

Committee of Adjustment AGENDA

09/2018

September 11, 2018

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

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

5.1 File A19/2018P - Steven Michael DeJong

1

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham Fire Department
5. NPCA Comments
6. Niagara Region Comments

6.	Applications for Consent	
6.1	File B3/2018P - Custom Vitners Inc.	11
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works &Engineering	
	4. Bell Comments	
	5. Niagara Region Comments	
	6. Niagara Escarpment Commission Comments	
6.2	File B5/2018P - Brian V. Sullivan	23
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works &Engineering	
	4. Upper Canada Consultants	
7.	Minutes for Approval	
	Committee of Adjustment Hearing Minutes, August 14, 2018	
7.1	C of A Minutes August 14, 2018	34
8.	Adjournment	

September 11, 2018

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

Re: Minor Variance Application A19/2018P (S. DeJong)
669 Metler Road, Pelham
Concession 5, Part of Lot 13
Roll No. 2732 010 008 11000

The subject land is located on the north side of Metler Road, lying east of Balfour Street, and known municipally as 669 Metler Road, in the Town of Pelham.

The subject land is zoned 'Residential Village 1' (RV1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 6.1 c) "Max Accessory Building Height"** to allow a maximum accessory building height of 5.95m whereas 3.7m is allowed.

The proposal is for the construction of a 1-storey accessory building (garage).

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

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

Greenbelt Plan (2017)

The subject parcel is designated as being within a 'Hamlet' in the Greenbelt Plan's Protected Countryside.

Policy 3.4.3 states Hamlets are subject to the policies of the Growth Plan and official plan documents and are not governed by the Greenbelt Plan, save for the policies of 3.1.5 (Agri-food Network), 3.2.3 (Water Resource Systems), 3.2.6 (Natural Heritage), 3.3 (Parkland, Open Space, Trails) and 3.4.2 (Settlement Areas). Limited growth is permitted subject to appropriate water and sewage services being provided.

Growth Plan for the Greater Golden Horseshoe (2017)

Hamlets are considered to be a rural *settlement area* in the Growth Plan and thus, allow for the continuation of certain forms of development subject to private servicing constraints.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Unique Agricultural Area' as part of the Protected Countryside lands in the Greenbelt Plan. Policy 5.D states that hamlets are designated in local official plans for further development of a low-density nature without the provision of municipal water and sanitary sewers.

Pelham Official Plan (2014)

The local Official Plan designates the subject parcel as 'Rural Settlement'. Policy B2.4 states that (among others) residential uses are permitted.

Pelham Zoning By-law Number 1136 (1987)

The Town of Pelham Zoning By-law identifies the subject parcel as 'Residential Village 1' (RV1).

Section 6.1 Requirements for buildings and structures accessory to dwellings

c) Maximum Building Height	3.7m	Request = 5.95m
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Notice and Comments

On July 18th 2018, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (September 5, 2018)
 - No comments.
- Building Department (August 16, 2018)
 - All necessary permits are required prior to construction commencing.
- Niagara Peninsula Conservation Authority (July 30, 2018)
 - No objections. The applicant has obtained an NPCA Permit to allow for the garage within the watercourse buffer under permit # PLPER201800471
- Niagara Region Planning & Development Services (August 17, 2018)
 - No objections provided no living space or washrooms are installed.

No public comments have been received to date.

Planning Comments

Planning staff note that the property is 2206m² (0.55ac) in land area, is not farmed and is considered to be a rural residential lot at this time.



The subject land is surrounded by:

- North – Agricultural
- East – Rural residential dwellings
- South – Rural residential dwellings
- West – Rural commercial

Town staff note that there is an existing accessory building (shed) illustrated on the supplied survey plan, as well as being visible on recent aerial photography. The applicant must remove this shed and obtain the necessary demolition permit from the Building Department prior to new construction commencing.

The Committee of Adjustment, in Section 45 (1) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

Minor Variance Test	Explanation
The variance is minor in nature.	Increasing the accessory building height to 5.95m is minor given the rural context and the structure is oriented in a way which ensures it appears secondary to the primary dwelling, being located in the rear yard. No negative impacts are anticipated by the adjacent neighbors as good distance buffers the surrounding uses from a slightly taller structure.
The variance is desirable for the development or use of the land.	The variance request to increase the accessory building height is desirable for the property because it will allow for enhanced personal usage and storage. The adjacent building at 675 Metler Road is situated southwest of the proposed garage and no adverse impacts are anticipated on any neighbouring lands.
The variance maintains the general intent and purpose of the Official Plan.	The proposed use of a building accessory to a single detached dwelling is permitted in the 'Rural Settlement' designation of the Official Plan and the policy does permit uses which are compatible with agriculture. The increase in accessory building height will not compromise the objective of the Official Plan. The variance is appropriate given the site's rural context and meets the general intent of the Official Plan policies.
The variance maintains the general intent and purpose of the Zoning By-law.	The proposed accessory building's height of 5.95m is appropriate given the rural context and still ensures that the dwelling is maintained as the main use of the land. Ample amount of open space is available on the site, thus the increased height will not adversely impact the rural residential nature of the lot or the surrounding countryside. The variances maintain the intent of the Zoning By-law with respect to accessory building massing and siting.

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

The authorization of the minor variance is not expected to generate negative impacts for adjacent uses or the



community at large. Consequently, Planning Staff recommend that Application File Number A19/2018P be **approved**, subject to the following conditions:

THAT the applicant

- Obtain the necessary demolition permit for the existing (shed) accessory building to the satisfaction of the Chief Building Official.
- All necessary building permits be obtained prior to construction commencing.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

Shannon Larocque, MCIP, RPP
Senior Planner

File: A19/2018P

August 16, 2018

Address: Part Lot 13

669 Metler Rd., Pelham

Owner: Steven Michael DeJong

Solicitor: Dieter Pickelmann

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit must be obtained prior to construction commencing.
- A side yard setback of 1.5m (4.92') **minimum** must be maintained, as per Residential Village 1, RV1, in accordance with Pelham Zoning By-law 1136(1987). The setback shown on the submitted site plan is 1.46m (4'8").

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: September 5, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File A19/2018P
669 Metler Road

Public Works has completed a review of the minor variance application A19/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 6.1 (c) – to allow a height of 5.95m whereas 3.7m is allowed, to construct a detached accessory garage.

Public Works has no comments.

Sarah Leach

From: William Underwood
Sent: Thursday, July 26, 2018 2:20 PM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A19/2018P

Hi Nancy,

Fire has no comments with respect to the 669 Metler Road variance.

Regards,

Will

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

Sarah Leach

From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: Monday, July 30, 2018 9:32 AM
To: Sarah Leach
Cc: 'richard.wilson@niagararegion.ca'; Curtis Thompson
Subject: RE: Town of Pelham - Notice of Hearing A19/18

Good Morning,

Please be advised that the NPCA offers no objections to the approval of the above noted application. The applicant has obtained a NPCA permit to allow the construction of the garage within the watercourse buffer under Permit No: PLPER201800471.

Thank you.

Sarah Mastroianni
Watershed Planner

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

From: Sarah Leach [mailto:SLeach@pelham.ca]
Sent: Wednesday, July 18, 2018 3:48 PM
To: rowcentre@bell.ca; Sarah Mastroianni <smastroianni@npca.ca>
Subject: Town of Pelham - Notice of Hearing

Good afternoon,

Attached, please find the notice of hearing for Pelham minor variance A19/2018P to be heard in front of the Committee of Adjustment on September 11, 2018.

Thank you,

Sarah



Sarah Leach
*Administrative Assistant
to the Clerk*
Administration Services

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

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Via Email Only

August 17, 2018

Our File: MV 18-049

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

Dear Ms. Bozzato,

Re: Application for Minor Variance
Applicant: Steven Michael DeJong
Location: 669 Metler Road, Town of Pelham
Town File: A19/2018P

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

Private Sewage System Review

Our Private Sewage System inspections staff has inspected the above-mentioned property and wish to provide the following comments.

A new accessory structure is proposed north of the existing house along the west lot line. No record was found for the existing sewage system servicing the dwelling however, the septic tank and tiles were observed in the rear yard. There were no visual defects with the sewage system at the time of our inspection. The proposed location and size of the proposed accessory structure will not encroach onto the sewage system, and the property contains enough usable land to replace the existing sewage system in the future in the rear yard.

Therefore, we have no objections to the proposed garage provided no living space or washrooms are installed.

Yours truly,



Caitlin Wood

Private Sewage Systems Inspector

Cc: Derek Anderson, Development Approval Student

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

September 11, 2018

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

**Re: Consent Application B3/2018P (Custom Vitners)
1420 Pelham Road, Pelham
Concession 1, Part of Lots 1-2, RP 59R-11468 Part 1
Roll No. 2732 010 007 00100**

The subject parcel, shown as Part 1 on the attached sketch, has 21.03m of frontage on the south side of Pelham Road, lying east of Effingham Street, known municipally as 1420 Pelham Road in the Town of Pelham.

Application is made for consent to convey 0.18 ha of land (Part 1), to be added to the abutting property on the east (Part 3, municipally known as 1390 Pelham Road), for continued residential use. Part 2 (1420 Pelham Road) is to be retained for continued agricultural use.

Note: The boundary adjustment will facilitate the installation of a replacement private septic system to service a farm help house on 1390 Pelham Road. The revised boundary will allow the septic system to be wholly situated on the property it serves.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the

municipality.

Niagara Escarpment Plan (2017)

The subject parcel is designated 'Escarpment Protection Area' within the Niagara Escarpment Plan (NEP).

Policy 1.4.4 Lot Creation in the Escarpment Protection Area states that, provided no new building lot is created, a severance may be permitted:

- For the purposes of *correcting conveyances*
- For the purpose of enlarging existing lots

The applicant is seeking a boundary adjustment to allow for the installation of a replacement septic system to be wholly contained within the property it serves. This would be considered as the *correcting of a conveyance* because it is a minor boundary adjustment for legal and technical reasons. The applicant currently owns both parcels, however, they are separate lots of records and can be sold independently and thus, a permit cannot be issued for a septic system on another parcel of land besides the one it serves.

Provincial Policy Statement (2014)

Provincial plans shall be read in conjunction with the Provincial Policy Statement (PPS) and take precedence over PPS policies in the event of any conflict, except where legislation establishing *provincial* plans provides otherwise (e.g. Niagara Escarpment Planning & Development Act).

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

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject parcel as 'Niagara Escarpment Plan Area' (NEPA) and 'Unique Agricultural Area' on the Agricultural Land Base Map.

Policy 5.B.8 states that NEP policies shall prevail unless Regional policies are more restrictive.

Severance policies in the Unique Agricultural Areas and (NEPA) reflect those of the NEP in that minor boundary adjustments are permitted which do not create a separate lot for a residential dwelling and there is no increased fragmentation of a key natural heritage feature.

Pelham Official Plan (2014)

The local Official Plan designates the subject parcel as 'Niagara Escarpment Plan Area' (NEPA). Policy A4.3.5 states that policies relating to the NEPA will be found within the NEP. Similarly to the Regional Official Plan, the NEP policies will prevail over the Town's Official Plan policies unless the Town's policies are more restrictive (see Policy B3.1.1).

No inherent Official Plan policies are more restrictive in the context of this severance application and thus,



the proposal conforms with the Town's policies.

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

The Town's Zoning By-law is not applicable or in effect on the property as the lands are subject to NEC Development Permit Control.

Agency and Public Comments

On July 31, 2018, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (September 6, 2018)
 - No comments.
- Building Department (August 16, 2018)
 - No comments.
- Niagara Region Planning & Development Services (August 22, 2018)
 - No objections. The required Regional Private Sewage System Permit for a shallow buried trench system to service the property at 1390 Pelham Road needs to be obtained and finalized after the severance is finalized through the land consolidation.
- Niagara Escarpment Commission (November 1, 2017)
 - Active NEC Development Permit Application (N/S/2017-2018/028) that proposes the installation of a new septic system for a single detached dwelling (farm help). This application requires the addition of abutting lands in order to be recommended for NEC approval.
 - As the boundary adjustment is not technically proposing development, an NEC Development Permit is not required prior to the Town of Pelham making a decision at the Committee of Adjustment.
 - Support the active NEC Development Permit Application subject to the application receiving consent approval through the Committee of Adjustment for a boundary adjustment.
 - Will request a final site plan for the new septic system with respect to OBC standards and a permit through Niagara Region. No archaeological concerns as the lands are previously disturbed.

Planning Staff Comments

The application proposes a boundary adjustment to convey Part 1 to merge with the abutting lot to the east (Part 3 – 1390 Pelham Road). The purpose of enlarging 1390 Pelham Road is to accommodate a replacement private septic system to service the existing dwelling.

A pre-consult was held with the owner, applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on November 2, 2017 to discuss the subject application and active NEP Development Permit application).



No right-of-ways or easements for driveway access on 1390 Pelham Road in favour of 1420 Pelham Road are required because the property is accessed by another driveway entrance west of 1400 Pelham Road.

Planning staff is of the opinion that the proposed boundary adjustment will correct a conveyance for legal and technical reasons which will not result in the creation of a new parcel or additional development.

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

Planning staff recommend that consent File No. B3/2018P be granted subject to the following conditions:

THAT the applicant

- Merge Part 1 with Part 3.
- Provide the Secretary-Treasurer 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.
- Provide the final certification fee of \$380, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,



Shannon Larocque, MCIP, RPP
Senior Planner

File: B3/2018P

August 16, 2018

Address: Part Lot 1, Concession 1
1420 Pelham Rd., Pelham

Owner: Custom Vitners Inc.,

Solicitor: Gardiner Miller Arnold LLP

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

From: [Matthew Sferrazza](#)
To: [Curtis Thompson](#)
Cc: [Derek Young](#); [Nancy Bozzato](#); [Holly Willford](#)
Subject: B3-2018P Comments
Date: September 6, 2018 3:50:57 PM

Hey Curtis,

Please note that Public Works has no comments for the above stated application. Let me know if you require anything else.

Thanks,
Matt



Matt Sferrazza
Engineering Technologist
Public Works

e: msferrazza@pelham.ca
p: 905.892.2607 x342
pelham.ca

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



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Sarah Leach

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Friday, August 03, 2018 9:07 AM
To: Sarah Leach
Subject: 905-18-337 - Consent Application B3/2018P - 1420 Pelham Road

Good morning Sarah,

Bell Canada has no concerns with Application for Consent B3/2018 regarding 1420 Pelham Road.

Thank you,

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

The Bell logo is displayed in a blue, sans-serif font.

140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

VIA EMAIL ONLY

August 22, 2018

File: D.06.06.CS-18-050

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

Dear Ms. Bozzato:

Re: Provincial and Regional Comments
Consent Application B3/2018P
Owner: Custom Vintners Inc.
Agent: Gardiner Miller Arnold LLP (Gerald T. Miller)
Address: 1420 Pelham Road
Town of Pelham

Regional Planning and Development Services staff has reviewed the above-noted consent application to sever 0.18 hectares of land (Part 1; from 1420 Pelham Road), to merge with the abutting property to the east (Part 3; municipally known as 1390 Pelham Road), for residential use. Part 2, municipally known as 1420 Pelham Road, is to be retained for continued agricultural use. A pre-consultation meeting for this proposal was held at the Town on November 2, 2017, between the owner, and Town and Regional staff. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Provincial and Regional Policy

The Provincial Policy Statement (PPS) designates the subject land as within “prime agricultural area” and more specifically as a “specialty crop area.” Such lands shall be protected for long-term use for agriculture with specialty crop areas being given the highest priority for protection. The permitted uses in prime agricultural areas under the PPS are agriculture, agriculture-related and on-farm diversified uses. The subject property is situated within the Niagara Escarpment Plan area according to the Greenbelt Plan, where the policies of the Niagara Escarpment Plan (NEP) apply. According to the NEP, the subject land is designated as within the Escarpment Protection Area, which permits agricultural operations, existing uses, and single dwellings, and is within the Area of Development Control. The Regional Official Plan (ROP) identifies the subject land as being outside of the Urban Area for the Town of Pelham, and is designated as Unique Agricultural Area on the Region’s Agricultural Land Base Map.

In such agricultural areas, Provincial and Regional policies restrict lot creation. Minor boundary adjustments are allowed subject to specific criteria. The PPS permits lot adjustments for legal or technical reasons that include minor boundary adjustments which do not result in the creation of a new lot. The Greenbelt Plan and ROP permit minor lot adjustments and boundary additions provided these do not create a separate lot for a residential dwelling and there is no increased fragmentation of a key natural heritage or key hydrologic feature.

Natural Heritage

The Region's Core Natural Heritage (CNH) mapping identifies Environmental Conservation Areas (ECA) associated with Public Conservation Land and Significant Woodlands on the subject property. Regional staff notes that the Significant Woodlands feature is located in the southwestern portion of 1420 Pelham Road (Part 2), and that Public Conservation Land is only attributed to lands that are publically owned, which is not applicable to Part 2. Accordingly, staff are satisfied that the proposed boundary adjustment will not impact key natural heritage or hydrologic features on the subject lands.

Boundary Adjustment

Regional staff previously reviewed the proposed boundary adjustment through an associated Niagara Escarpment Commission (NEC) Development Permit Application (DPA). Regional Comments, from June 2017, for the DPA note that the boundary adjustment was required to provide 1390 Pelham Road with additional land to facilitate the replacement of a septic system; Regional staff were supportive of the application, provided that the applicant obtain final approval of a Consent application from the Town of Pelham, and the applicant obtaining a Regional Septic Permit.

The application proposes a boundary adjustment through merging Parts 1 and 3 in title, which would enlarge 1390 Pelham Road to 0.4 hectares (1 acre). The boundary adjustment, as submitted, does not fragment any key natural heritage or key hydrologic features on the subject property, and is proposed to increase the size of Part 3 to accommodate a replacement septic system. Accordingly, Regional staff are satisfied that the subject boundary adjustment aligns with Provincial and Regional policies and requirements for severances in the agricultural area.

Private Servicing

Regional Private Sewage Systems (PSS) staff have inspected the subject properties and note that no records were found for the existing sewage system servicing the dwelling 1390 Pelham Road. The additional land being added to Part 3 will allow the property to be serviced by a new sewage system. A detailed sewage system design has been submitted to our department proposing a shallow buried trench system with tertiary treatment sized for 3,000 L/day. The shallow buried trench system is the only type of sewage system which will fit within the constraints of the land being added to Part 3.

Therefore, Regional PSS staff has no objections to the application, as submitted. The required Regional Private Sewage System Permit for a shallow buried trench system to service the

property at 1390 Pelham Road needs to be obtained and finalized after the proposed boundary adjustment is completed through the land consolidation.

Conclusion

Regional Planning and Development Services staff has no objection to the boundary adjustment application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements, and conditional on Part 1 merging in title with Part 3, municipally known as 1390 Pelham Road.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352 or Richard Wilson, Senior Planner, at extension 3391.

Sincerely,



Aimee Alderman
Development Planner

cc: Ms. C. Wood, Private Sewage Systems Inspector, Niagara Region
Ms. S. Mastroianni, Watershed Planner, Niagara Peninsula Conservation Authority
Mr. C. Thompson, Planner, Town of Pelham

Curtis Thompson

From: Stuart, John (MNRF) <John.Stuart@ontario.ca>
Sent: November-01-17 1:55 PM
To: Curtis Thompson
Subject: RE: 1390 Pelham Rd (Pre-consult)

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Curtis,

I cannot make it as there is a Commission meeting tomorrow that I have a couple of items on.

I can provide some streamlined comments for the application.

As you are aware there is an NEC DPA (N/S/2017-2018/028 – Custom Vinters) that proposes the installation of a new septic system for the single-dwelling on the property (utilized as farm help). This application requires the addition of abutting lands in order to be recommended for approval as without the boundary adjustment the septic would likely be constructed across lot lines.

As the proposed consent application is not technically proposing development and is not for the purpose of creating a new, buildable lot, a NEC Development Permit is not required prior to the Town of Pelham making a decision on the application. NEC Staff are currently in a position to support the active DPA subject to the applicant receiving approval through the Committee of Adjustment for the boundary adjustment. From a planning perspective the only real issue is one of access but given the number of accesses already available to the remnant parcel as well as the ownership of the two parcels it's expected that this will be an item that can be easily accounted for either through a decommissioning of the access or through an access easement (if it can be retained after the septic installation).

NEC Staff will likely request a final site plan showing final setbacks for the new system that respects OBC standards. The applicant will also require a septic permit through the Region of Niagara; no archaeological assessment was requested as the lands are considered to be previously disturbed.

If you can please provide be a quick summary e-mail after the meeting takes place and let me know anticipated timelines I can coordinate the finalization of the NEC recommendation report.

Regards,

John Stuart

Planner

Niagara Escarpment Commission

Telephone: (905) 877-7815

Fax: (905) 873-7452

Email: John.Stuart@ontario.ca

www.escarpment.org

“To enable us to serve you better, please call ahead to make an appointment.”

From: Curtis Thompson [<mailto:CThompson@pelham.ca>]
Sent: November-01-17 1:35 PM
To: Stuart, John (MNRF)
Subject: 1390 Pelham Rd (Pre-consult)

Good afternoon John,

Will you be swinging by for our pre-con for 1390 Pelham Rd tomorrow morning at 11:15am?

Best,



Curtis Thompson, BURPI
Planner
**Community Planning &
Development**

e: cthompson@pelham.ca
p: 905.892.2607 x324
pelham.ca

20 Pelham
P.O. Box 4
Fonthill, C

TOWN OF PELHAM CONFIDENTIALITY NOTICE:

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September 11, 2018

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

Re: Consent Application B5/2018P (Brian Sullivan)
1423 Station Street, Pelham
Lot 7 and Lot 8, Registered Plan 717
Roll No. 2732 030 004 02300

The subject parcel, shown as Part 2 on the attached sketch, is an interior parcel of land situated 61m east of Station Street, lying south of Highway 20 East (Regional Road 20), being Part of Lot 7, Registered Plan 717, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 2826m² of land (Part 2) to merge with the abutting property to the south (Part 3 – 1419 Station Street), for continued residential use. Part 1 (1423 Station Street) is to be retained for continued residential use of the single detached dwelling.

Note: The boundary adjustment is intended to facilitate rear yard land consolidation for a future draft plan of subdivision in East Fonthill.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The proposed boundary adjustment seeks to set the stage for future subdivision development by

consolidated large, underutilized rear yard open space into more productive urban development in an area designated for intensification.

Provincial Policy Statement (2014)

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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

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

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

The reassembly of land in this area will facilitate future redevelopment and intensification in a more compact form that minimizes the waste of under-utilized *urban land*.

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

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

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

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

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

The proposed boundary adjustment will facilitate future development within a *settlement area* where existing services are available and allow the opportunity for a mix of housing options that contribute to a more *complete community*.

Regional Official Plan (Consolidated August 2014)



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

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

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

The proposed boundary adjustment conforms to the Regional Official Plan because the lands will be more appropriately suited to accommodate a future draft plan of subdivision.

Pelham Official Plan (2014)

The subject land is located in both the 'Downtown Transitional Area' (to the west) and the 'East Fonthill Secondary Plan Area' (to the east) and also inside the Built Boundary in the Official Plan. According to Schedule A4 (Urban Structure Plan) of the East Fonthill Secondary Plan, the subject land is located within 'Neighbourhood 1' and within the 'Built Boundary'. According to 'Appendix A' (Demonstration Plan) & Schedule A5 (Land Use Plan), the subject land is designated 'EF – Low Density Residential' (to the east).

It should be noted that Policy B1.7.2 distinguishes between the intensification targets of the 'greenfield' areas and lands within the 'built boundary'. The development proposal will be subject to the appropriate intensification target which will be revisited at the draft plan of subdivision stage.

Policy D5.2.1 states that for any consent application, the Committee of Adjustment shall be satisfied that (among other things) the proposed lot:

- a) Fronts on and will be directly accessed by a public road;
 - ✓ Unchanged.
- b) Will not cause a traffic hazard;
 - ✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Unchanged.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Unchanged.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Confirmed as condition of approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Conforms because the large rear yards will be maintained for an eventual draft plan of subdivision while the existing dwellings maintain a smaller lot area with direct frontage on Station Street.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ No issue.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
 - ✓ No issue from Region in accordance with Memorandum of Understanding.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where

applicable.

- ✓ Not applicable.

It is noted that the application is for consent to partial discharge of mortgage and to convey vacant land (Part 2) to be added to the abutting lot to the south (Part 3) for continued residential use. A new lot will not be created as a result of this consent. Part 1 will be retained for continued single detached residential use.

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

The subject land is currently zoned 'Residential 2' (R2) on Part 1 and the westerly segment of Part 3'. Part 2 and the easterly segment of Part 3 is zoned 'Agricultural' (A) according to the Zoning By-law. The permitted uses (among others) include:

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

The resulting parcel configuration will continue to comply with all applicable zoning regulations.

Agency and Public Comments

On July 12, 2018 a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (August 16, 2018)
 - No comments.
- Public Works Department (September 5, 2018)
 - {See conditions}
- Niagara Region Planning & Development Services (July 12, 2018)
 - No comments.

No comments were received from the public.

Planning Staff Comments

The subject application deals with the severance of a rear yard to consolidate with a neighbouring lot for the purposes of a forthcoming draft plan of subdivision. The application for consent to partial discharge of mortgage and to convey 2826m² of land will help facilitate the orderly development of future urban growth within the East Fonthill Secondary Plan area.

A pre-consult was held with the owner, applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on June 7, 2018 to discuss the subject application.

The subject lands are located on the east side of Station Street, in between Highway 20 East and

Summersides Blvd and are surrounded by:

- North – Single detached residential
- East – Vacant / Agricultural
- South – Single detached residential
- West – Elementary school / hydro utility

Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood is currently under significant construction to the east as the various developments continue. Summersides Boulevard to the south, continues to be constructed which will connect Station Street to Rice Road. This area of Station Street is characterized by many large lot single detached residences flanking the east side.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The severance will better position the lands for future subdivision development in a more efficient manner which will not negatively affect the developability of the balance of the lands. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential use until such time as the land owner explores alternative development options.

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

Planning staff recommend that the consent known as file B5/2018P **be granted** subject to the following condition(s):

THAT the applicant

- Merge Part 2 with Part 3.
- Submits an overall comprehensive Lot Grading & Drainage Plan for both parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.
- Confirm no existing utilities cross the proposed new lot line. Should any services cross the new lot line; the applicant will be responsible for costs associated with their relocation and / or removal.
- Provide the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing. This apportionment will be in the amount of \$35,109 for 1423 Station Street (Parts 1-2) and \$35,061 for 1419 Station Street (Part 3), totaling \$70,170.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$380, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,



Shannon Larocque, MCIP, RPP
Senior Planner

File: B5/2018P

August 16, 2018

Address: Part Lots 7 and 8
1423 Station St., Pelham

Owner: Brian V. Sullivan

Solicitor: Jill Anthony

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: September 5, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B5/2018P
1423 Station Street

We have completed the review of the consent application B5/2018P for consent to convey 2,826 square meters of land (Part 2) to be added to the abutting property to the south (Part 3), for residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1423 Station Street.

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

1. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works or designate.
2. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal
3. As the subject lands are within the area contributing and benefitting from the East Fonthill infrastructure oversizing, the applicant will be responsible for payment of the Oversizing cost allocation for each property. This payment will be in the amount of \$35,109.00 for #1423 Station Street (Part 1 & 2) and \$35,061 for #1419 (Part 3) Station Street for a combined fee of \$70,170.

4. The existing outlet for the road cross-culvert that was previously filled in must be reinstated, free and clear of all encumbrances.



Date: Aug 31st, 2018

File: 1883

To: Town of Pelham
20 Pelham Town Square
Fonthill ON LOS 1E0

To: Nancy Bozzato, Secretary-Treasurer / Clerk

Project: 1419 & 1423 Station Consents (Parts 1 - 3 on Plan Consent Sketch)

Subject: Consent Application – Planning Brief

In reference to the above noted project, please accept this planning analysis in regard to the applicable planning policies, including provincial, regional and local policy documents. This application for consent request's to convey Part 2 on the severance sketch to Part 3. The two parts will merge on title, this land assembly is being conducted to provide for future development applications. Part 1 the remnant parcel will be retained by the existing owner.

Policy Context

Under Section 53 of the Planning Act, consent applications are allowed to convey land from one property owner to another. The proposed conveyance supports the delegation of Town councils authority to the Committee of Adjustment.

The lands are currently within the urban boundary and within the settlement area of Fonthill, these lands have access to a number of community amenities and services. Under the Provincial Policy Statement (2014) the proposed consent compiles with its objective to provide for intensification within urban boundaries. This consent complies with many attributes of the plan. Section 1.1.3 regarding Settlement Areas preface promotes the vitality of settlement areas and the long term economic prosperity of these communities needs to be affirmed. The basis of this application speaks to Section 1.1.3.2 which describes what type of qualities of land use patterns are conducive for development. This includes an efficient use of land, infrastructure and public service facilities.

According to the Growth Plan for the Great Golden Horseshoe (2017), growth within these areas is promoted and these polices are supportive of intensified uses with more compact urban built form. This includes the efficient use of land. The current lots are 198m deep and very oversized. The proposed consent allows for continued use of Part 1, the lot may still be larger than the normal for what modern day development. However the parcels adjacent to development moving north, backing on to the Sobeys commercial property are similar in length. Ultimately this allows for continued land assembly and development potential for these lots.



The Town of Pelham's Official Plan speaks too many of the same attributes of the provincial policies. Specifically Section 5.4A speaks about intensification and developing land at a higher density than it currently does. This consent specifically will allowed the continuation of developments happening within the East Fonthill Secondary plan.

The Town's Official Plan Section B1.3.4.1 specifies that consents should be considered on the basis that they are keeping with the Downtown Transitional Areas vision and that it does not fragment the land base. This proposal clearly makes a logical arrangement of property lines to allow for the development of Parts 2&3 into a future plan of subdivision but it also allows for future development of Part 1 under its designation in the Downtown Transitional Area.

Overall the consent application compiles with the applicable policies on a Provincial and Local level. The consent applications will address future development in the area and set the stage for development in an efficient land use pattern, respecting the future development opportunities of the neighbouring properties which also have similar designations to the subject sites. This precedent of lot reconfiguration sets the stage for development within this transitional areas within the coming years as the East Fonthill Secondary Plan area continues to build out.

The proposed consent application has been submitted to address the future development of 1419 & 1423 Station street and will result in an improve land use pattern for future development.

If there are any further questions or concerns please do not hesitate to contact the undersigned. My client is anxious to move forward with the required process for consent approval.

Sincerely,

William Heikoop, B.U.R.Pl.
Planner
Upper Canada Consultants

cc. Stephen Kaiser

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

Members Present Wayne Locky
Brian DiMartile
John Klassen

Staff Present Nancy Bozzato
Holly Willford

Others Present Applicants and Authorized Agents
Interested Citizens

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

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

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

There were no requests for withdrawal received.

5. Applications for Consent

5.1 File B4/2018P - 2227531 Ontario Inc.

Purpose of Application

Application is made for consent to convey.

Representation

Osama Abo Nassar, Architect for the applicant.

Correspondence Received

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

Applicant, Public, and Members Comments

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

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

In response, Mr. Nassar thanked Mr. Bull for sharing his concerns. Mr. Nassar advised the applicant supports the neighbourhood and will ensure the design of the proposed home will enhance the neighbourhood. He also indicated any drainage issues will be addressed through the drainage

/ grading plan and stated there would be no negative drainage affecting the surrounding properties.

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

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

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

Moved By Brian DiMartile

Seconded By John Klassen

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

1. Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
2. Ensure the subject land (Part 1) be serviced at Pelham Street with an individual 20mm water service and 125mm sanitary sewer lateral in accordance with Town of Pelham standards. Installation of any services will require authorization obtained and approved by the Public Works Department through a Temporary Works Permit. The applicant shall bear all costs associated with these works.

3. Ensure that the remnant land (Part 2) continues to be adequately serviced to the satisfaction of the Public Works Department.
4. Submit locate cards after the installation of services for Part 1 to the satisfaction of the Public Works Department.
5. Obtain consent approval for an easement in perpetuity for the existing sanitary sewer lateral over Part 1, in favour of Part 2, if necessary, to the satisfaction of the Public Works Department.
6. Obtain approval for a Driveway Entrance & Culvert Permit issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.
7. Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.
8. Obtain final approval for the necessary minor variance application from the Town of Pelham Committee of Adjustment to the satisfaction of the Secretary-Treasurer.
9. Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit, through the Community Planning and Development Department.
10. Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
11. Provide the final certification fee of \$380, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

This decision is based on the following reasons:

1. With conditions fulfilled, 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. 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.

3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

Carried

6. Applications for Minor Variance

6.1 File A11/2018P - 2227531 Ontario Inc.

Purpose of Application

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

Representation

Osama Abo Nassar, Architect for the applicant.

Correspondence Received

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

Applicant, Public, and Members Comments

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

Mark Bull, 52 Stella Street, further indicated he and his neighbours are concerned with this development. He expressed he was disappointed and he felt it appeared as though the decision for these applications have been

made in advance. Mr. Bull then advised he is concerned with the distance of the proposed dwelling to the street. The proposed home has a shorter distance to the street than any other home along Pelham Street. Mr. Bull further indicated he is unsure that the proposed house will actually be owner occupied as the current dwelling is being rented and is listed for sale.

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

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

Member Klassen indicated he believes this is not a minor variance. He indicated the Committee has to also consider the effects on the people, not just consider our government policies. Mr. Klassen stated the Committee of Adjustment has to protect the interest of the people of the community. He indicated this matter is subjective and he is of the opinion this is not a minor variance.

Chair Lockey in response to Mr. Klassen's comments indicated similar applications have come before the Committee and if the Committee decision does not reflect provincial policy application is likely to face an appeal with the decision overturned.

It is noted Committee of Adjustments member, John Klassen voted against this application.

Moved By Brian DiMartile

Seconded By Wayne Lockey

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

1. The variance is minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province.
2. The general purpose and intent of the Zoning By-Law is maintained as it includes a satisfactory frontage for access purposes and for siting a new dwelling.
3. The intent of the Official Plan is maintained as it will help facilitate the development of a continuous street frontage along Pelham Street by “filling-in” empty, underutilized urban lots within the built-up area.
4. The proposal is desirable for the appropriate development and/or use of the land as it will recognize the frontage shortfall and give legal status to develop the plot for residential infill use.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

Carried

6.2 File A12/2018P - Joseph and Rosalinda Zoccoli

Purpose of Application

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

Representation

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

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department

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

Applicant, Public, and Members Comments

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

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

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

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

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

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

Moved By John Klassen

Seconded By Brian DiMartile

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

The above decision is based on the following reasons:

1. The variance is minor in nature given the rural context – medium to large farm style buildings are not uncommon and generally located long distances from public roads.
2. The general purpose and intent of the Zoning By-Law is maintained as the variance maintains the intent of the Zoning By-law with respect to accessory building massing, siting and locational scale.
3. The intent of the Official Plan is maintained as the variance is appropriate given the site's rural context and meets the general intent of the Town Official Plan policies.
4. The proposal is desirable for the appropriate development and/or use of the land as it allows for enhanced storage and use of the facility and of the accessory building can also be more easily adapted to serve an agricultural function in the future if desires change.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official; and
2. That no plumbing or living space be included within the addition.

6.3 File A13/2018P - 2475650 Ontario Inc.

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

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

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

Representation

Stephen Kaiser, principal owner of the numbered company.

Correspondence Received

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

Applicant, Public, and Members Comments

Stephen Kaiser, Owner, made an oral presentation and stated he is the principal owner of the numbered company and his partners are Roman Grocholsky and Brad Johnston. Mr. Kaiser recounted the history of the property and indicated he would like to build 6 very nice homes. He indicated he is requesting the minor variance because potential purchasers have indicated they prefer bigger bungalow style homes. Mr. Kaiser indicated seeking a 40% lot coverage in the Town of Pelham is not uncommon and cited the Timber Creek and Lookout developments. He believes the variance will complement and add value to the surrounding area.

Eric Jones, 12 Timber Creek Crescent, indicated the maximum 30% lot coverage 'rule' has been in place for a long time and that the builder would know that and should follow that. Mr. Jones indicated he understood why a variance may be wanted for a bungalow, but is concerned about the possibility of a two-storey house with this lot coverage size. He feels this is not a minor variance and indicated in North York, the builder might request a 2% increase not 10%. In response to Mr. Jones, Chair Lockey indicated that the Committee is compelled to ensure decisions are consistent with Provincial Policy.

Ms. Bozzato clarified the role of the committee as it relates to Provincial Policy, further to the Committee's discussion on this matter, recommending that the Committee is compelled to make a decision on these applications alone, regardless of what may have occurred in other jurisdictions or on other files. She further advised the application requests a 40% lot coverage, however the Committee has the authority to reduce the coverage but cannot increase it from what was requested in the application.

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

Member Klassen stated that the Committee of Adjustments should make their decision and if someone wishes to appeal, they can. He remarked people take their time to come to the Committee of Adjustments and the Committee is obligated to listen to all perspectives and concerns.

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

Moved By Brian DiMartile

Seconded By John Klassen

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

1. The variance is minor in nature as the surrounding neighbourhood context which consists of both large and small lot single detached residences.
2. The general purpose and intent of the Zoning By-Law is maintained as it still leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.
3. The intent of the Official Plan is maintained as it will promote infill housing and help develop the land more efficiently.
4. The proposal is desirable for the appropriate development and/or use of the land as for the use of the land because it allows for more design flexibility in siting a bungalow style dwelling while still providing acceptable rear yard amenity space.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. No objections were received from commenting agencies or abutting property owners.
7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decisions are subject to the following conditions:

1. That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

7. Minutes for Approval

None

8. Adjournment

Moved by Members Klassen and DiMartile

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

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato