

## Committee of Adjustment AGENDA

CoA-02/2017

February 7, 2017

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 A4/2017P - Homes By Hendriks Inc.**

1

Town of Pelham Planning Department

Town of Pelham Public Works

Town of Pelham Building Department

Town of Pelham Fire Department

Niagara Region

Nestor & Tracey Chemerika

Frank Svob - January 24, 2017

Frank Svob - January 27, 2017

## **6. Applications for Consent**

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Town of Pelham Planning Department

Town of Pelham Building Department & Drainage  
Superintendent

Town of Pelham Public Works Department

Bell

Peter & Yvonne Bulk

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Town of Pelham Planning Department

Town of Pelham Building Department

Town of Pelham Public Works Department

City of Welland

Bell

Liz and Ken Lucas

### **6.3 File B5/2017P - Antonio & Rosetta Nuziato 42**

Town of Pelham Planning Department

Town of Pelham Building Department

Town of Pelham Public Works Department

City of Welland

Bell

Liz and Ken Lucas

<b>6.4</b>	<b>File B6/2017P - Antonio &amp; Rosetta Nuziato</b>	<b>55</b>
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	Niagara Region	
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Town of Pelham Planning Department

Town of Pelham Building Department & Drainage  
Superintendent

Town of Pelham Public Works Department

Bell

**7. Minutes for Approval**

<b>7.1</b>	<b>January 10, 2017 Minutes</b>	<b>102</b>
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**8. Adjournment**

February 7, 2017

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A4/2017P (Homes by Hendriks Inc.)  
839 River Road, Pelham  
Part of Lot 16, Concession 14, RP 59R9153; Parts 1&2  
Roll No. 2732 010 018 14007**

The subject land is located on the north side of River Road, lying west of Church Street, being Part of Lot 16, Concession 14, Plan 59R9153; Parts 1&2, and known municipally as 839 River Road in the Town of Pelham.

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

- **Section 6.14 a) whereas no dwelling on any adjacent lot shall be located within 300m of a livestock or poultry operation, to reduce the minimum distance separation to 180m of any livestock operation.** The variance is requested to facilitate the construction of a single detached dwelling on an existing lot of record.

### Applicable Planning Policies

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

The PPS designates the subject land as within a 'Prime Agricultural Area', which shall be protected for long-term use as agriculture. 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).

Rural and agricultural policies require that Minimum Distance Separation (MDS) formulae be applied for new land uses, and new or expanding livestock facilities. MDS formulae were developed with the intention of separating sensitive land uses from incompatibility concerns around livestock odour.

Ministry of Agriculture, Food & Rural Affairs (OMAFRA) issued 'Implementation Guidelines – Publication 707' in order to assist municipalities, farmers and consultants in implementing MDS as part of planning and development applications.

- Implementation Guideline No. 7 – Application of MDS to development on existing lots
  - Municipalities are strongly encouraged to apply MDS I to development proposed through building permit on an existing lot. Construction of a dwelling can have a very

From the Department of

detrimental impact on the ability of surrounding agricultural operations to expand in the future, and often introduces a potential new source for nuisance complaints regarding odour, that would generally not be allowed if the lot were to be created today. The application of MDS I to development on existing lots will take its direction from the applicable municipal planning documents.

Regional Official Plan (Consolidated, August 2014)

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

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

Town Official Plan, 2014

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

Town Zoning By-law Number 1136 (1987)

The Town of Pelham Zoning By-law identifies the subject parcel as 'Agricultural' (A). The permitted uses (among others) include:

- a) Agricultural uses including greenhouses;
- c) One single detached dwelling on one lot;
- g) Uses, buildings and structures accessory to the foregoing permitted uses.

Section 6.14 New development in or adjacent to an agricultural (A) zone

No residential use shall be established after the date of passing of this By-law adjacent to a livestock facility and conversely no new / enlargement of an existing livestock building shall be established adjacent to one of the foregoing non-farm uses, except in accordance with the following setback requirements.

- a) No non-farm use including a residential use accessory to a permitted adjacent agricultural use shall be established adjacent to a livestock building within a distance determined by the MDS formula.  
Notwithstanding any of the above, no dwelling on any adjacent lot shall be located within 300m of a livestock operation, except as a dwelling on a lot existing at the date of passing of this By-law shall only comply with the MDS requirements.

The application requests relief from Section 6.14 a) to reduce the MDS requirement from 300m to 180m to allow for the construction of a dwelling on an existing lot of record that was created after the Zoning By-law was approved.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	Reducing the MDS requirement is minor overall given the lack of nuisance complaints with several existing dwellings in close proximity and the prevailing west winds directing odour from



	the nearby poultry operation to the east. Also, given the presence of other nearby residential uses.
2. The variance is desirable for the development or use of the land.	The variance would be desirable as it would provide for the development of a single detached dwelling for which the lot was created. It is noted that the lot is currently vacant, and too small for a traditional independent cash crop operation. The subject land is part of the same Testamentary Devise plan which legally created the neighbouring rural residential lots to the west.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance maintains the general intent of the Official Plan because it would permit the construction of a single detached dwelling which is a permitted use on existing lots of record.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Reducing the MDS requirement to 180m from a required 300m does not compromise the intent of the Zoning By-law because sufficient spatial separation is maintained between the existing and proposed use. Paired with a prevailing westerly wind and the lack of odour nuisance complaints, there has not been an issue with neighbouring residences, also within close proximity to the existing poultry operation.

On January 5<sup>th</sup> 2017, 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 (January 10, 2017)
  - {See conditions & Appendix for comments}
- Building Department (January 26, 2017)
  - All necessary permits are required prior to construction commencing.
- Fire Department (January 6, 2017)
  - No comments.
- Niagara Region Planning and Development Services (January 27, 2017)
  - Ontario Ministry of Agriculture, Food & Rural Affairs (OMAFRA) Publication 707 Implementation Guidelines #46 states that minor variances to reduce MDS distance, though discouraged, can be considered for development on existing lots in site specific circumstances that meet the intent if not the precise distance of the formula. Regional staff understands that there are existing dwellings within the 300m setback distance contained in the Zoning By-law, and therefore, expansion of the poultry operation may already be limited. Municipal staff has also indicated that the 300m requirement within the Zoning By-law is likely greater than the requirement under the MDS Formula.
  - The Committee may wish to consider a warning clause for the subject lands regarding the abutting poultry operation and potential odour impacts.
  - The Committee should determine whether they are satisfied that the reduction meets the intent of the Zoning Provision and the MDS Formula, and inclusion of any appropriate warning clauses.
  - {See Appendix for full comments}

#### Public Comments:

- Frank Svob Farms Ltd. - Objects to the relief of the MDS requirement due to the scale of his operation particularly with regards to dust / noise creation, spreading of manure, tractors and trucks moving.
  - The outcomes above may be considered part of '*normal farm practices*', as defined in the Farming & Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances. If this is the case, than they should not be considered by the Committee regarding direct odour impacts of the current poultry barns.
- Frank Svob - Insists the MDS I requirements be maintained as reducing the current radius for the subject land will jeopardize his ability to construct a third (70'x600') poultry barn to the west of his existing barns.
  - It should be noted that, any future expansion of the neighbouring livestock operation would require a variance to the MDS requirement regardless if the proposed dwelling existed as at least two other existing neighbouring dwellings will be within the MDS required limits. Therefore the poultry barn proponent would also need to seek relief from his MDS II should he proceed with a third poultry barn.
- Nestor / Tracey Chemerika - Object to a new dwelling and were of understanding no house would be constructed on the adjacent parcel.
  - The subject land is a legally created, vacant lot of record which, (along with the subject neighbour's lots) were created through Testamentary Devise under the Planning Act, in effect at the time.
  - The application seeks relief from the separation distance requirements of the Town Zoning By-law.
  - The existing dwelling at 849 River Rd technically falls within the Town MDS 300m buffer area. This objection deals little over the issue with MDS proximity, but more so over the displeasure of a neighbouring dwelling being constructed next door. The proposed rural residential dwelling would be compatible with the neighbouring residences.

#### Planning Comments

Planning staff note the property is 0.94ha (2.3ac) in area and is not farmed. A site visit was conducted by Planning Staff to note the conditions of the property and surrounding area. The Welland River is south (opposite River Rd), numerous rural-residential lots to the west, farmland to the north and an existing farm / poultry barn operation to the east. Sporadic deciduous trees line the property boundary providing some visual and physical barrier. Potential exists, for significantly more trees to be linearly planted along the lot line to aid in mitigation.

The Town is unaware of any previous odour complaints in the area around the existing poultry operation. Also, due to the prevailing westerly winds, any odour impacts should continue to be minimal as the dwellings lie to the west of the poultry barns.

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 A4/2017P be **approved**, subject to the following conditions:

THAT

- The applicant shall enter into a Development Agreement with the Town for the purposes of developing the lot to include:
  - Obtaining an Entrance Permit from the Public Works Department for the installation of a driveway / culvert, as applicable, in accordance with Town standards. Applicant shall bear all costs associated with such.
  - Submitting of a lot grading plan to the satisfaction of the Director of Public Works.
  - An owner warning clause specifying that, “The owner acknowledges that their property is located within a calculated radius as determined by the Ministry of Agriculture, Food & Rural Affairs Minimum Distance Separation formulae & the Town’s Zoning By-law Minimum Distance Separation spatial requirement and that they may potentially, from time to time, experience unpleasant odours from an existing adjacent poultry barn operation.”
- All necessary building permits be obtained prior to construction commencing.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

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



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## Memorandum

### Public Works Department - Engineering

DATE: January 10, 2016  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities  
FROM: Tolga Aydin, Engineering Technologist  
RE: File A4/2017P  
839 River Road

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Public Works has completed a review of the minor variance application A4/2017P for relief of Pelham Zoning By-Law 1136(1987) section 6.14(a) whereas no dwelling on any adjacent lot shall be located within 300 metres of a livestock or poultry operation, to reduce the minimum distance to 180 meters of any livestock or poultry operation.

Public Works has the following conditions:

- That the applicant obtain approval of Entrance Permits from the Public Works Department for the installation of entrances for all lots in accordance with Town standards. Installation of all entrances shall be completed in accordance with Town standards prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).

**File:** A4/2017P

January 26, 2017

**Address:** Part Lot 16, Concession 14, RP 59R-9153  
839 River Road, Pelham

**Owner:** Homes by Hendriks Inc.,

**Authorized Agent:** Sullivan Mahoney LLP(per: Sara Premi)

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to any construction commencing.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

**From:** William Underwood  
**Sent:** Friday, January 06, 2017 11:59 AM  
**To:** Nancy Bozzato  
**Cc:** Jordan Mammoliti  
**Subject:** File A4/2017P

Hi Nancy,

The fire department does not have any comments with regards to the 839 River Road variance.

Thanks,

Will



**William Underwood**  
*Fire Prevention Officer*  
**Fire & By-Law Services**

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

177 Highway 20 West  
P.O. Box 323  
Fonthill, ON L0S 1E0

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January 27, 2017

Sent Via E-mail Only

File No.: D.17.06.MV-17-001

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

Dear Ms. Bozzato:

**Re: Regional and Provincial Review Comments  
Minor Variance Application  
Your File No.: A4/2017P  
Applicant: Homes by Hendriks Inc.  
Address: 839 River Road  
Town of Pelham**

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Regional Development Services staff has reviewed the information circulated for the above noted minor variance application, which has been submitted in order to facilitate the construction of a single detached dwelling on an existing  $\pm 0.9$  hectare ( $\pm 2.22$  acre) lot. The subject property is zoned Agricultural (A), which permits the use of one (1) single detached dwelling as well as a range of agricultural and on-farm diversified uses. The proposal seeks relief of Section 6.14 (a) (General Provisions) of the Town of Pelham Zoning By-law to reduce the minimum distance of the proposed dwelling from any adjacent livestock operation from 300 metres to 180 metres.

A pre-consultation meeting was held on December 1, 2016 between the owner, agent, and staff from the Town, the Niagara Peninsula Conservation Authority, and the Region. The following comments are provided from a Provincial and Regional perspective in order to assist the Committee in their decision.

### **Provincial and Regional Policy**

The 2014 Provincial Policy Statement designates the subject lands as within a prime agricultural area, which shall be protected for long-term use for agriculture. The Regional Official Plan designates the land as within a Good General Agricultural Area. Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected.

Accordingly, the rural and agricultural policies of the Provincial Policy Statement and Regional Official Plan require that Minimum Distance Separation formulae be applied for new land uses, including the creation of lots, and new or expanding livestock facilities in the rural and prime agricultural areas of a municipality. Minimum Distance Separation (MDS) formulae were developed with the intention of separating uses in rural and prime agricultural areas so as to reduce incompatibility concerns with odour from livestock facilities. Training manuals and implementation guidelines (Publication 707) have been published by the Ministry of Agriculture,

Food and Rural Affairs in order to assist municipalities, farmers, and consultants in implementing MDS as part of planning and development applications. Implementation Guideline Number 7 of Publication 707 indicates that municipalities have the option but are strongly encouraged to apply the MDS 1 formula to building permits on existing lots of records, and that the application of MDS 1 to development on existing lots must take direction from applicable municipal planning documents.

The minor variance application requests relief of a general provision of the Town's Zoning By-law, which requires that no residential dwellings be constructed within 300 metres of a livestock or poultry operation. The subject property, municipally known as 839 River Road, is an existing legal vacant lot. A poultry operation is located to the east of the subject lands, on the property municipally known as 100 Church Street. The proposal seeks to reduce the required minimum distance to 180 metres in order to facilitate the construction of a single detached dwelling on the existing lot.

Implementation Guideline Number 46 of Publication 707 states that minor variances to reduce MDS distances, though discouraged, can be considered for development on existing lots in site specific circumstances that meet the intent if not the precise distance of the formula. Regional staff understands that there are existing dwellings within the 300 metre setback distance contained in the Zoning By-law, and therefore, expansion of the poultry operation may already be limited. Municipal staff has also indicated that the 300 metre requirement within the Zoning By-law is likely greater than the requirement under the MDS Formula. The Committee may wish to consider a warning clause for the subject lands regarding the abutting poultry operation and potential odour impacts.

### **Conclusion**

The Committee should determine whether they are satisfied that the reduction meets the intent of the Zoning Provision and the MDS Formula, and inclusion of any appropriate warning clauses. If you have any questions or wish to discuss these comments, please contact me at 905-685-4225 extension 3590 or Richard Wilson, Senior Development Planner, at extension 3391.

Yours truly,

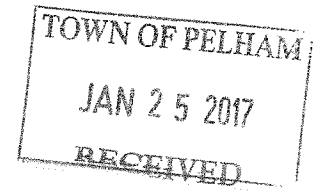


Alexandria Tikky  
Development Planner

c: Mr. P. Busnello, Manager, Planning & Development Services Dpmt., Niagara Region  
Ms. S. Mastroianni, Watershed Planner, Niagara Peninsula Conservation Authority  
Mr. C. Thompson, Planner, Town of Pelham

Pelham Niagara

FILE A4/2017P Homes by Hendriks Inc.  
Part of Lot 16, Concession 14, RP 59R-9153 (Parts 1 and 2)  
839 River Road, Pelham



We object to the proposal of a house at 839 River Road, Pelham, Ontario. We reside at [REDACTED] River Rd, Pelham. It is to our understanding that the proposed building of this house will take place within the property perimeter dwelling circles designated for farmland. We purchased this house in 2005 under the understanding that a house will never be built on that lot. Once again, that lot is located within the boundaries of those circles.

If our other neighbours (on River Road on the other side of the Chicken Barns) were forced to abide by these circles (very limited area to build their house on a 72 acre lot), then why are these strick policies being broken for a house on 839 River Rd.

The main attraction to moving to our location was country land. With all of the houses being built, and farm land to a minimum, unfortunately River Rd is becoming a residential area, not preserving valued farmland.

Thank-you

Nestor and Tracey Chemerika

[REDACTED] River Rd.

Pelham , Ontario

L3B5N6

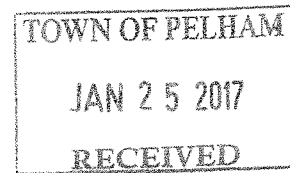
Cell: [REDACTED] Home: [REDACTED]

We wish to be notified of the decision of the Committee of Adjustment (Committee).



Frank Svob Farms Limited  
[REDACTED] Church Street,  
Pelham, ON

Frank Svob  
[REDACTED] River Road, [REDACTED]  
Welland, ON L3B 5N6



January 24, 2017

Town of Pelham  
Committee of Adjustments  
20 Pelham Town Square  
P.O. Box 400  
Fonthill, ON L0S 1E0  
Attention: Nancy Bozzato, Secretary- Treasurer

Tel: 905-892-2607 Ext. 315  
Fax: 905-892-5055  
Email: NJBozzato@pelham

Dear Ms. Bozzato:

RE: Application No. A4/2017P  
Returnable February 7, 2017  
As Submitted by the contractor Hendriks

---

This letter shall serve as a notice of objection on behalf of Frank Svob Farms Limited, located at [REDACTED] Church Street, and my home, and balance of my farming operation next to my home at the address of [REDACTED] River Road, Pelham owned by me, personally.

The reasons for my objections are as follows:

- 1) a) The scale of the farming operation involving the two poultry barns, which rotate through different cycles with each cycle having approximately 62 thousand broilers. That operation involves the adjoining lands to the subject property, plus cleaning and removal, dust creation, noise creation, spreading of chicken manure, and other related necessary farming operations.  
b) I have plans for another poultry barn to be put up next to the existing barn.  
c) Attached is a current google view showing all the buildings. The view attached to the application is not up to date.
- 2) a) The operation of the farm also involves a large grain storage facility which is needed for our 700 cash crop acres, which again involves tractors, trucks and farm equipment coming and going;

- b) The balance of our buildings – while having no cattle at this time are set up for cattle, whether for milking or beef, or both; and
- c) Future expansion, which would include one or more large barns.
- 3) The result of the above farming operation creates noise, odour, dust, and other related farming activities that may be found to be unsatisfactory or offensive to residential occupants, although permitted and necessary for farming.
- 4) The statutory requirements for distance away from a broiler, cattle and grain operation needs to be maintained and not reduced.
- 5) The farming operation is neither new nor is it static. It is an operation that continues to evolve and change. There continues to be the right to enlarge the operation upon compliance with statutory legislation and regulations. Through the long years of my farming, and the farming of my family, we have always respected our neighbours. We intend to continue in that fashion, but likewise, we expect our neighbours to recognize the benefits and the detriments of a farming operation subject to legislation, rules, guidelines and directives on a provincial and municipal basis.

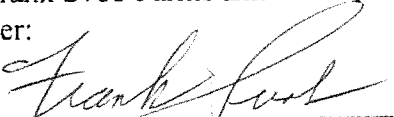
For the above reasons, Frank Svob Farms Limited and Frank Svob object.


We wish to continue to be informed and to participate.

Yours very truly,

Frank Svob Farms Limited

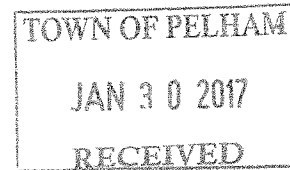
Per:

  
\_\_\_\_\_  
Frank Svob, President

  
\_\_\_\_\_  
Frank Svob, personally

Frank Svob Farms Limited  
[REDACTED] Church Street,  
Pelham, ON

Frank Svob  
[REDACTED] River Road, RR3  
Welland, ON L3B 5N6



January 27, 2017

Town of Pelham  
Committee of Adjustments  
20 Pelham Town Square  
P.O. Box 400  
Fonthill, ON L0S 1E0  
Attention: Nancy Bozzato, Secretary- Treasurer

Tel: 905-892-2607 Ext. 315  
Fax: 905-892-5055  
Email: NJBozzato@pelham

Dear Ms. Bozzato:

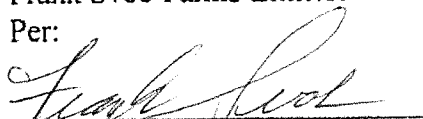
RE: Application No. A4/2017P  
Returnable February 7, 2017  
As Submitted by the contractor Hendriks

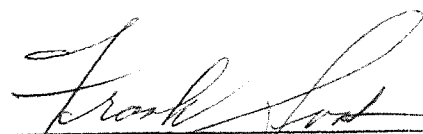
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Further to my letter of January 24, 2017, to be more specific about the new proposed barn immediately to the west of the existing broiler barns. The size of that broiler barn is 70 feet by 600 feet, one storey. Proposed directions are that only one floor broiler barns are to be put up. My intent is to proceed with this building as soon as approval is given. However, because my plans are only at the start, I have not been able to obtain all of the necessary building plans. Therefore, I can only give the details that I am aware of. In fairness, I have tried to give as much detail as possible to the Town and to any of my neighbours.

I propose to continue to operate in compliance with all the rules and regulations, but still from a broiler barn operation, there is noise, dust, odour and the like, from time to time. Any neighbour would have to understand and accept the same, I believe.

Yours very truly,  
Frank Svob Farms Limited  
Per:

  
Frank Svob, President

  
Frank Svob, personally

Drive way

Church St.

Drive way



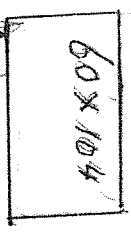
2 Floors

44' X 400'



2 Floors

46' X 400'



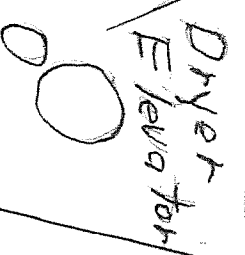
1 Floor

70' X 600' New Barn



440'

Property Line

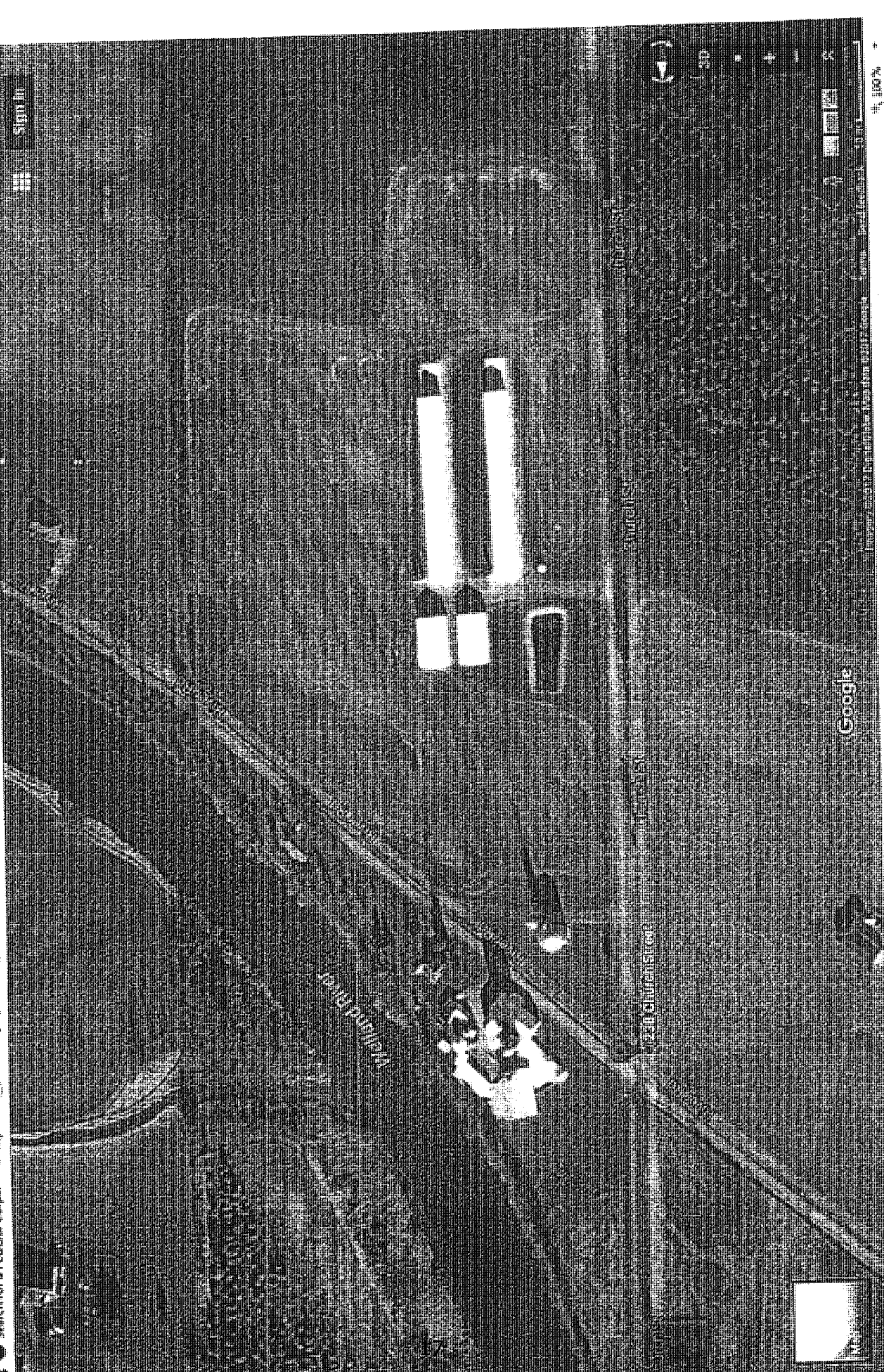


Grain Bin

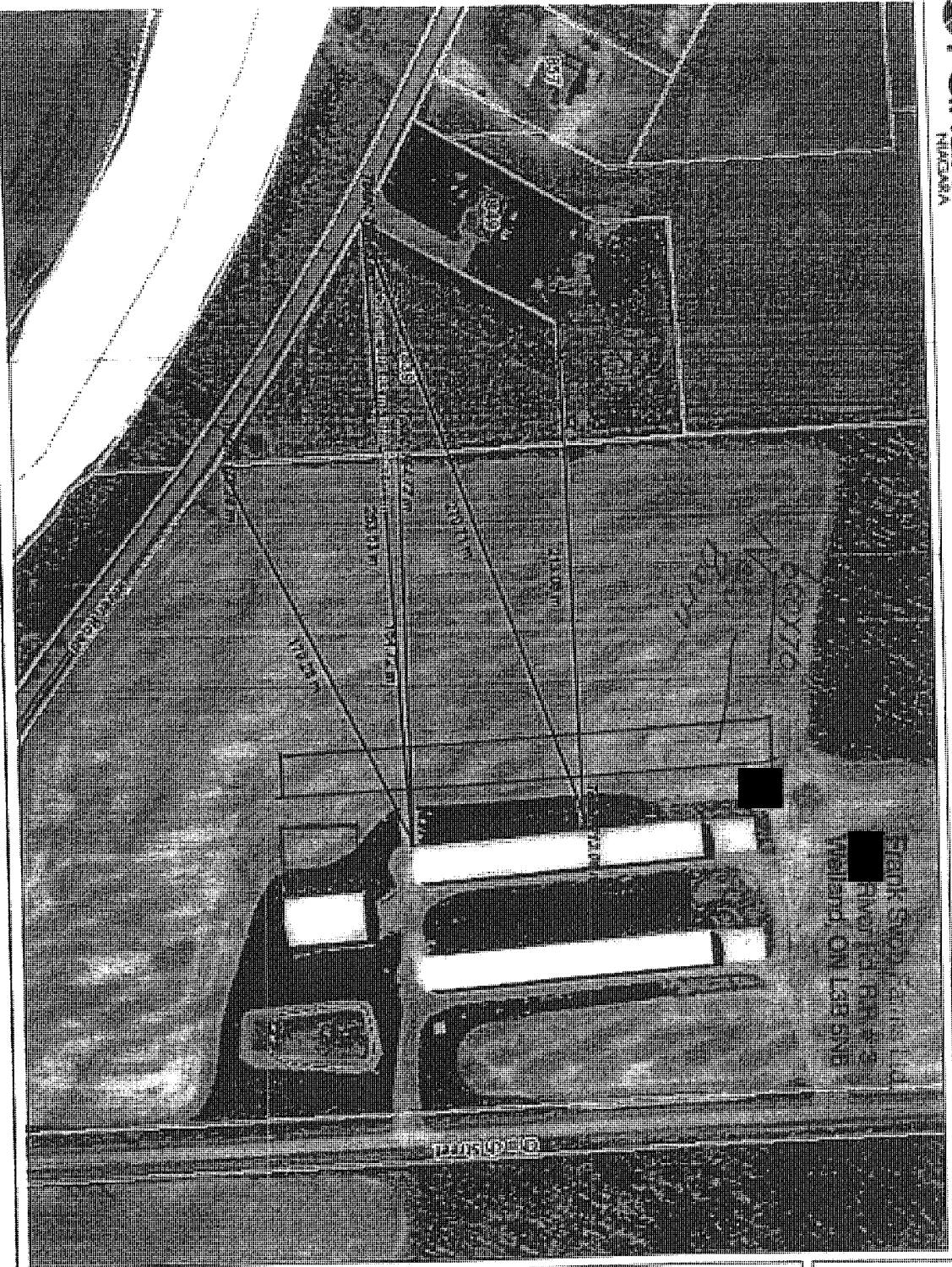
River Road

Frank Svob Farms Ltd.  
River Rd. R.R.# 3  
Welland, ON L3B 5N6

Sign in

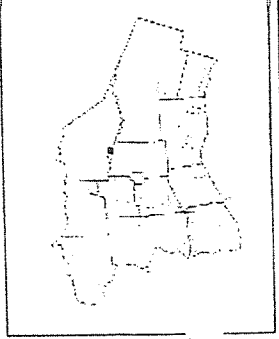


Google



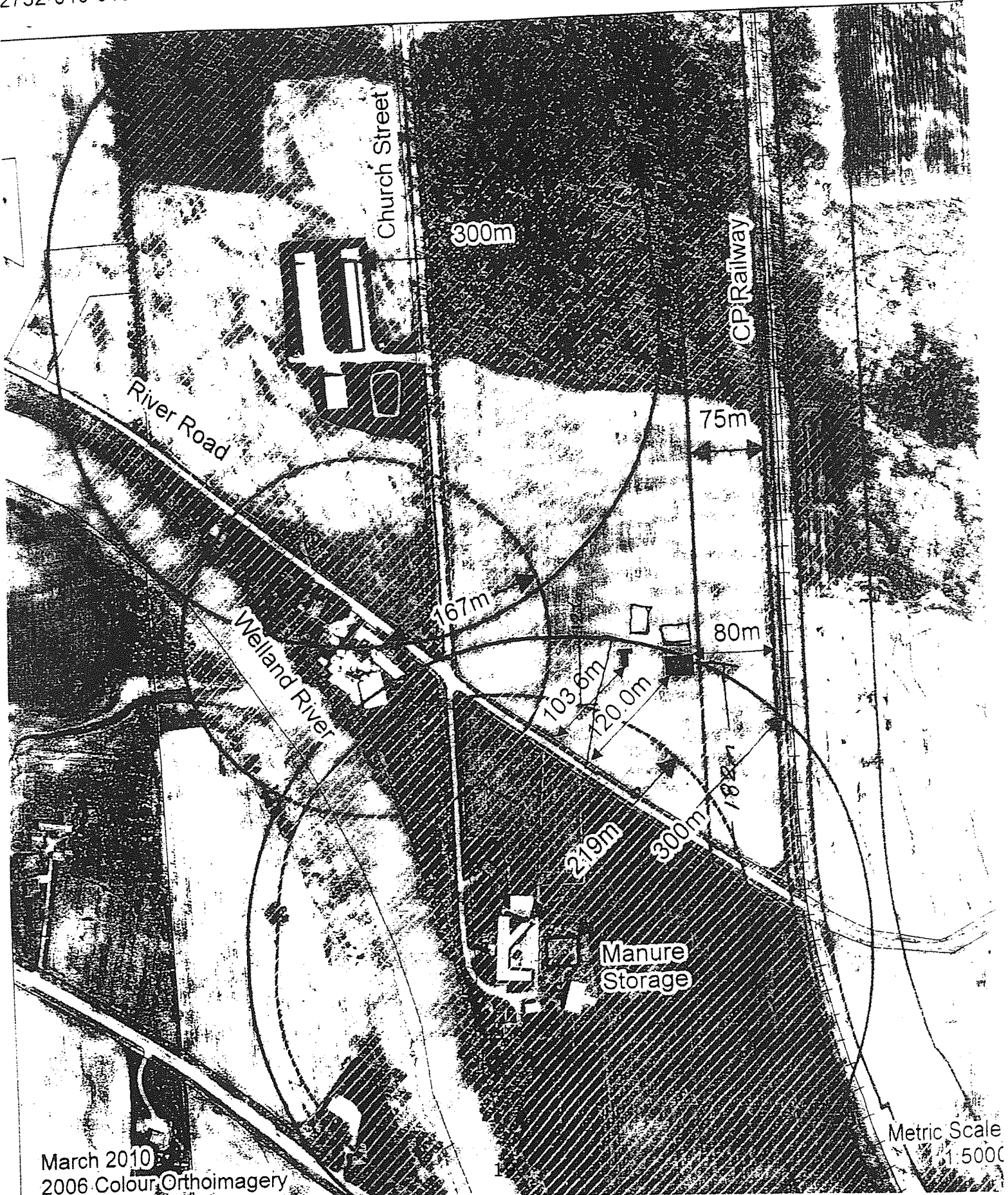
© 2015 - The Regional Municipality of Niagara and its suppliers. All rights reserved. Produced in part under license from © 2015 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED. © Terant Enterprise Inc. and its suppliers. All rights reserved. Not a plan of survey. 2006 Air Photos courtesy of First Base Solution Inc.; 1934 Air Photos courtesy of Brock University.

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- Legend**
- Parcel Fabric
  - Hydrological 2K Breaklines
  - Streams
  - Waterbodies
  - Address Points
  - Streets Labels

Notes



February 7, 2017

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

Dear Mrs. Bozzato:

**Re: Consent Application B3/2017P (Rosetta Nuziato)**  
**703 Quaker Road, Pelham**  
**Part of Township Lot 237**  
**Roll No. 2732 030 019 09900**

The subject parcel, shown as Part 2 on the attached sketch, has 8.79m of frontage on the south side of Quaker Road, lying west of Clare (Line) Avenue, being Part of Township Lot 237, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 3398.23m<sup>2</sup> of land (Part 2), to be merged with the abutting lands to the east (Part 7) for future Plan of Condominium development considerations. 651.35m<sup>2</sup> of land (Part 1) is to be retained for the continued single detached residential use known municipally as 703 Quaker Road.

This application is being considered concurrently with Files: B4/2017P, B5/2017P, B6/2017P and B7/2017P.

\*Note - A Zoning By-law Amendment application has also been made to rezone the lands subject to this application and those concurrent applications outlined above to address zoning requirements. A further public meeting will be held with regards to the Zoning By-law Amendment prior to any decision being made by Council on that application.

### **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

From the Department of



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

#### Provincial Policy Statement (2014)

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

#### Growth Plan for the Greater Golden Horseshoe

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

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

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 subject lands are quite large in size, underutilized and contain just two single detached dwellings. The site is located within the urban area boundary where water and wastewater services are available and it is intended that the lands be developed for urban residential uses. The site is conveniently located near the intersection of two collector roads and within walking distance to neighbourhood commercial uses and a public school.

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

The subject lands are designated '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.C.2.1 states the municipality will develop and implement through their local Official Plan, policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

Policy 4.C.4.2 states the minimum 'Residential Intensification Target' for Pelham is 15% (of total annual development).

Town of Pelham Official Plan (2014)

The subject lands are designated 'Urban Living Area / Built Boundary'. Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads or are located no further than 100m from an intersection with an arterial or collector road.

Policy B1.1.3 b) states intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed.

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

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

- b) Will not cause a traffic hazard as a result of its location;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area.

Access to water and waste water services is available for the subject lands and would be addressed through a Development Agreement. The sites are positioned along the Steve Bauer Trail, within walking distance to neighbourhood commercial uses, schools and under a 10 minute bicycle ride to Niagara College in Welland.

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

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

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

It is noted that concurrent applications have been submitted for various severances to assemble the land for a future block townhouse development fronting Quaker Road in addition to four (4) single detached residential lots, each fronting Clare Avenue.

The applicant's anticipated Site Plan and Draft Plan of (Vacant Land) Condominium requires a site specific Zoning By-law Amendment first, which has been submitted for the purposes of a townhouse block and single detached residential lots. The Zoning By-law Amendment and Draft Plan of Condominium application will require further public consultation and will require approval from Council. No decision has been made with respect to those applications at this time.

### Agency and Public Comments

On January 5<sup>th</sup>, 2017, 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 (January 26, 2017)
  - A demolition permit will be required to remove the existing garage.
- Public Works Department (January 16, 2017)
  - It has been acknowledged that on-site storm runoff must be conducted prior to discharge into the roadside ditch located on Quaker Road, as is stated in the servicing brief provided by the applicant.
  - {see conditions}
- Bell Canada (January 20, 2017)
  - No concerns.

Public Comments:

- Yvonne / Peter Bulk - Request the developer construct a privacy fence along the west property line.
  - Fencing and privacy concerns can be addressed through the Zoning By-law Amendment and Site Plan stage.
- Liz Lucas – Against proposal, unhappy with new development in area.
  - The subject lands are within the *Urban Area* of the Town, have access to water and waste water services among other infrastructure / urban amenities and have been planned for urban purposes, subject to certain approvals, as laid out in the Planning Act (Consolidated 2016).

### Planning Staff Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 2<sup>nd</sup>, 2016. The current application deals with the severance of 3398.23m<sup>2</sup> of land (Part 2), to be merged with the abutting lands to the east (Part 7) for future Plan of Condominium development considerations. 651.35m<sup>2</sup> of land (Part 1) is to be retained for the continued single detached residential use known municipally as 703 Quaker Road.

The proposed severance is located within an evolving neighbourhood characterized by single detached dwellings, townhouses, and neighbourhood commercial uses. Municipal services are



available, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense from a servicing perspective (garbage, snowplow, fire access etc.). The site is conveniently located near the intersection of two collector roads and positioned along the Steve Bauer Trail, within walking distance to neighbourhood commercial uses, schools and under a 10 minute bicycle ride to Niagara College in Welland.

The subject lands are rather large in size, underutilized and contain just two single detached dwellings. Allowing the proposed infill development to proceed towards the Rezoning, Site Plan and Plan of Condominium stages means the Town can make more efficient use of the existing *built-up* lands and the existing underground infrastructure available, currently serving limited properties directly beside the subject lands.

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

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

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

- Receive a Zoning By-law Amendment approval to legalize any deficient zoning regulations on the severed and retained parcels.
- Submit a comprehensive lot grading & drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties to the satisfaction of the Director of Public Works.
- 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 \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

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



**File:** B3/2017P

January 26, 2017

**Address:** Part of lot 237,  
703 Quaker Rd, Pelham

**Owner:** Rosetta Nuziato

**Authorized Agent:** Upper Canada Consultants

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department/Drainage Superintendent offers the following comments,

- A demolition permit will be required to remove the existing garage.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

DATE: January 16, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matthew Sferrazza, Engineering Technologist  
RE: File B3/2017P  
703 Quaker Road

---

We have completed the review of the consent application B3/2017P related to the conveyance of 3398.23.8m<sup>2</sup> of land to be merged with the abutting lands to the East (Part 7), for future plan of condominium development considerations. 651.35m<sup>2</sup> of land with a dwelling known municipally as 703 Quaker Road is to be retained for continued residential use. This application is being considered concurrently with files B4/2017P, B5/2017P, B6/2017P, and B7/2017P.

Public Works has the following comments:

- It has been acknowledge that on site storage of storm runoff must be conducted prior to discharge into the roadside ditch located on Quaker Road, as is stated in the servicing brief provided by the applicant.

Public Works has the following proposed conditions:

- That the owner submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.

**From:** Moyle, Jacqueline [<mailto:jacqueline.moyle@bell.ca>]  
**Sent:** Friday, January 20, 2017 1:49 PM  
**To:** Kristina Braun  
**Subject:** RE: Pelham Consent - Notice of Hearing

Hi Kristina,

Re File No's: B3/2017P, B4/2017P, B5/2017P, B6/2017P, B7/2017P

Details:

- Consent Application
- 703 Quaker Road and 1011 Clare Avenue
- Part of Lot 237, Geographic Township of Thorold

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

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

*Jacqueline Moyle*  
External Liaison  
Bell Canada Right of Way

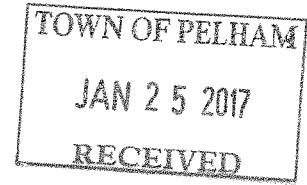


140 Bayfield St. FL 2  
Barrie, ON, L4M 3B1  
P: 705-722-2636  
F: 705-722-2263  
1-844-857-7942  
[jacqueline.moyle@bell.ca](mailto:jacqueline.moyle@bell.ca)



Tuesday, January 24, 2017

Yvonne and Peter Bulk  
██████████ Cataract Road,  
Welland, Ontario  
L3C 3H3  
January 24, 2017



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

Regarding: File B3/2017P, being considered concurrently with Files B4/2017P, B5/2017P, B6/2017P, and B7/2017P

Dear Secretary-Treasurer Nancy J. Bozzato,

We are the property owners of ██████████ Quaker Road, in the Town of Pelham, and have been since July of 2011. We currently have a tenant living at this address, and we ourselves may have future plans of residing at ██████████ Quaker Road. It has come to our attention that there has been an application made to develop the lands to the east of our property for future plan of condominium development considerations. We are respectfully submitting this letter with our written comments regarding this application.

We have one objection to the proposal brought to our attention. We are requesting that the developer erect a privacy fence along the east side of our property, especially in consideration for the solitude of our tenant, who also has a dog. According to the sketch provided by the Town of Pelham, our property line on the east side is approximately 132.77 meters in length. In accordance with The Corporation of the Town of Pelham By-law No. 1034(1985) "Fencing By-law", we are requesting the fence be the maximum allotted height and length to secure our property line and to maintain the privacy of our property.

Please notify us of the decision of the Committee of Adjustment (Committee) with respect to this application.

Respectfully Submitted,

Two handwritten signatures in black ink. The first signature is "Peter Bulk" and the second is "Yvonne Bulk".

Peter and Yvonne Bulk

February 7, 2017

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

Dear Mrs. Bozzato:

**Re: Consent Application B4/2017P (Antonio & Rosetta Nuziato)**  
**1011 Clare Avenue, Pelham**  
**Part of Township Lot 237**  
**Roll No. 2732 030 019 07800**

The subject parcel, shown as Part 7 on the attached sketch, is an interior parcel of land situated 34.75m west of Clare Avenue, lying south of Quaker Road, being Part of Township Lot 237, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 2310.8m<sup>2</sup> of land (Part 7), to be merged with the abutting lands to the west (Part 2) for future Plan of Condominium development considerations. 688.75m<sup>2</sup> of land (Part 3) is to be retained for the continued single detached residential use known municipally as 1011 Clare Avenue.

This application is being considered concurrently with Files: B3/2017P, B5/2017P, B6/2017P and B7/2017P.

\*Note - A Zoning By-law Amendment application has also been made to rezone the lands subject to this application and those concurrent applications outlined above to address zoning requirements. A further public meeting will be held with regards to the Zoning By-law Amendment prior to any decision being made by Council on that application.

### **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

From the Department of

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

#### Provincial Policy Statement (2014)

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

#### Growth Plan for the Greater Golden Horseshoe

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

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

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 subject lands are quite large in size, underutilized and contain just two single detached dwellings. The site is located within the urban area boundary where water and wastewater services are available and it is intended that the lands be developed for urban residential uses. The site is conveniently located near the intersection of two collector roads and within walking distance to neighbourhood commercial uses and a public school.

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

The subject lands are designated '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.C.2.1 states the municipality will develop and implement through their local Official Plan, policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

Policy 4.C.4.2 states the minimum 'Residential Intensification Target' for Pelham is 15% (of total annual development).

Town of Pelham Official Plan (2014)

The subject lands are designated 'Urban Living Area / Built Boundary'. Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads or are located no further than 100m from an intersection with an arterial or collector road.

Policy B1.1.3 b) states intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed.

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

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

- b) Will not cause a traffic hazard as a result of its location;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area.

Access to water and waste water services is available for the subject lands and would be addressed through a Development Agreement. The sites are positioned along the Steve Bauer Trail, within walking distance to neighbourhood commercial uses, schools and under a 10 minute bicycle ride to Niagara College in Welland.

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

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

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

It is noted that concurrent applications have been submitted for various severances to assemble the land for a future block townhouse development fronting Quaker Road in addition to four (4) single

detached residential lots, each fronting Clare Avenue.

The applicant's anticipated Site Plan and Draft Plan of (Vacant Land) Condominium requires a site specific Zoning By-law Amendment first, which has been submitted for the purposes of a townhouse block and single detached residential lots. The Zoning By-law Amendment and Draft Plan of Condominium application will require further public consultation and will require approval from Council. No decision has been made with respect to those applications at this time.

### Agency and Public Comments

On January 5<sup>th</sup>, 2017, 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 (January 26, 2017)
  - A demolition permit will be required to remove the existing garage.
- Public Works Department (January 16, 2017)
  - {see conditions}
- Bell Canada (January 20, 2017)
  - No concerns.
- City of Welland (January 17, 2017)
  - No objection

Public Comments:

- Liz Lucas – Against proposal, unhappy with new development in area.
  - The subject lands are within the *Urban Area* of the Town, have access to water and waste water services among other infrastructure / urban amenities and have been planned for urban purposes, subject to certain approvals, as laid out in the Planning Act (Consolidated 2016).

### Planning Staff Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 2<sup>nd</sup>, 2016. The current application deals with the severance of 2310.8m<sup>2</sup> of land (Part 7), to be merged with the abutting lands to the west (Part 2) for future Plan of Condominium development considerations. 688.75m<sup>2</sup> of land (Part 3) is to be retained for the continued single detached residential use known municipally as 703 Quaker Road.

The proposed severance is located within an evolving neighbourhood characterized by single detached dwellings, townhouses, and neighbourhood commercial uses. Municipal services are available, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense from a servicing perspective (garbage, snowplow, fire access etc.). The site is conveniently located near the intersection of two collector roads and positioned along the Steve Bauer Trail, within walking distance to neighbourhood commercial uses, schools and under a 10 minute bicycle ride to Niagara College in Welland.

The subject lands are rather large in size, underutilized and contain just two single detached

dwellings. Allowing the proposed infill development to proceed towards the Rezoning, Site Plan and Plan of Condominium stages means the Town can make more efficient use of the existing *built-up* lands and existing underground infrastructure available, currently serving limited properties directly beside the subject lands.

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

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

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

**THAT** the applicant

- Receive a Zoning By-law Amendment approval to legalize any deficient zoning regulations on the severed and retained parcels.
- Submit a comprehensive lot grading & drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties to the satisfaction of the Director of Public Works.
- 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 \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

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



**File:** B4/2017P

January 26, 2017

**Address:** Part of lot 237,  
1011 Quaker Rd, Pelham

**Owner:** Rosetta Nuziato

**Authorized Agent:** Upper Canada Consultants

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- A demolition permit will be required to remove the existing garage.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development



---

DATE: January 16, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matthew Sferrazza, Engineering Technologist  
RE: File B4/2017P  
1011 Clare Avenue

---

We have completed the review of the consent application B4/2017P related to the conveyance of 2310.8m<sup>2</sup> of land to be merged with the abutting lands to the West, for future plan of condominium development considerations. 688.75m<sup>2</sup> of land with a dwelling known municipally as 1011 Clare Avenue is to be retained for continued single family residential use. This application is being considered concurrently with files B3/2017P, B5/2017P, B6/2017P, and B7/2017P.

Public Works has the following proposed conditions:

- That the owner submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.

**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:** Rachelle Larocque [<mailto:rachelle.larocque@welland.ca>]  
**Sent:** Tuesday, January 17, 2017 10:04 AM  
**To:** Nancy Bozzato  
**Subject:** Files B4/2017P - B7/2017P

Good morning Nancy,

The City of Welland has no objection to applications B4/2017P – B7/2017P.

We did not receive notice for B3/2017P and are unable to comment on that application at this time.

Thank-you,



**Rachelle Larocque, BES, M.Sc., MCIP, RPP**  
Planning Supervisor  
Infrastructure and Development Services  
Planning Division  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B3X4  
**Hours:** Monday - Friday: 8:30am-4:30pm  
**Phone:** (905)735-1700 Ext. 2310 **Fax:** (905)735-8772  
**[www.welland.ca](http://www.welland.ca)**



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**From:** Moyle, Jacqueline [<mailto:jacqueline.moyle@bell.ca>]  
**Sent:** Friday, January 20, 2017 1:49 PM  
**To:** Kristina Braun  
**Subject:** RE: Pelham Consent - Notice of Hearing

Hi Kristina,

Re File No's: B3/2017P, B4/2017P, B5/2017P, B6/2017P, B7/2017P

Details:

- Consent Application
- 703 Quaker Road and 1011 Clare Avenue
- Part of Lot 237, Geographic Township of Thorold

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

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

*Jacqueline Moyle*  
**External Liaison**  
**Bell Canada Right of Way**



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

**From:** Nancy Bozzato  
**Sent:** Monday, January 16, 2017 2:19 PM  
**To:** Jordan Mammoliti; Curtis Thompson  
**Subject:** FW: Notice of Public Hearing



Vibrant · Creative · Caring

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

**e:** 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:**

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**From:** Liz Lucas [REDACTED]  
**Sent:** Thursday, January 12, 2017 9:37 AM  
**To:** Nancy Bozzato  
**Subject:** Notice of Public Hearing

Re: files B4/2017 through B7/2017

We are against the proposed development. We moved to our home in Fonthill 19 years ago. We chose this house because it was surrounded by pockets of farmland and open spaces. Looking out our windows we saw space and trees. We purposely didn't move to a suburban area. It sickens us to see all the development going on around us ie Rice Rd, Merritt St, corner South Pelham and Quaker, Haist St (north of Hwy 20) . Why can't these areas be left alone? When you look at the new development on Webber Rd near South Pelham, you think you're in Mississauga. It's so ugly. It's all about \$\$ to the developers. They don't care what they're doing to our town.

Please don't allow this new development on our street, behind our houses. We don't need more houses and streets. We need land, trees, space, quiet.

Liz and Ken Lucas  
[REDACTED] Quaker Rd,  
Fonthill

February 7, 2017

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

Dear Mrs. Bozzato:

**Re: Consent Application B5/2017P (Antonio & Rosetta Nuziato)**  
**1011 Clare Avenue, Pelham**  
**Part of Township Lot 237**  
**Roll No. 2732 030 019 07800**

The subject parcel, shown as Part 4 on the attached sketch, has 16.85m of frontage on the west side of Clare Avenue, lying south of Quaker Road, being Part of Township Lot 237, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 585.54m<sup>2</sup> of land (Part 4), for single detached residential use. 688.75m<sup>2</sup> of land (Part 3) is to be retained for the continued single detached residential use known municipally as 1011 Clare Avenue.

This application is being considered concurrently with Files: B3/2017P, B4/2017P, B6/2017P and B7/2017P.

\*Note - A Zoning By-law Amendment application has also been made to rezone the lands subject to this application and those concurrent applications outlined above to address zoning requirements. A further public meeting will be held with regards to the Zoning By-law Amendment prior to any decision being made by Council on that application.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

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

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

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

#### Provincial Policy Statement (2014)

The subject parcel is located in the '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.

#### Growth Plan for the Greater Golden Horseshoe

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

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

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 subject lands are quite large in size, underutilized and contain just two single detached dwellings. The site is located within the urban area boundary where water and wastewater services are available and it is intended that the lands be developed for urban residential uses. The site is conveniently located near the intersection of two collector roads and within walking distance to neighbourhood commercial uses and a public school.

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

The subject lands are designated '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.C.2.1 states the municipality will develop and implement through their local Official Plan,



policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

Policy 4.C.4.2 states the minimum 'Residential Intensification Target' for Pelham is 15% (of total annual development).

Town of Pelham Official Plan (2014)

The subject lands are designated 'Urban Living Area / Built Boundary'. Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads or are located no further than 100m from an intersection with an arterial or collector road.

Policy B1.1.3 b) states intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed.

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

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

- b) Will not cause a traffic hazard as a result of its location;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area.

Access to water and waste water services is available for the subject lands and would be addressed through a Development Agreement. The sites are positioned along the Steve Bauer Trail, within walking distance to neighbourhood commercial uses, schools and under a 10 minute bicycle ride to Niagara College in Welland.

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

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

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

It is noted that concurrent applications have been submitted for various severances to assemble the land for a future block townhouse development fronting Quaker Road in addition to four (4) single detached residential lots, each fronting Clare Avenue.



The applicant's anticipated Site Plan and Draft Plan of (Vacant Land) Condominium requires a site specific Zoning By-law Amendment first, which has been submitted for the purposes of a townhouse block and single detached residential lots. The Zoning By-law Amendment and Draft Plan of Condominium application will require further public consultation and will require approval from Council. No decision has been made with respect to those applications at this time.

### Agency and Public Comments

On January 5<sup>th</sup>, 2017, 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 (January 26, 2017)
  - All necessary permits / approvals are required prior to any construction commencing.
- Public Works Department (January 16, 2017)
  - The proposed lots do not front existing Town of Pelham sanitary gravity sewer main.
  - The proposed lots do front existing Town of Pelham 200mmø cast iron watermain.
  - {see conditions}
- Bell Canada (January 20, 2017)
  - No concerns.
- City of Welland (January 17, 2017)
  - No objection

Public Comments:

- Liz Lucas – Against proposal, unhappy with new development in area.
  - The subject lands are within the *Urban Area* of the Town, have access to water and waste water services among other infrastructure / urban amenities and have been planned for urban purposes, subject to certain approvals, as laid out in the Planning Act (Consolidated 2016).

### Planning Staff Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 2<sup>nd</sup>, 2016. The current application deals with the severance of 585.54m<sup>2</sup> of land (Part 4), for single detached residential use. 688.75m<sup>2</sup> of land (Part 3) is to be retained for the continued single detached residential use known municipally as 1011 Clare Avenue.

The proposed severance is located within an evolving neighbourhood characterized by single detached dwellings, townhouses, and neighbourhood commercial uses. Municipal services are available, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense from a servicing perspective (garbage, snowplow, fire access etc.). The site is conveniently located near the intersection of two collector roads and positioned along the Steve Bauer Trail, within walking distance to neighbourhood commercial uses, schools and under a 10 minute bicycle ride to Niagara College in Welland.

The subject lands are rather large in size, underutilized and contain just two single detached dwellings. Allowing the proposed infill development to proceed towards the Rezoning, Site Plan and



Plan of Condominium stages means the Town can make more efficient use of the existing *built-up* lands and existing underground infrastructure available, currently serving limited properties directly beside the subject lands.

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

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

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

**THAT** the applicant

- Receive a Zoning By-law Amendment approval to legalize any deficient zoning regulations on the severed and retained parcels.
- Submit a comprehensive lot grading & drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties to the satisfaction of the Director of Public Works.
- Enter into a Development Agreement with the Town to include:
  - Extension of the municipal sanitary sewer main along Clare Avenue southward from the most southerly manhole to a point within the frontage of the most southerly lot (Part 6), in accordance with Ministry of Environment, Region of Niagara and Town of Pelham requirements.
  - The servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with Town standards.
  - The replacement of the existing case iron watermain from the most northerly point fronting the lot shown as Part 3 to the most southerly point fronting the lot shown as Part 6.
  - The owner shall bear all costs associated with these works (design, construction etc.).
- 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 \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson  
Planner, B.URPI

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





**File:** B5/2017P

January 26, 2017

**Address:** Part of lot 237, (Part 4)  
1011 Clare Avenue, Pelham

**Owner:** Antonio & Rosetta Nuziato

**Authorized Agent:** Upper Canada Consultants

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

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

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

DATE: January 16, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matthew Sferrazza, Engineering Technologist  
RE: File B5/2017P  
1011 Clare Avenue

---

We have completed the review of the consent application B5/2017P related to the consent for partial discharge of mortgage and to convey 585.54m<sup>2</sup> of land for single residential use. 688.75m<sup>2</sup> of land with a dwelling known municipally as 1011 Clare Avenue is to be retained for continued single family residential use. This application is being considered concurrently with files B3/2017P, B4/2017P, B6/2017P, and B7/2017P.

Public Works has the following comments:

- The proposed lots do not front existing Town of Pelham sanitary gravity sewer main.
- The proposed lots do front existing Town of Pelham 200mm, cast iron, watermain.

Public Works has the following proposed conditions:

- That the owner submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies nor negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- That the owner enters into a Development Agreement with the Town to include:
  - Extension of the municipal sanitary sewer main along Clare Avenue southward from the most southerly manhole to a point within the frontage of the most southerly lot (Part 6), in accordance with requirements of the Ministry of Environment, Region of Niagara, and Town of Pelham.
  - The servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with current Town standards.
  - The replacement of the existing cast iron watermain from the most northerly point fronting the lot shown as Part 3 to the most southerly point fronting the lot shown as Part 6.

From the Department of



- The owner shall bear all costs associated with these works (design, construction, etc.)

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**From:** Rachelle Larocque [<mailto:rachelle.larocque@welland.ca>]  
**Sent:** Tuesday, January 17, 2017 10:04 AM  
**To:** Nancy Bozzato  
**Subject:** Files B4/2017P - B7/2017P

Good morning Nancy,

The City of Welland has no objection to applications B4/2017P – B7/2017P.

We did not receive notice for B3/2017P and are unable to comment on that application at this time.

Thank-you,



**Rachelle Larocque, BES, M.Sc., MCIP, RPP**  
Planning Supervisor  
Infrastructure and Development Services  
Planning Division  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B3X4  
**Hours:** Monday - Friday: 8:30am-4:30pm  
**Phone:** (905)735-1700 Ext. 2310 **Fax:** (905)735-8772  
**[www.welland.ca](http://www.welland.ca)**



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**From:** Moyle, Jacqueline [<mailto:jacqueline.moyle@bell.ca>]  
**Sent:** Friday, January 20, 2017 1:49 PM  
**To:** Kristina Braun  
**Subject:** RE: Pelham Consent - Notice of Hearing

Hi Kristina,

Re File No's: B3/2017P, B4/2017P, B5/2017P, B6/2017P, B7/2017P

Details:

- Consent Application
- 703 Quaker Road and 1011 Clare Avenue
- Part of Lot 237, Geographic Township of Thorold

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

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

*Jacqueline Moyle*  
External Liaison  
Bell Canada Right of Way



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**From:** Nancy Bozzato  
**Sent:** Monday, January 16, 2017 2:19 PM  
**To:** Jordan Mammoliti; Curtis Thompson  
**Subject:** FW: Notice of Public Hearing



Vibrant · Creative · Caring

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

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**From:** Liz Lucas [<mailto:lizlucas685@hotmail.com>]  
**Sent:** Thursday, January 12, 2017 9:37 AM  
**To:** Nancy Bozzato  
**Subject:** Notice of Public Hearing

Re: files B4/2017 through B7/2017

We are against the proposed development. We moved to our home in Fonthill 19 years ago. We chose this house because it was surrounded by pockets of farmland and open spaces. Looking out our windows we saw space and trees. We purposely didn't move to a suburban area. It sickens us to see all the development going on around us ie Rice Rd, Merritt St, corner South Pelham and Quaker, Haist St (north of Hwy 20) . Why can't these areas be left alone? When you look at the new development on Webber Rd near South Pelham, you think you're in Mississauga. It's so ugly. It's all about \$\$ to the developers. They don't care what they're doing to our town.

Please don't allow this new development on our street, behind our houses. We don't need more houses and streets. We need land, trees, space, quiet.

Liz and Ken Lucas  
685 Quaker Rd,  
Fonthill

February 7, 2017

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

Dear Mrs. Bozzato:

**Re: Consent Application B6/2017P (Antonio & Rosetta Nuziato)**  
**1011 Clare Avenue, Pelham**  
**Part of Township Lot 237**  
**Roll No. 2732 030 019 07800**

The subject parcel, shown as Part 5 on the attached sketch, has 16.85m of frontage on the west side of Clare Avenue, lying south of Quaker Road, being Part of Township Lot 237, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 585.54m<sup>2</sup> of land (Part 5), for single detached residential use. 688.75m<sup>2</sup> of land (Part 3) is to be retained for the continued single detached residential use known municipally as 1011 Clare Avenue.

This application is being considered concurrently with Files: B3/2017P, B4/2017P, B5/2017P and B7/2017P.

\*Note - A Zoning By-law Amendment application has also been made to rezone the lands subject to this application and those concurrent applications outlined above to address zoning requirements. A further public meeting will be held with regards to the Zoning By-law Amendment prior to any decision being made by Council on that application.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

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

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

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

#### Provincial Policy Statement (2014)

The subject parcel is located in the '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.

#### Growth Plan for the Greater Golden Horseshoe

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

Policy 2.2.2 Managing Growth – Population will be accommodated by:

- a) Directing a significant portion of new growth to the *built-up* areas of the community via intensification
- b) Focusing *intensification* in intensification areas
- g) Planning for a balance of housing in communities to reduce the need for long distance commuting and to increase the *modal share* for transit, walking and cycling
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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 subject lands are quite large in size, underutilized and contain just two single detached dwellings. The site is located within the urban area boundary where water and wastewater services are available and it is intended that the lands be developed for urban residential uses. The site is conveniently located near the intersection of two collector roads and within walking distance to neighbourhood commercial uses and a public school.

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The subject lands are designated 'Built-up Area' within the Urban Area Boundary.

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

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Town of Pelham Official Plan (2014)

The subject lands are designated 'Urban Living Area / Built Boundary'. Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads or are located no further than 100m from an intersection with an arterial or collector road.

Policy B1.1.3 b) states intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed.

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

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

- b) Will not cause a traffic hazard as a result of its location;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
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Access to water and waste water services is available for the subject lands and would be addressed through a Development Agreement. The sites are positioned along the Steve Bauer Trail, within walking distance to neighbourhood commercial uses, schools and under a 10 minute bicycle ride to Niagara College in Welland.

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

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

- a) One single detached dwelling;
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It is noted that concurrent applications have been submitted for various severances to assemble the land for a future block townhouse development fronting Quaker Road in addition to four (4) single detached residential lots, each fronting Clare Avenue.

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Public Comments:

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  - The subject lands are within the *Urban Area* of the Town, have access to water and waste water services among other infrastructure / urban amenities and have been planned for urban purposes, subject to certain approvals, as laid out in the Planning Act (Consolidated 2016).

### Planning Staff Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 2<sup>nd</sup>, 2016. The current application deals with the severance of 585.54m<sup>2</sup> of land (Part 5), for single detached residential use. 688.75m<sup>2</sup> of land (Part 3) is to be retained for the continued single detached residential use known municipally as 1011 Clare Avenue.

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dwellings. Allowing the proposed infill development to proceed towards the Rezoning, Site Plan and Plan of Condominium stages means the Town can make more efficient use of the existing *built-up* lands and existing underground infrastructure available, currently serving limited properties directly beside the subject lands.

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

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

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

- Receive a Zoning By-law Amendment approval to legalize any deficient zoning regulations on the severed and retained parcels.
- Submit a comprehensive lot grading & drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties to the satisfaction of the Director of Public Works.
- Enter into a Development Agreement with the Town to include:
  - Extension of the municipal sanitary sewer main along Clare Avenue southward from the most southerly manhole to a point within the frontage of the most southerly lot (Part 6), in accordance with Ministry of Environment, Region of Niagara and Town of Pelham requirements.
  - The servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with Town standards.
  - The replacement of the existing case iron watermain from the most northerly point fronting the lot shown as Part 3 to the most southerly point fronting the lot shown as Part 6.
  - The owner shall bear all costs associated with these works (design, construction etc.).
- 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 \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson  
Planner, B.URPI

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







**File:** B6/2017P

January 26, 2017

**Address:** Part of lot 237, (Part 5)

1011 Clare Avenue, Pelham

**Owner:** Antonio & Rosetta Nuziato

**Authorized Agent:** Upper Canada Consultants

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

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

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

DATE: January 16, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matthew Sferrazza, Engineering Technologist  
RE: File B6/2017P  
1011 Clare Avenue

---

We have completed the review of the consent application B6/2017P related to the consent for partial discharge of mortgage and to convey 585.54m<sup>2</sup> of land for single residential use. 688.75m<sup>2</sup> of land with a dwelling known municipally as 1011 Clare Avenue is to be retained for continued single family residential use. This application is being considered concurrently with files B3/2017P, B4/2017P, B5/2017P, and B7/2017P.

Public Works has the following comments:

- The proposed lots do not front existing Town of Pelham sanitary gravity sewer main.
- The proposed lots do front existing Town of Pelham 200mm, cast iron, watermain.

Public Works has the following proposed conditions:

- That the owner submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies nor negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- That the owner enters into a Development Agreement with the Town to include:
  - Extension of the municipal sanitary sewer main along Clare Avenue southward from the most southerly manhole to a point within the frontage of the most southerly lot (Part 6), in accordance with requirements of the Ministry of Environment, Region of Niagara, and Town of Pelham.
  - The servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with current Town standards.
  - The replacement of the existing cast iron watermain from the most northerly point fronting the lot shown as Part 3 to the most southerly point fronting the lot shown as Part 6.

From the Department of

- The owner shall bear all costs associated with these works (design, construction, etc.)

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**From:** Rachelle Larocque [<mailto:rachelle.larocque@welland.ca>]  
**Sent:** Tuesday, January 17, 2017 10:04 AM  
**To:** Nancy Bozzato  
**Subject:** Files B4/2017P - B7/2017P

Good morning Nancy,

The City of Welland has no objection to applications B4/2017P – B7/2017P.

We did not receive notice for B3/2017P and are unable to comment on that application at this time.

Thank-you,



**Rachelle Larocque, BES, M.Sc., MCIP, RPP**  
Planning Supervisor  
Infrastructure and Development Services  
Planning Division  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B3X4  
**Hours:** Monday - Friday: 8:30am-4:30pm  
**Phone:** (905)735-1700 Ext. 2310 **Fax:** (905)735-8772  
**[www.welland.ca](http://www.welland.ca)**



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**From:** Moyle, Jacqueline [<mailto:jacqueline.moyle@bell.ca>]  
**Sent:** Friday, January 20, 2017 1:49 PM  
**To:** Kristina Braun  
**Subject:** RE: Pelham Consent - Notice of Hearing

Hi Kristina,

Re File No's: B3/2017P, B4/2017P, B5/2017P, B6/2017P, B7/2017P

Details:

- Consent Application
- 703 Quaker Road and 1011 Clare Avenue
- Part of Lot 237, Geographic Township of Thorold

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

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

*Jacqueline Moyle*  
External Liaison  
Bell Canada Right of Way



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

**From:** Nancy Bozzato  
**Sent:** Monday, January 16, 2017 2:19 PM  
**To:** Jordan Mammoliti; Curtis Thompson  
**Subject:** FW: Notice of Public Hearing



**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

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**From:** Liz Lucas [<mailto:lizlucas685@hotmail.com>]  
**Sent:** Thursday, January 12, 2017 9:37 AM  
**To:** Nancy Bozzato  
**Subject:** Notice of Public Hearing

Re: files B4/2017 through B7/2017

We are against the proposed development. We moved to our home in Fonthill 19 years ago. We chose this house because it was surrounded by pockets of farmland and open spaces. Looking out our windows we saw space and trees. We purposely didn't move to a suburban area. It sickens us to see all the development going on around us ie Rice Rd, Merritt St, corner South Pelham and Quaker, Haist St (north of Hwy 20) . Why can't these areas be left alone? When you look at the new development on Webber Rd near South Pelham, you think you're in Mississauga. It's so ugly. It's all about \$\$ to the developers. They don't care what they're doing to our town.

Please don't allow this new development on our street, behind our houses. We don't need more houses and streets. We need land, trees, space, quiet.

Liz and Ken Lucas  
685 Quaker Rd,  
Fonthill

February 7, 2017

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

Dear Mrs. Bozzato:

**Re: Consent Application B7/2017P (Antonio & Rosetta Nuziato)**  
**1011 Clare Avenue, Pelham**  
**Part of Township Lot 237**  
**Roll No. 2732 030 019 07800**

The subject parcel, shown as Part 6 on the attached sketch, has 18.29m of frontage on the west side of Clare Avenue, lying south of Quaker Road, being Part of Township Lot 237, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and to convey 635.58m<sup>2</sup> of land (Part 6), for single detached residential use. 688.75m<sup>2</sup> of land (Part 3) is to be retained for the continued single detached residential use known municipally as 1011 Clare Avenue.

This application is being considered concurrently with Files: B3/2017P, B4/2017P, B5/2017P and B6/2017P.

\*Note - A Zoning By-law Amendment application has also been made to rezone the lands subject to this application and those concurrent applications outlined above to address zoning requirements. A further public meeting will be held with regards to the Zoning By-law Amendment prior to any decision being made by Council on that application.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

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

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



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

#### Provincial Policy Statement (2014)

The subject parcel is located in the '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.

#### Growth Plan for the Greater Golden Horseshoe

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

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

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 subject lands are quite large in size, underutilized and contain just two single detached dwellings. The site is located within the urban area boundary where water and wastewater services are available and it is intended that the lands be developed for urban residential uses. The site is conveniently located near the intersection of two collector roads and within walking distance to neighbourhood commercial uses and a public school.

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

The subject lands are designated '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.C.2.1 states the municipality will develop and implement through their local Official Plan, policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

Policy 4.C.4.2 states the minimum 'Residential Intensification Target' for Pelham is 15% (of total annual development).

Town of Pelham Official Plan (2014)

The subject lands are designated 'Urban Living Area / Built Boundary'. Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads or are located no further than 100m from an intersection with an arterial or collector road.

Policy B1.1.3 b) states intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed.

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

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

- b) Will not cause a traffic hazard as a result of its location;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area.

Access to water and waste water services is available for the subject lands and would be addressed through a Development Agreement. The sites are positioned along the Steve Bauer Trail, within walking distance to neighbourhood commercial uses, schools and under a 10 minute bicycle ride to Niagara College in Welland.

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

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

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

It is noted that concurrent applications have been submitted for various severances to assemble the land for a future block townhouse development fronting Quaker Road in addition to four (4) single detached residential lots, each fronting Clare Avenue.

The applicant's anticipated Site Plan and Draft Plan of (Vacant Land) Condominium requires a site specific Zoning By-law Amendment first, which has been submitted for the purposes of a townhouse block and single detached residential lots. The Zoning By-law Amendment and Draft Plan of Condominium application will require further public consultation and will require approval from Council. No decision has been made with respect to those applications at this time.

### Agency and Public Comments

On January 5<sup>th</sup>, 2017, 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 (January 26, 2017)
  - All necessary permits / approvals are required prior to any construction commencing.
- Public Works Department (January 16, 2017)
  - The proposed lots do not front existing Town of Pelham sanitary gravity sewer main.
  - The proposed lots do front existing Town of Pelham 200mmø cast iron watermain.
  - {see conditions}
- Bell Canada (January 20, 2017)
  - No concerns.
- City of Welland (January 17, 2017)
  - No objection

Public Comments:

- Liz Lucas – Against proposal, unhappy with new development in area.
  - The subject lands are within the *Urban Area* of the Town, have access to water and waste water services among other infrastructure / urban amenities and have been planned for urban purposes, subject to certain approvals, as laid out in the Planning Act (Consolidated 2016).

### Planning Staff Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 2<sup>nd</sup>, 2016. The current application deals with the severance of 635.58m<sup>2</sup> of land (Part 6), for single detached residential use. 688.75m<sup>2</sup> of land (Part 3) is to be retained for the continued single detached residential use known municipally as 1011 Clare Avenue.

The proposed severance is located within an evolving neighbourhood characterized by single detached dwellings, townhouses, and neighbourhood commercial uses. Municipal services are available, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense from a servicing perspective (garbage, snowplow, fire access etc.). The site is conveniently located near the intersection of two collector roads and positioned along the Steve Bauer Trail, within walking distance to neighbourhood commercial uses, schools and under a 10 minute bicycle ride to Niagara College in Welland.

The subject lands are rather large in size, underutilized and contain just two single detached



dwellings. Allowing the proposed infill development to proceed towards the Rezoning, Site Plan and Plan of Condominium stages means the Town can make more efficient use of the existing *built-up* lands and existing underground infrastructure available, currently serving limited properties directly beside the subject lands.

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

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

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

- Receive a Zoning By-law Amendment approval to legalize any deficient zoning regulations on the severed and retained parcels.
- Submit a comprehensive lot grading & drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties to the satisfaction of the Director of Public Works.
- Enter into a Development Agreement with the Town to include:
  - Extension of the municipal sanitary sewer main along Clare Avenue southward from the most southerly manhole to a point within the frontage of the most southerly lot (Part 6), in accordance with Ministry of Environment, Region of Niagara and Town of Pelham requirements.
  - The servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with Town standards.
  - The replacement of the existing case iron watermain from the most northerly point fronting the lot shown as Part 3 to the most southerly point fronting the lot shown as Part 6.
  - The owner shall bear all costs associated with these works (design, construction etc.).
- 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 \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson  
Planner, B.URPI

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





**File:** B7/2017P

January 26, 2017

**Address:** Part of lot 237, (Part 6)  
1011 Clare Avenue, Pelham

**Owner:** Antonio & Rosetta Nuziato

**Authorized Agent:** Upper Canada Consultants

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

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

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

DATE: January 16, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matthew Sferrazza, Engineering Technologist  
RE: File B7/2017P  
1011 Clare Avenue

---

We have completed the review of the consent application B6/2017P related to the consent for partial discharge of mortgage and to convey 635.58m<sup>2</sup> of land for single residential use. 688.75m<sup>2</sup> of land with a dwelling known municipally as 1011 Clare Avenue is to be retained for continued single family residential use. This application is being considered concurrently with files B3/2017P, B4/2017P, B5/2017P, and B6/2017P.

Public Works has the following comments:

- The proposed lots do not front existing Town of Pelham sanitary gravity sewer main.
- The proposed lots do front existing Town of Pelham 200mm, cast iron, watermain.

Public Works has the following proposed conditions:

- That the owner submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies nor negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- That the owner enters into a Development Agreement with the Town to include:
  - Extension of the municipal sanitary sewer main along Clare Avenue southward from the most southerly manhole to a point within the frontage of the most southerly lot (Part 6), in accordance with requirements of the Ministry of Environment, Region of Niagara, and Town of Pelham.
  - The servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with current Town standards.
  - The replacement of the existing cast iron watermain from the most northerly point fronting the lot shown as Part 3 to the most southerly point fronting the lot shown as Part 6.

From the Department of



**Public Works  
& Utilities**

- The owner shall bear all costs associated with these works (design, construction, etc.)



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**From:** Rachelle Larocque [<mailto:rachelle.larocque@welland.ca>]  
**Sent:** Tuesday, January 17, 2017 10:04 AM  
**To:** Nancy Bozzato  
**Subject:** Files B4/2017P - B7/2017P

Good morning Nancy,

The City of Welland has no objection to applications B4/2017P – B7/2017P.

We did not receive notice for B3/2017P and are unable to comment on that application at this time.

Thank-you,



**Rachelle Larocque, BES, M.Sc., MCIP, RPP**  
Planning Supervisor  
Infrastructure and Development Services  
Planning Division  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B3X4  
**Hours:** Monday - Friday: 8:30am-4:30pm  
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**From:** Moyle, Jacqueline [<mailto:jacqueline.moyle@bell.ca>]  
**Sent:** Friday, January 20, 2017 1:49 PM  
**To:** Kristina Braun  
**Subject:** RE: Pelham Consent - Notice of Hearing

Hi Kristina,

Re File No's: B3/2017P, B4/2017P, B5/2017P, B6/2017P, B7/2017P

Details:

- Consent Application
- 703 Quaker Road and 1011 Clare Avenue
- Part of Lot 237, Geographic Township of Thorold

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

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

*Jacqueline Moyle*  
External Liaison  
Bell Canada Right of Way



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

**From:** Nancy Bozzato  
**Sent:** Monday, January 16, 2017 2:19 PM  
**To:** Jordan Mammoliti; Curtis Thompson  
**Subject:** FW: Notice of Public Hearing



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

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

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

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**From:** Liz Lucas [<mailto:lizlucas685@hotmail.com>]  
**Sent:** Thursday, January 12, 2017 9:37 AM  
**To:** Nancy Bozzato  
**Subject:** Notice of Public Hearing

Re: files B4/2017 through B7/2017

We are against the proposed development. We moved to our home in Fonthill 19 years ago. We chose this house because it was surrounded by pockets of farmland and open spaces. Looking out our windows we saw space and trees. We purposely didn't move to a suburban area. It sickens us to see all the development going on around us ie Rice Rd, Merritt St, corner South Pelham and Quaker, Haist St (north of Hwy 20) . Why can't these areas be left alone? When you look at the new development on Webber Rd near South Pelham, you think you're in Mississauga. It's so ugly. It's all about \$\$ to the developers. They don't care what they're doing to our town.

Please don't allow this new development on our street, behind our houses. We don't need more houses and streets. We need land, trees, space, quiet.

Liz and Ken Lucas  
685 Quaker Rd,  
Fonthill

February 7, 2017

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

Dear Mrs. Bozzato:

**Re: Consent Application B8/2017P (Eabe & Diana Devries)  
238 Church Street, Pelham  
Part of Lot 16, Concession 14  
Roll No. 2732 010 018 13603**

---

The subject parcel, shown as Part 2 on the attached sketch, being Part of Lot 16, Concession 14, has 218.25 metres of frontage on the south side of Webber Road (Regional Road 29), lying west of Church Street in the Town of Pelham.

Application is made for consent to convey 18.06 hectares of land for continued agricultural use and 1 hectare of land (Part 1) is to be retained for continued single detached residential use for the dwelling known municipally as 238 Church Street. Part 1 is considered to be a surplus farm dwelling.

### **Applicable Planning Policies**

#### Provincial Policy Statement (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).

Policy 1.1.5.9 of the PPS states new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation (MDS) formulae*. It is noted that there is a livestock operation to the south for which MDS would apply.

The subject lot with the surplus farm dwelling is outside of the required setback of the last MDS I calculation and therefore exceeds the MDS I requirements.

### Regional Official Plan (Consolidated August 2015)

The Regional Official Plan designates the subject parcel as 'Good General Agricultural Area'. The predominant use of land will be for agricultural of all types. The subject land also shares the following environmental designations on some parts: Environmental Conservation Area (ECA)- Significant Woodlands and a Ministry of Natural Resources identified Fish Habitat.

Policy 5.B.8.1 d) states consents to convey may be permitted for a residence surplus to a farming operation as a result of a farm consolidation provided new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance. As a condition of severance the applicant must have the remnant farm parcel rezoned to preclude its use for residential purposes.

Policy 5.B.9 states that proposed residential lots being considered for a consent under Policy 5.B.8.1 criteria must also meet (among others) the following conditions:

- a) Any new lot is of sufficient size and has suitable soil and site conditions for the installation and long-term operation of a private sewage disposal system in compliance with Provincial requirements.
- b) Any new lot has an adequate ground water supply in compliance with Provincial requirements.
- c) Any new lot has sufficient frontage on an existing public-maintained road.
- f) The size of any new lot shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by Provincial requirements.
- g) The proposed lot should be located to minimize the impact on the remaining farm operation.

The remnant lot is 1.0ha in size and contains one existing dwelling that is considered to be a surplus farm dwelling.

### Town of Pelham Official Plan (2014)

The Town Official Plan designates the subject parcel as 'Good General Agricultural'. The principal use of these lands shall be for agricultural production, among other ancillary uses such as dwellings.

Schedule A designates the southern portion of the subject land as Environmental Protection 2 (EP2) and Schedule B more specifically designates the same as; Deer Wintering Areas, Wooded Areas and Wetlands (local).

Policy B2.1.3.1 b) Creation of New Lots - states that a new lot may be permitted if it is necessary to accommodate a surplus dwelling resulting from a farm consolidation in accordance with Policy B2.1.3.3.

Policy B2.1.3.3 states applications to sever a surplus farm dwelling should provide for a maximum lot area of 0.4ha. A larger lot size will be considered if an additional area is necessary to accommodate a private water and sewage disposal system.

Policy D5.2.1 requires that any new lot created by consent to meet various criteria such as; private sewage system specifications, Zoning By-law provisions, Minimum Distance Separation Formulae (where applicable), Regional lot creation policy as per the Regional Official Plan as described earlier and not have any negative impacts on the drainage patterns in the area.

The proposed remnant lot contains an existing dwelling, and the severed parcel will need to be rezoned for Agricultural Purposes Only to preclude any future residential development.

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

The subject parcel is zoned 'Agricultural' (A) according to the Zoning By-law. The 'A' zone permits the use of the land for agricultural uses and those uses generally auxiliary to agricultural uses. The 'A' zone also permits one single detached dwelling per lot, among other uses and structures accessory to the foregoing.

### Agency and Public Comments

On January 5<sup>th</sup>, 2017, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Niagara Peninsula Conservation Authority (February 1, 2017)
  - No objections as the proposed lot is a minimum 30m from the adjacent wetland / significant woodland to the south and the watercourse to the north, and no new development or site alterations are proposed under this application.
- Bell Canada (January 20, 2017)
  - No concerns
- Building Department / Drainage Superintendent (January 26, 2017)
  - No comment
- Public Works Department (January 25, 2017)
  - That the applicant submits a comprehensive overall lot grading & drainage plan for the subject parcel to demonstrate that drainage does not negatively impact neighbouring properties, to the satisfaction of the Director of Public Works.
  - That the applicant continues to provide a separate entrance to Part 2. If a new entrance is to be created, or an existing entrance moved, the Owner shall obtain an Entrance Permit through the Town, to the satisfaction of the Director of Public Works and bear all costs associated with such.
- Niagara Region Planning & Development Services (January 26, 2017)
  - The area of Part 1 exceeds the 0.4ha requirement specified in Regional policy.
  - The proposed severance line generally follows the limit of the grass yard areas maintained as part of the rural residential portion of the overall land – a reduction to the proposed south lot line to follow the “edge of field” could be considered.
  - Regional Private Sewage System inspection staff reviewed and inspected the subject lands and note the replacement and spare area for the septic system will need to be located in the front yard. The 1.0ha retained residential lot provides

- enough usable land to meet sewage system requirements.
- No objections subject to the rezoning of Part 2 to Agricultural Purposes Only (APO).
- (See full Region Comments)

No comments were received from the public.

### **Planning Staff Comments**

A pre-consult was held with the owner(s) of the property and staff from the Town, Niagara Region Planning & Development Services and the NPCA on October 6<sup>th</sup>, 2016.

The purchasing farmer has a Farm Registration Number and owns various properties along River / Webber Road and Church / Cream Street. The purchasing farmer of the proposed remnant land (Part 2) resides on River Road, while the owner of the subject land currently resides on site as part of the proposed surplus farm dwelling (Part 1). The dwelling is surplus to the purchasing farmer's needs.

Planning staff have reviewed the application along with the aerial photography and recognizes the landscape is surrounded by a variety of natural heritage systems, agricultural operations and rural residential lots.

Provincial, Regional, and Town policy language is clear with how it relates to preserving agricultural lands found throughout the area. Lot creation may be permitted if the lot is necessary to accommodate a surplus dwelling resulting from a farm consolidation. The consolidation of abutting farms into larger and more efficient operations is permitted provided no new residential building lot is created.

The Town Zoning By-law only allows for one dwelling per agricultural lot, excluding farm help houses. The proposed severed and retained lots have adequate area, sufficient frontage on a municipal road (Cream St) and the existing driveway is not known to create a traffic hazard.

Planning staff is of the opinion that the location of Part 1 should not have a negative impact on the remaining farm operation on Part 2. In addition, as no development is proposed for either Part 1 or 2, it is not expected that there will be any change or impact on the drainage patterns in the area, particularly with respect to the tributary crossing the property or the woodlands to the south. The NPCA advised the applicant during the pre-consultation that if the proposed severed lot line were to extend into the woodland boundary then they would have an interest and require an Environmental Impact Study. The submitted severance sketch illustrates a proposed lot line outside of the Significant Woodland and Fish Habitat tributary.

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

Planning staff recommend that the consent be granted subject to the following condition(s):

**THAT**





- A comprehensive lot grading & drainage plan be submitted demonstrating that no adverse impacts will occur to neighbouring properties to the satisfaction of the Director of Public Works
- The retained parcel known as Part 2 be rezoned to 'Agricultural Purposes Only' (APO) to preclude any further residential development through a Zoning By-law Amendment.

Submitted by,



Curtis Thompson, B.URPI  
Planner

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

**File:** B8/2017P

January 26, 2017

**Address:** Part of lot 16, Concession 14  
238 Church Street, Pelham

**Owner:** Eabe and Diana DeVries

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department/Drainage Superintendent offers the following comment,

- The Building Department/Drainage Superintendent has no comment.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

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DATE: January 25, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Tolga Aydin, Engineering Technologist  
RE: File B8/2017P  
238 Church Street

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Public Works has completed a review of the consent application B8/2017P related to the conveyance of 18.06 hectares of land for continued agricultural use. 1.00 hectares of land is to be retained for continued single family residential use.

Public Works has the following proposed conditions:

- That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- That the applicant continues to provide a separate entrance to Part 2. If a new entrance is to be created or an existing entrance moved, the owner shall obtain an Entrance Permit through the Public Works Department, ensure all works are done to the satisfaction of the Director of Public Works, and the owner shall bear all costs associated with these works (design, construction, etc.).

January 26, 2017

Sent Via E-mail Only

File No.: D.06.06.CS-17-003

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

Dear Ms. Bozzato:

**Re: Regional and Provincial Review Comments  
Consent Application (Surplus Farm Dwelling)  
Your File No.: B8/2017P  
Applicant: Eabe and Diana DeVries  
Address: 238 Church Street  
Town of Pelham**

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Regional Development Services staff has reviewed the information circulated for the above noted consent application which proposes to sever an  $\pm 18.06$  hectare ( $\pm 44.63$  acre) parcel (Part 2) for continued agricultural use, and to retain a 1.00 hectare (2.47 acre) lot (Part 1), municipally known as 238 Church Street, for the continued use of the existing single-detached dwelling. A pre-consultation meeting for the proposal was held on October 6, 2016 between the applicants and staff from the Town, Niagara Peninsula Conservation Authority, and Region. The following Provincial and Regional comments are offered to assist the Committee in considering the proposed application.

### **Provincial and Regional Policy**

The 2014 Provincial Policy Statement (PPS) designates the subject lands as within a prime agricultural area. Prime agricultural areas shall be protected for long-term use for agriculture and allows for agriculture of all types. According to the Regional Official Plan, the subject lands are located outside the Urban Area Boundary for the Town of Pelham and are designated as within a Good General Agricultural Area, which permits a range of agriculture, agriculture-related, and on-farm diversified uses.

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. Accordingly, the policies of the PPS and ROP restrict lot creation in the agricultural area with the exception of severances for agricultural lots, for minor boundary adjustments or easements, and for the disposal of residences rendered surplus to a farming operation as a result of a farm consolidation. For the disposal of "surplus farm dwellings", planning policies require that the construction of a new residential dwelling is prohibited on the remnant agricultural parcel. The policies of the ROP also provide that the lot created for a surplus farm dwelling shall not exceed 0.4 hectares (1 acre) except for any additional area needed to support private servicing.

The application has been submitted for the disposal of a surplus farm dwelling. Information provided with the application indicates that the purchasing farmer owns additional farmed land (poultry and cash crops) to the south of the subject lands and throughout the Town of Pelham. Part 2 is to be consolidated with the existing farm operation. The purchasing farmer's primary residence is located at 816 River Road in the Town of Pelham, which would, therefore, render the dwelling at 238 Church Street as "surplus".

The area of Part 1 exceeds the 0.4 hectare requirement specified in the Region's policy. The existing septic tile bed is located in the front (east) yard and the water supply (cistern) is at the rear of the dwelling. There are accessory structures in the north side yard and west rear yard. The proposed severance line generally follows the limit of the grass yard areas maintained as part of the rural residential portion of the overall land - a reduction to the proposed south property line to follow the "edge of field" could be considered. Given these site characteristics, and comments noted below regarding septic system setbacks from the on-site water source, the area of Part 1 is acceptable. Regional staff considers the proposed consent application to be generally consistent with Regional and Provincial policies.

Staff notes, however, that a concurrent zoning by-law amendment application to preclude agricultural use on the severed agricultural parcel (Part 2) was not submitted with the consent application. In order to satisfy the above noted Provincial and Regional policies, Part 2 must be rezoned to an Agricultural Purposes Only (APO) zone to preclude its use for residential purposes.

### **Natural Heritage**

The Region's Core Natural Heritage (CNH) mapping identifies several significant environmental features on and adjacent to the subject lands including Environmental Conservation Areas associated with a Significant Woodlands feature and an Other Evaluated Wetland feature. In addition, mapping provided by the Ministry of Natural Resources and Forestry has identified a Type 2 (Important) Fish Habitat traversing the subject lands north of Part 1. In accordance with the Memorandum of Understanding and Protocol for plan review and technical clearance between the Region and the Niagara Peninsula Conservation Authority (NPCA), the NPCA will provide a coordinated response with regard to natural heritage interests, which includes comments with respect to the Regional Official Plan's environmental policies. Please refer to NPCA comments, if any, for the proposed application.

### **Private Servicing Review**

Regional Private Sewage System (PSS) inspection staff has reviewed the proposed consent application and conducted an on-site inspection of the subject lands. A septic permit was issued by the Regional Public Health Department in 1989 for the existing Class 4 (tank and leaching bed) sewage system currently servicing the dwelling, which is located in the front yard of the proposed residential lot (Part 1). No visible defects were noted with the system at the time of inspection. Staff notes that the property's water supply is located in the rear yard of Part 1, which means that the replacement and spare area for the septic system will need to be located in the front yard. The retained residential lot is proposed to be 1.00 hectare in area which provides enough usable land to meet sewage system requirements. Therefore, Regional PSS staff has no objections to this application as submitted.

### **Minimum Distance Separation**

Minimum Distance Separation (MDS) formulae were developed with the intention of separating uses in rural and prime agricultural areas so as to reduce incompatibility concerns about odour from livestock facilities. The 2014 Provincial Policy Statement and Regional Official Plan both

require that MDS formulae be applied for new land uses, including the creation of lots, as well as new or expanding livestock facilities in rural and prime agricultural areas of a municipality. The subject lands are in proximity to the existing poultry barns located to the south. It is noted, however, that the dwelling on Part 1 is already existing and that the proposed consent application will not result in any new residential buildings on the subject lands. The Committee should refer to comments provided by Town staff regarding MDS requirements.

## **Conclusion**

Regional Development Services staff does not object to the proposed consent application subject to local requirements, NPCA comments, if any, and conditional on the applicant obtaining final approval of an amending zoning by-law to change the zoning on Part 2 to Agricultural Purposes Only (APO) to preclude the construction of a dwelling on the site in perpetuity.

If you have any questions or wish to discuss these comments please contact me at extension 3590 or Richard Wilson, Senior Development Planner, at extension 3391. Please send notice of the Committee's and Council's decision.

Yours truly,



Alexandria Tikky  
Development Planner

c: Mr. P. Busnello, Manager, Planning & Development Services Department, Niagara Region  
Ms. S. Mastroianni, Watershed Planner, Niagara Peninsula Conservation Authority  
Mr. C. Thompson, Planner, Town of Pelham

## Judy Sheppard

---

**From:** Sarah Mastroianni <smastroianni@npca.ca>  
**Sent:** Wednesday, February 01, 2017 9:28 AM  
**To:** Kristina Braun  
**Cc:** Curtis Thompson; Judy Sheppard  
**Subject:** RE: Pelham Consent - Notice of Hearing B8/2017P

Good Morning,

As the proposed lot is located a minimum 30m from the adjacent wetland//significant woodland are to the south and watercourse to the north, and no new development or site alterations are proposed under this application, the NPCA offers no objections to this proposal.

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)

---

**From:** Kristina Braun [<mailto:KBraun@pelham.ca>]  
**Sent:** Thursday, January 26, 2017 10:11 AM  
**To:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Cc:** Curtis Thompson <[CThompson@pelham.ca](mailto:CThompson@pelham.ca)>; Judy Sheppard <[JSheppard@pelham.ca](mailto:JSheppard@pelham.ca)>  
**Subject:** Pelham Consent - Notice of Hearing B8/2017P

Good morning Sarah,

Curtis asked that I forward the Notice of Hearing package for file B8/2017P to you; it is attached.

Have a good day,



**Kristina Braun**  
*Administrative Assistant  
to the Clerk*  
**Administration Services**

**e: [kbraun@pelham.ca](mailto:kbraun@pelham.ca)**  
**p: 905.892.2607 x322**  
**pelham.ca**

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

Kristina

**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

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**From:** Moyle, Jacqueline [<mailto:jacqueline.moyle@bell.ca>]  
**Sent:** Friday, January 20, 2017 1:53 PM  
**To:** Kristina Braun  
**Subject:** 905-17-081 - 238 Church St - B8/2017P

Hi Kristina,

Re File No: B8/2017P

Details:

- Consent Application
- 238 Church St
- Part of Lot 16, Conc. 14

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

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

*Jacqueline Moyle*  
External Liaison  
Bell Canada Right of Way



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

February 7, 2017

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

Dear Mrs. Bozzato:

**Re: Consent Application B9/2017P (Fenwick United Church)  
1050 Church Street, Pelham  
Plan 703, Lots 1-2, Part of Lot 3; RP 59R-3764  
Roll No. 2732 010 015 18000**

The subject parcel, shown as Part 1 on the attached sketch, being Plan 703 Lots 1-2 & Part of Lot 3; RP 59R-2764, is situated on the southwest corner of Canboro Road and Church Street in the Town of Pelham.

Application is made for consent to convey 675m<sup>2</sup> of land (Part 1) for the continued use of a single detached residential dwelling known municipally as 1050 Church Street. 6164m<sup>2</sup> of land (Part 2) is to be retained for the continued use of a church.

### **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;
- 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;
- i) The adequacy of utilities and municipal services;

#### Provincial Policy Statement (2014)

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

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

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

#### Growth Plan for the Greater Golden Horseshoe

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

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

The subject land is connected to existing water / wastewater services and is located within Downtown Fenwick.

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

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

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

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

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

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

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

- b) Will not cause a traffic hazard as a result of its location;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- e) Will not have a negative impact on the drainage patterns in the area;
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area.

No new construction is associated with this application as the dwelling and church are existing.



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

The subject land is zoned 'Institutional' (I) according to the Zoning By-law. The permitted uses include:

- a) Churches, cemeteries, day nurseries, clubs, any public use, nursing / seniors homes, schools;
- b) Accessory uses to the foregoing.

The Consent to Sever application, if granted, will be conditional upon a site-specific zoning by-law amendment being approved to recognize the zoning deficiencies as well as to rezone the dwelling from Institutional to a residential use.

### **Agency and Public Comments**

On January 5<sup>th</sup>, 2017, 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 (January 26, 2017)
  - East branch of Swayze Drain requires an assessment split to be done, as per the Drainage Superintendent recommendation.
- Public Works Department (January 25, 2017)
  - {see Appendix}
- Bell Canada (January 20, 2017)
  - No concerns.

No comments from the public were received.

### **Planning Staff Comments**

A pre-consultation meeting was held with the owner and staff from the Town on October 6<sup>th</sup>, 2016. The current application deals with the severance of 675m<sup>2</sup> of land (Part 1) from the existing 6164m<sup>2</sup> of church land (Part 2).

Planning staff visited the site and note the proposed severance is within a neighbourhood characterized by residential dwellings, mixed-use buildings and other commercial uses. Municipal services already connect separately to the existing dwelling and the Fenwick United Church, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense. The subject land is also within walking distance to Downtown Fenwick. (Site photos attached)

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



privacy and are large enough to address drainage on site.

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

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

**THAT** the applicant

- Submit a comprehensive lot grading & drainage plan for the dwelling lot (Part 1) and the area included within 5m south of the proposed lot line to demonstrate that drainage does not negatively impact neighbouring properties, to the satisfaction of the Director of Public Works.
- Create a swale between Part 1 & Part 2, draining to the east, to the satisfaction of the Director of Public Works.
- Adjust the proposed lot line between the existing buildings to ensure the existing services to the dwelling remain entirely on the property being serviced;
- 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 \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

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



**File:** B9/2017P

January 26, 2017

**Address:** Part of lot 1,

1050 Church Street, Pelham

**Owner:** Trustees of Fenwick United Church

**Agent:** Brian Walker

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department/Drainage Superintendent offers the following comment,

- East branch of Swayzy Drain requires an assessment split to be done, as per the recommendation of the Drainage superintendent.

Belinda Phillips

Building Intake/Plans Examiner

Community Planning & Development

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DATE: January 25, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Tolga Aydin, Engineering Technologist  
RE: File B9/2017P  
1050 Church Street

---

Public Works has completed a review of the consent application B/2017P related to the conveyance of 675 square metres of land for continued residential use. 6164 square metres of land is to be retained for continued use as a Church.

Public Works has the following proposed conditions:

- That the applicant submits a comprehensive lot grading and drainage plan for the north building and the area included within the 5 metres south of the proposed lot line to demonstrate that drainage does not negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- That a swale is created between Part 1 and Part 2, draining to the east, to the satisfaction of the Director of Public Works.
- The proposed lot line between buildings needs to be adjusted to ensure existing services to the building to the north remains on the property being serviced.



**From:** Moyle, Jacqueline [<mailto:jacqueline.moyle@bell.ca>]  
**Sent:** Friday, January 20, 2017 1:54 PM  
**To:** Kristina Braun  
**Subject:** 905-17-082 - 1050 Church St. - B9/2017P

Hi Kristina,

Re File No: B9/2017P

Details:

- Consent Application
- 1050 Church St.
- Part of Lot 1 on the West side of Church St.

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

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

*Jacqueline Moyle*  
External Liaison  
Bell Canada Right of Way



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

**Meeting #:** CoA-01/2017  
**Date:** Tuesday, January 10, 2017  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** James Federico  
Wayne Lockey  
Donald Cook

**Staff Present** Jordan Mammoliti  
Judy Sheppard

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

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

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

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

**3. Requests for Withdrawal or Adjournment**

There were no requests for Withdrawal or Adjournment.

#### **4. Applications for Minor Variance**

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

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

The subject land is zoned R1-184 in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the R1-184 exception Section 2(c) to allow an overall lot coverage of 47% whereas 45% is allowed. The required rear-yard setback distance in an R1-184 zone is 7.5 metres; however Section 6.35(c) of the General Provisions permits a 1.5 metre encroachment into the rear-yard for unenclosed porches, balconies, steps and patios. The applicant is requesting relief from this provision to allow a total encroachment of 1.7 metres for the proposed deck resulting in a rear-yard setback distance of 5.8 metres whereas 6 metres is required. Relief is requested for the purpose of constructing a covered porch.

###### **Representation:**

Jon Whyte, Mountainview Homes, appeared on behalf of this application.

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

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

###### **Comments:**

The Committee members noted that the required poster had been posted however, it was not currently posted on the subject property. The Applicant advised that the sign was posted well in advance of the required 10 days for posting but must have fallen to the ground due to weather conditions. The Committee decided to proceed with the application and emphasized the importance of posting the required poster.

There were no further comments on the requests for minor variance.

**Moved By: Donald Cook**

**Seconded By: James Federico**

**Application for relief of the R1-184 exception Section 2(c) to allow an overall lot coverage of 47% whereas 45% is allowed is hereby:**

**GRANTED**

**Application for relief of Section 6.35(c) to allow a total encroachment of 1.7 metres for the proposed deck resulting in a rear-yard setback distance of 5.8 metres whereas 6 metres is required is hereby:**

**GRANTED**

**The above decisions are based on the following reasons:**

- 1. The variance is minor in nature as the proposed lot coverage of 47% will maintain adequate open amenity space and no adverse impacts are anticipated by the increase in lot coverage. The requested variance to permit a larger rear yard encroachment for the proposed covered porch is also considered minor in nature given the small scale of the proposed deck in relation to the size of the entire rear yard.**
- 2. The general purpose and intent of the Zoning By-Law is maintained as the requested increase in lot coverage allows for adequate open amenity space and lot drainage is not negatively impacted. The proposed rear yard encroachment will also maintain the general purpose and intent of the Zoning By-law as some spatial separation is maintained between the rear yard lot line and abutting neighbours.**
- 3. The intent of the Official Plan is maintained in that adequate open amenity space will remain available and drainage is not compromised. The proposed covered porch will not negatively affect any neighbouring resident's sight lines of sun exposure, and the side yard setback will be maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as the proposal will facilitate an improved rear yard amenity space without affecting any neighbouring properties.**
- 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 decision is subject to the following conditions:**

**1. That all necessary permits are required prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.**

**Carried**

**5. Applications for Consent**

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

**Purpose of Application:**

Application is made for consent to partial discharge of mortgage and to convey 0.80 hectares of land, shown as Part 2 on the drawing submitted, being Part of Lot 3, Concession 8, in the Town of Pelham..

**Representation:**

Ken Gonyou, Upper Canada Consultants, appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planning Department
2. Town of Pelham Building Intake / Plans Examiner
3. Town of Pelham Public Works
4. Region of Niagara
5. Niagara Peninsula Conservation Authority
6. Bell Canada
7. R. Moffat
8. B. Gibson

**Comments:**

**From the Applicant:**

A presentation was made by Ken Gonyou, Upper Canada Consultants on behalf of the applicant.

A copy of the presentation forms part of the Committee of Adjustment File B14/2016P.

**From the Public:**

1. Bill Gibson, Oakridge Blvd.

Mr. Gibson advised that he does not support the application and made a presentation to support his view.

A copy of the presentation forms part of the Committee of Adjustment File B14/2016P.

2. Karen Buckley, Canboro Road

Ms. Buckley advised that she does not support the application due to unruly noise.

**From the Committee:**

Members of the Committee addressed their concerns, regarding whether a slope stability study was completed by Landtec. Mr. Gonyou confirmed that a study was completed by professional engineers. Mr. Gonya also advised that a report of the findings was submitted to the Niagara Peninsula Conservation Authority (NPCA) and was approved. The Applicant advised that the lot line is placed according to the NPCA's recommendation.

**Moved By: James Federico**

**Seconded By: Donald Cook**

**Application is made for consent to partial discharge of mortgage and to convey 0.80 hectares of land, shown as Part 2 on the drawing submitted, being part of Lot 3, Concession 8, in the Town of Pelham, is hereby:**

**GRANTED**

**The above decisions are subject to the following conditions:**

**1. That documentation shall be provided to the satisfaction of the Director of Public Works confirming that there are no existing water services branching from or through Parts 1 & 2 to other lands.**

**2. That an application shall be submitted for each new connection to the 300mmø AC Regional watermain located on Canboro Rd to the satisfaction of the Niagara Region Planning and Development Services Division, through the Town of Pelham Public Works Department.**

**3. The parcels do not front on an existing Town of Pelham sanitary gravity sewer main. The applicant shall enter into a Development**

**Agreement with the Town for the purposes of servicing the subject land, to the satisfaction of the Director of Community Planning and Development.**

**4. That a comprehensive lot grading plan for both parcels be submitted demonstrating that no surface drainage is directed onto any adjacent lot by sheet flow or other means to the satisfaction of the Director of Public Works.**

**5. The applicant shall dedicate sufficient land, other than land occupied by buildings or structures, along the Canboro Road frontage of Parts 1 & 2 for the purposes of a road widening to a width of 20m, as necessary. These lands shall be conveyed by the applicant to the Town of Pelham, free and clear of all encumbrances as per the Town Official Plan policies.**

**6. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**

**7. That the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**This decision is based on the following reasons:**

**1. The applicant is aware that the Niagara Peninsula Conservation Authority offers no objections to the proposal as both parcels of land are of sufficient size to achieve all required setbacks from the adjacent valley, and the proposed lot lines for Part 2 will not have any adverse impacts on the adjacent Significant Woodland.**

**2. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**

**3. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**

**4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent**

**with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

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

**Purpose of the Application:**

Application is made for consent to convey 1951.6 square metres of land for single detached residential use. 1963.8 square metres of land is to be retained for continued single family residential use for the dwelling known municipally as 1153 Maple Street. The fenced in pool area is to be removed.

**Representation:**

Otto Heinrich, Applicant, appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planning Department
2. Town of Pelham Building Intake / Plans Examiner
3. Town of Pelham Public Works
4. Bell Canada

**Comments:**

**Applicant:**

Mr. Heinrich advised that large trees are preventing proper access to his property and suggested that approval is required to remove appropriate trees in order to gain access. Mr. Heinrich was advised by the Committee that he would have to meet with the Public Works Department to deal with his accessibility issue.

**Public:**

No comments were received from the Public.

**Moved By: Donald Cook**

**Seconded By: James Federico**

**Application is made for consent to convey 1951.6 square metres of land, shown as Part 1 on the drawing submitted, being part of Lot 3, Plan 703 in the Town of Pelham, is hereby:**



## **Granted**

The above decision is subject to the following conditions:

1. That the Applicant provide written confirmation to satisfaction of the Director of Public Works that no existing water or sewer services branch from or through the proposed & remnant lots to other lands, or between the proposed property line.
2. That the Applicant submit a comprehensive lot grading & drainage plan for all parcels to demonstrate that drainage does not negatively impact neighbouring properties to the satisfaction of the Director of Public Works.
3. That the Applicant install individual water services and sewer laterals from the main to the property line, to Town standards, under a Temporary Works Permit issued through the Public Works Department, and the applicant shall bear all associated costs to perform this work.
4. That the Applicant install driveways and culverts as applicable, to Town of Pelham standards, under a Driveway Entrance / Culvert Permits issued through the Public Works Department, and the applicant shall bear all associated costs to perform this work.
5. That any tree removal on Town property be conducted with the permission of the Town of Pelham to the satisfaction of the Director of Public Works.
6. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
7. That the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

This decision is based on the following reasons:

1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.
2. No objections to this proposal were received from commenting agencies or neighbouring property owners.

3. **This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
4. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

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

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

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

Application is made for consent to convey and partial discharge of mortgage 349.31 square metres of land, shown as Part 2 on the drawing submitted, being part of Lot 47, Plan M-48.

#### **Representation:**

William Heikoop, Upper Canada Consultants and Tony Mancini, Mancini Developments Inc. appeared on behalf of this application.

#### **Correspondence Received:**

1. Town of Pelham Planning Department
2. Town of Pelham Building Intake / Plans Examiner
3. Town of Pelham Public Works
4. Bell Canada
5. N. Degiuli, S. Infantino & D. Mowat
6. H. Margeson

#### **Comments:**

#### **Applicant:**

William Heikoop, Upper Canada Consultants, made a presentation respecting the application. A copy of the presentation forms part of the Committee of Adjustment File B2/2017P.

**Public:**

1. Nick Deguili, Haist Street advised the Committee that his backyard adjoins the subject property and he strongly opposed all variances. His concerns are: 1) the buffer requested by the applicant will encroach on his property which will decrease the value of his property; 2) concerns respecting water drainage and loss of property; 3) the application does not compliment the community; and 4) that this should not be considered a Minor Variance since the applicant is asking for 50% variance - from 700m to 349m.

2. Ron Kore, Vinemount advised the Committee that he opposes the variances. His concerns are: 1) application will not enhance the community; 2) loss of privacy in backyard; 3) the community currently has a high density population.

3. Chris Margeson, Vinemount advised the Committee that he opposes the variances. His concerns are: 1) high-pitched roofs - was a shadow study completed; 2) sideyard setback of subject property is quite small therefore, how will adjacent properties be affected during backfill.

**Members:**

Member Cook advised that he disagrees with the application of the Provincial Policy Statement's application to this property, as the proposed development would provide for over-intensification of the area. Committee members also commented that the application is a concern due to the proposed rear yard encroachment; conveyance; not appropriate for the area due to increased size; consideration of strong opposition from neighbours.

**Moved By: James Federico**

**Seconded By: Donald Cook**

**Application is made for consent to convey and partial discharge of mortgage 349.31 square metres of land, shown as Part 2 on the drawing submitted, being part of Lot 47, Plan M-48, in the Town of Pelham and is hereby:**

**REFUSED**

**This decision is based on the following reasons:**

**1. The Committee of Adjustment members found that the proposal was not appropriate for development considering the surrounding lands.**

**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. The Committee disagrees with the planning report analysis and recommendation and finds that this application does not meet Planning Act criteria, is not consistent with the Provincial Policy Statement and does not comply with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Defeated**

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

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

The subject land is zoned R-1 Residential 1 in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the following Zoning By-law provisions to facilitate construction of a single detached dwelling:

1. 13.2(a) to allow minimum lot area of 348.64 square metres whereas 700 square metres is required;
2. 13.2(b) to allow a lot frontage of 11.887 metres whereas 19 metres is required;
3. 13.2(c) to allow a maximum overall lot coverage of 50% whereas 30% is allowed;
4. 13.2(d) to allow a front yard setback of 5.5 metres whereas 7.7 metres is required;
5. 13.2(e) to allow a minimum interior side yard of 1.2 metres whereas 1.8 metres is required;
6. 13.2(g) to allow a minimum rear yard setback of 6 metres whereas 7.5 metres is required.

Consent (severance) File B2/2017P, together with a concurrent minor variance application under File A3/2017P are being considered concurrently.

### **Representation:**

William Heikoop, Upper Canada Consultants and Tony Mancini, Mancini Developments Inc. appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. N. Degiuli, S. Infantino & D. Mowat

**Comments:**

No comments from the agent were offered. This application was not heard by the Committee of Adjustment.

**Moved By: James Federico**

**Seconded By: Donald Cook**

**Application for relief of 13.2(a) to allow minimum lot area of 348.64 square metres whereas 700 square metres is required is hereby:  
Refused**

**Application for relief of 13.2(b) to allow a lot frontage of 11.887 metres whereas 19 metres is required is hereby:  
Refused**

**Application for relief of 13.2(c) to allow a maximum overall lot coverage of 50% whereas 30% is allowed is hereby:  
Refused**

**Application for relief of 13.2(d) to allow a front yard setback of 5.5 metres whereas 7.7 metres is required is hereby:  
Refused**

**Application for relief of 13.2(e) to allow a minimum interior side yard of 1.2 metres whereas 1.8 metres is required is hereby:  
Refused**

**Application for relief of 13.2(g) to allow a minimum rear yard setback of 6 metres whereas 7.5 metres is required is hereby:  
Refused**

**The above decisions are based on the following reasons:**

1. The concurrent application for consent, File B2/2017P was refused by the Committee of Adjustment, therefore, making the variances not required.

**Carried**

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

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

The subject land is zoned R-1 Residential 1 in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the following Zoning By-law provisions to facilitate construction of a single detached dwelling:

1. 13.2(a) to allow minimum lot area of 349.31 square metres whereas 700 square metres is required;
2. 13.2(b) to allow a lot frontage of 11.887 metres whereas 19 metres is required;
3. 13.2(c) to allow a maximum overall lot coverage of 50% whereas 30% is allowed;
4. 13.2(d) to allow a front yard setback of 5.5 metres whereas 7.7 metres is required;
5. 13.2(e) to allow a minimum interior side yard of 1.2 metres whereas 1.8 metres is required;
6. 13.2(g) to allow a minimum rear yard setback of 6 metres whereas 7.5 metres is required.

Consent (severance) File B2/2017P, together with a concurrent minor variance application under File A2/2017P are being considered concurrently.

#### **Representation:**

William Heikoop, Upper Canada Consultants and Tony Mancini, Mancini Developments Inc. appeared on behalf of this application.

#### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. N. Degiuli, s. Infantino & D. Mowat

#### **Comments:**

No comments from the agent were offered. This application was not heard by the Committee of Adjustment.

**Moved By: James Federico**  
**Seconded By: Donald Cook**  
**Application for relief of 13.2(a) to allow minimum lot area of 349.31 square metres whereas 700 square metres is required is hereby:**  
**REFUSED**

**Application for relief of 13.2(b) to allow a lot frontage of 11.887 metres whereas 19 metres is required is hereby:**  
**REFUSED**

**Application for relief of 13.2(c) to allow a maximum overall lot coverage of 50% whereas 30% is allowed is hereby:**  
**REFUSED**

**Application for relief of 13.2(d) to allow a front yard setback of 5.5 metres whereas 7.7 metres is required is hereby:**  
**REFUSED**

**Application for relief of 13.2(e) to allow a minimum interior side yard of 1.2 metres whereas 1.8 metres is required is hereby:**  
**REFUSED**

**Application for relief of 13.2(g) to allow a minimum rear yard setback of 6 metres whereas 7.5 metres is required is hereby:**  
**REFUSED**

**The above decisions are based on the following reasons:**

**1. The concurrent application for consent, File B2/2017P was refused by the Committee of Adjustment, therefore making the variances not required.**

**Defeated**

## **7. Minutes for Approval**

### **7.1 December 6, 2016 Minutes**

**Moved By: Donald Cook**  
**Seconded By: James Federico**  
**That the minutes of the December 6, 2016 Committee of Adjustment Hearing be approved.**

**Carried**

**8. Adjournment**

**Moved By: James Federico**

**Seconded By: Donald Cook**

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for February 7, 2017 at 4:00 pm.**

**Carried**

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Wayne Lockey, Chair

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Secretary-Treasurer, Nancy J. Bozzato