part Lot 16, Concession 1, 812 Twenty Road, Pelham, for Minor Variance for relief from Section 7.4(f) to facilitate construction of a new garage and covered breezeway, having an easterly sideyard setback distance of 2.68 metres of land, whereas 10 metres is required, be granted.**

**This decision is based on the following reasons:**

1. **The variance is minor in nature, given that sufficient amenity space will be provided around the proposed garage and breezeway to allow for future maintenance.**
2. **The general purpose and intent of the Zoning By-Law is maintained as the use is permitted, and the scale is appropriate for the rural residential character of the area.**
3. **The intent of the Official Plan is maintained as this use is**

- permitted in the Specialty Agricultural designation.
4. **The proposal is desirable for the appropriate development and/or use of the land it being noted that the mature trees located to the east of the proposed garage will maintain privacy between neighbours.**
  5. **The proposal is consistent with the character of the rural, residential area.**
  6. **This application is granted without prejudice to any other application in the Town of Pelham.**
  7. **No objections were received from commenting agencies or abutting property owners.**

**Carried**

**File B7/2015P -  
Wayne S.  
Leibau, Trustee**  
(Applications for Consent)

**Purpose of the Application:**

Application is made for consent to convey 0.40 hectares of land with a dwelling known municipally as 322 Foss Road, as the disposal of a surplus farm dwelling. 40.8 hectares of land is to be retained for continued agricultural use. The remnant parcel will be zoned to preclude residential development as a condition of consent in accordance with Provincial Policy.

**Representation:**

Wayne Liebau, applicant, appeared on behalf of this application.

**Correspondence Received:**

- Town of Pelham Planning Report
- Town of Pelham Building Dept
- Regional Niagara Planning and Development Services
- Niagara Peninsula Conservation Authority
- Hydro One

**Comments:**

Mr. Liebau displayed a drawing and offered a history of the property, dating back some 100 years. He informed of the multi-generational farming operation on the parcel. He noted that he will continue to farm the remnant parcel of land.

Member Federico enquired about a lot created in the southwest corner of the property, Mr. Liebau advising that this parcel was severed as a retirement lot but is at present still farmed.

**Resolution #CA20150909.1002**

Moved By: James Federico    Second By: Wayne Lockey

**THAT application B7/2015 on behalf of Wayne Liebau, Trustee, for consent to convey 0.40 hectares of land with a dwelling known municipally as 322 Foss Road, as the disposal of a surplus farm dwelling be granted for the following reasons:**

1. **That final approval of a Zoning By-law Amendment be obtained, zoning the remnant parcel (Part 2) to “Agricultural**

**Purposes Only (APO)", in perpetuity, to preclude any residential development for the remnant parcel, to the satisfaction of the Town of Pelham Director of Community Planning and Development.**

- 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 \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.**

**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 with conditions fulfilled, will comply with the Town's Zoning By-law.**
- 2. An inspection of the existing sewage disposal system for the subject parcel indicated that there are no apparent defects with the system, it being noted that a preliminary sewage design has been submitted.**
- 3. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 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.**

**Carried**

**File B8/2015P  
Fonthill  
Gardens (2015)  
Inc.**  
(Applications for Consent)

**Purpose of the Application:**

Application is made for consent to convey 73 square metres of vacant land, to be merged with the abutting parcel to the east, being Part 1, Plan 59R-12792, for future residential use. 3.598 hectares of land is to be retained for continued use of the dwelling known as 151 Port Robinson Road.

**Representation:**

Jennifer Vida, authorized agent, appeared on behalf of this application.

**Correspondence Received:**

- Town of Pelham Planning Department (2)
- Town of Pelham Building Department
- Town of Pelham Public Works Department

**Comments:**

Ms. Vida indicated that originally the NPCA would comment only on

the Draft Plan of Subdivision and Zoning. This adjustment will assist with the development of a townhouse development.

Colleen Otto, 153 Port Robinson Road, asked about three phases for this development including the purchase of the subject parcel. The rest of 151 Port Robinson Road is not owned by River Realty. She indicated that she is not aware of what will be constructed. Ms. Vida advised that any additional development will be part of a future public process and Ms. Otto will receive appropriate notification.

**Resolution #CA20150909.1003**

Moved By: Wayne Lockey Second By: James Federico

**THAT Application B8/2015P on behalf of Fonthill Gardens (2015) Inc., for consent to convey 73 square metres of land, being part of Lot 166, former Thorold Township, now in the Town of Pelham be granted, subject to the following conditions:**

**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, shown as Part 3 on the preliminary sketch, 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 \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.**

**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. **Approval of the application will not affect the ability to develop the remnant parcel.**

3. **Development of the subject parcel will be facilitated through an application for Draft Plan of Subdivision and a Zoning By-law Amendment to ensure orderly development occurs.**
4. **No objections to this proposal were received from commenting agencies or neighbouring property owners.**
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.**

**Carried**

**Adjournment**

**There being no further business, on a motion by Member Federico, the Chair adjourned the meeting.**

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B. DiMartile, Chair

Nancy J. Bozzato, Town Clerk/Secretary-Treasurer

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Date Approved

Hearing Chair