

## NOTICE OF PUBLIC HEARING

**HEARING DATE:** Tuesday, November 2, 2021 at 4:00 pm

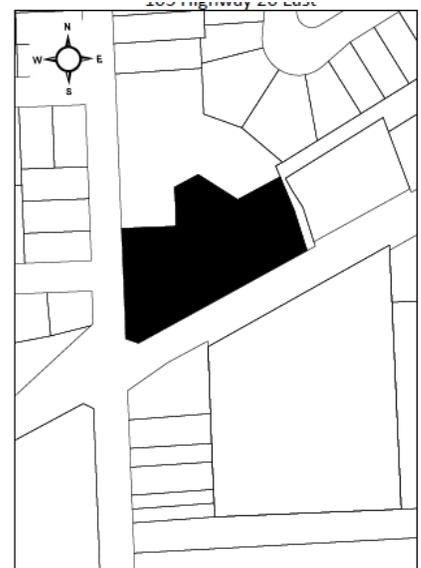
**PLACE:** This will be a virtual / electronic meeting

**Town Council approved Committee of Adjustment Hearings to be held electronically through By-law 4362(2021).**

**The Town of Pelham Committee of Adjustment meeting live webcast will be streaming at: <https://www.youtube.com/user/TownOfPelham>**

Under Section 45 of the Planning Act, R.S.O. 1990, as amended, 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.

**File Number:** A37/2021P  
**Subject Lands:** 105 Highway 20 East, Pelham  
**Legal Description:** Part of Block B, Plan 717, Being Part 1 on 59R-15848, Save and Except Niagara South Vacant Land Condominium Plan 152



The subject land is located on the north side of Highway 20 E lying east of Station Street, being Part of Block B, Plan 717, Being Part 1 on 59R-15848, Save and Except Niagara South Vacant Land Condominium Plan 152 South Vacant Land , in the Town of Pelham

### Nature and Extent of Relief/ Permission Applied for:

The subject land is zoned a site-specific General Commercial (GC-275) in accordance with Pelham Zoning Amending By-Law 3867(2017) as amended. Application is made for relief, to increase the residential density of the mixed-use apartment building, from:

**By-Law 3867(2017) 275. GC-275 - Section 20.2(f) "Maximum Density for Apartments"** – to permit a maximum density of 155 units per hectare whereas the by-law allows 120 units per hectare.

**PUBLIC HEARING:** 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, support 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.

**YOUR INPUT IS ENCOURAGED:** The Committee would appreciate receiving your written and/or verbal comments regarding this application. **Written comments must be submitted by October 22, 2021.** 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. Verbal comments will be received by the Committee at the electronic public hearing via Zoom. **To participate in the virtual meeting to provide oral input, please pre-register with the Secretary Treasurer by sending an email to the email address noted below before 12:00pm noon on October 29 , 2021.** All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the remote electronic public meeting. Registrants will be notified of the Committee of Adjustments Decision. If you have not submitted written comments or pre-registered and wish to submit a comment during the meeting, you may livestream the meeting from our YouTube Chanel and e-mail comments to [clerks@pelham.ca](mailto:clerks@pelham.ca) during the public comment portion of the application only. If your comments are not received during the public portion of the application, they will not be considered. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.

It is highly recommended that the applicant or the authorized agent of the applicant be present at the hearing. Please note 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.

**NOTICE OF DECISION:** Requests for copies of the decision of the Committee of Adjustment or notice of adjournment of hearing, if any, must be in writing and addressed to:

Secretary Treasurer of the Committee of Adjustment  
20 Pelham Town Square, P.O. Box 400, Fonthill ON L0S 1E0  
905-892-2607 ext. 320 [hwillford@pelham.ca](mailto:hwillford@pelham.ca)



**COMMITTEE OF ADJUSTMENT**

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

For technical questions, please contact:  
Kenny Ng, Planner  
905-892-2607 ext. 324 [kng@pelham.ca](mailto:kng@pelham.ca)

A handwritten signature in blue ink, appearing to read "Holly Willford", is positioned above a horizontal line.

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Holly Willford  
Town Clerk/Secretary-Treasurer

**Date of Mailing: October 8, 2021**



		REQUIRED	PROPOSED	VARIANCE NEEDED
S.20.2(a)	MINIMUM LOT FRONTAGE	15.5 m	70.39 m	
S.20.2(b)	MINIMUM LOT AREA	465m <sup>2</sup>	6925m <sup>2</sup>	
S.20.2(c)	MAXIMUM LOT COVERAGE	60% ABOVE GRADE = 4155m <sup>2</sup> 100% BELOW GRADE = 6925m <sup>2</sup>	36.4% ABOVE GRADE = 2518m <sup>2</sup> 56.3% BELOW GRADE = 3896m <sup>2</sup>	
S.20.2(d)	MAXIMUM GROSS LEASABLE FLOOR AREA FOR NON-RESIDENTIAL USES	2,000m <sup>2</sup>	469m <sup>2</sup>	
S.20.2(e)	MAXIMUM BUILDING HEIGHT	25.0 m OR 6-STOREYS	17.9 m; 5-STOREYS	
S.20.2(f)	MAXIMUM DENSITY	120uph = 83 UNITS	153 uph = 106 UNITS	X
S.20.2(g)	MINIMUM ABOVE GRADE BUILDING SETBACK			
	MINIMUM FRONT YARD (STATION)	1.0 m	1.16 m	
	MINIMUM SIDE YARD (NORTH PROPERTY LINE WITH TOWNHOUSES)	7.5 m	12.16 m	
	MINIMUM REAR YARD (EAST LOT LINE)	15.0 m FOR MAIN BUILDING 13.0 m FOR BALCONIES	20.48 m	
	MINIMUM EXTERIOR SIDE YARD (HIGHWAY 20 EAST)	0 m BALCONIES CANNOT PROJECT BEYOND LOT LINE	0.57 m FOR BUILDING 0.12 m FOR BALCONIES	
S.20.2(h)	MINIMUM SETBACK FOR SUBGRADE STRUCTURES AND RAMPS	0 m FROM ANY LOT LINE	0.51 m	
S.20.2(i)	MINIMUM AT-GRADE LANDSCAPE OPEN SPACE AND/OR AMENITY AREA COVERAGE	25% 1731.3m <sup>2</sup>	34.4% 2386.9m <sup>2</sup>	
S.20.2(j)	GRADE LEVEL INTERNAL ROADWAY WIDTH	6.0 m	6.21 m	
S.6.16(d)	PARKING REQUIREMENTS			
	APARTMENT DWELLING – 106 UNITS	1.25 SPACES/UNIT = 132.5 SPACES	133 SPACES	
	COMMERCIAL – 469m <sup>2</sup>	3 SPACES/100m <sup>2</sup> = 14.07 SPACES	16 SPACES	
	EATING ESTABLISHMENT	1 SPACE/4 PERSONS = 0 SPACES	N/A	
	TOTAL	146.57 SPACES	60 SURFACE SPACES 89 UNDERGROUND SPACES 149 SPACES	
S.6.16(d)(i)	MINIMUM DRIVEWAY WIDTH	7.5 m	7.5 m	
S.6.16(d)(iii)	MINIMUM DISTANCE BETWEEN DRIVEWAY AND INTERSECTION	7.5 m	>7.5 m	
S.6.16(d)(iv)	MINIMUM DISTANCE BETWEEN DRIVEWAYS	7.5 m	N/A	
S.6.16(i)	PARKING AREA LOCATION ON LOT APARTMENT DWELLING AND BOARDING HOUSE DWELLING	3.0 m TO A STREET LINE 0 m TO A SIDE LOT LINE 3.0 m TO A REAR LOT LINE	3.0 m TO A STREET LINE 0 m TO A SIDE LOT LINE 3.2 m TO A REAR LOT LINE	
S.6.9(c)(ii)	LOADING SPACE REQUIREMENTS FOR COMMERCIAL USES	185m <sup>2</sup> –930m <sup>2</sup> GFA = 1 SPACE	1 SPACE	
S.6.9(e)	DIMENSIONS OF LOADING SPACES	3.5 m x 9.0 m x 4.0 m	5.7 m x 9.2 m x 4.0 m	
S.6.9(g)	YARDS WHERE PERMITTED	2.5 m FROM A STREET LINE 1.0 m FROM A SIDE LOT LINE 1.0 m FROM A REAR LOT LINE	10.45 m FROM A STREET LINE 2.88 m FROM A SIDE LOT LINE >1.0 m FROM A REAR LOT LINE	
S.6.35(c)	YARD ENCROACHMENTS PERMITTED: BALCONIES, UNENCLOSED PORCHES, STEPS AND PATIOS	1.5 m INTO ANY YARD	0.88 m INTO EXT. SIDE YARD	

## **Electronic Hearing Procedures &**

### **How to Get Involved in a Town of Pelham Zoom Hearing**

All Town of Pelham in person Committee of Adjustment hearings have been cancelled, instead the Town is holding all Committee of Adjustment hearings electronically via Zoom.

#### **Notice of Hearing**

A Notice of Hearing will be mailed to the all persons listed as owners in the last revised assessment roll number within 60 meters (200 feet) of the subject property. The Notice of Hearing can also be found at the Town of Pelham website for all applications being heard by electronic meetings: <https://www.pelham.ca/en/town-hall/committee-of-adjustment.aspx>

#### **How to Submit Comments**

Public input on applications is invited. During this time, written comments are encouraged as the preferred method of receiving public input. Written comments may be sent by mail or e-mail to the attention of the Secretary Treasurer. You may also drop written comments off at Town Hall in the drop box. You may also provide oral input by joining the electronic meeting.

#### **Written Comments**

Please provide written input by mailing or e-mailing your comments to the Secretary Treasurer by the date indicated on the Notice of Hearing. You may also drop off written comments to Town Hall in the drop box.

#### **Oral Submissions**

To participate in the remote electronic public meeting to provide oral input, please pre-register with the Secretary Treasurer by telephone or email by the date indicated on the Notice of Hearing. All registrants will be provided in advance of the meeting instructions on how to use your computer, tablet or phone to participate in the electronic meeting.

Please note, the Secretary Treasurer will provide you the Zoom link and password in advance of the meeting. This is for pre-registered participants only and is not to be shared with others.

#### **View the Meeting – E-mail Comments Live**

The remote electronic meeting can be viewed by live-streamed on the Town's YouTube Channel at <https://www.youtube.com/user/TownOfPelham>. While viewing the meeting live you may submit comments during your application of interest to: [clerks@pelham.ca](mailto:clerks@pelham.ca). Please note, if your comments are submitted after the public portion of the application you are interested in has been closed, your comments will not be considered. This method of public participation is not the preferred method as you may not submit your comments in time. Use this method at your own risk and the Town is not responsible for any livestream lag, disconnection or internet failures.

#### **More Information**

For more information please contact:

Secretary Treasurer of the Committee of Adjustment  
20 Pelham Town Square, P.O. Box 400, Fonthill ON L0S 1C0  
905-892-2607 ext. 315 [hwillford@pelham.ca](mailto:hwillford@pelham.ca)

Assistant Secretary Treasurer of the Committee of Adjustment  
20 Pelham Town Square, P.O. Box 400, Fonthill ON L0S 1C0  
905-892-2607 ext. 320 [sleach@pelham.ca](mailto:sleach@pelham.ca)

For technical questions, please contact:  
Kenny Ng, Planner  
905-892-2607 ext. 324 [kng@pelham.ca](mailto:kng@pelham.ca)

### **Test Session**

Prior to the Committee of Adjustment hearing, participants are required to take part in a test Zoom session with Town staff. Testing will cover the audio and video quality of the participant's device; reviewing the process for participants to join the meeting; and reviewing the presentation process.

The test session will be held on the Monday prior to the meeting. The test session should take less than 15 minutes to complete. Note: other members of the public may be in the same test session. The Secretary-Treasurer or Assistant Secretary Treasurer will contact you via email with your test session information.

### **Participant Process During Meetings**

- Participants are required to join the meeting 15 minutes in advance of the start time for the Hearing.
- Participants are responsible for ensuring their background is free from offensive or vulgar material. If inappropriate material is visible you will be removed from the meeting.
- Vulgar or offensive language / comments will not be tolerated. If inappropriate language is used you will be removed from the meeting.
- Participants' microphones will remain off until they are called to speak.
- Once your comments have been heard by the Committee of Adjustment, your microphone will again be muted. Once voting on the item has taken place, participants will be removed from the meeting completely.
- Once removed from the Hearing, you can visit the Town's YouTube if you wish to continue watching the meeting.

### **Technical Difficulties During Hearings**

- Beyond the mandatory training session, Town staff will **not** provide technical assistance for participants before or during Hearings.
- If a participant's connection to the meeting fails during the Hearing, Town Staff will attempt to make reasonable efforts to re-establish connection for a period of 5 minutes. If the connection cannot be re-established within 5 minutes, the comments received up to that point will be included as part of the official record and the hearing will continue.
- If a participant is not present when called upon by the Chair three times, the participant will be considered absent and the hearing will continue without the participant.
- If, in the Chair's opinion, a participant's audio / video is not of an acceptable quality, the Chair may require the participant to use the dial-in option or may defer the application until a regular hearing can be held.