

## Committee of Adjustment **AGENDA**

### Committee of Adjustment Hearing 4/2015

Tuesday, July 07, 2015

Start time 4:00 PM

Town of Pelham Municipal Building - Council Chambers

### **AGENDA**

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**
3. **Disclosure of Pecuniary Interest and General Nature Thereof**
4. **Requests for Withdrawal or Adjournment**
5. **Applications for Minor Variance**
  - 5.1. **File A4/2015P - Stojan and Mary Zoric**
  - 5.2. **Correspondence Re: A4/2015P - Zoric**

**Comments:**

    1. Myrna and Angelo Bozza
    2. Anonymous
    3. Edward D. Russell
    4. Ronald and Elsie Rush
    5. Donald Larkin and Sigrid Christianson
    6. John and Donna Schel
    7. ?Petition
    8. James L. Pedlar Funeral Home
    9. Pierre & Martha Garneau
    10. ?Pamela & Peter Maillet
    11. ?John A. Abbott
    12. ?Public Works Dept. - Engineering
    13. Planning Report - A4-2015P
  - 5.3. **File A5/2015P - Domenico Simonetti and Elena Simone-Simonetti**
  - 5.4. **Correspondence re A5/2015P - Simonetti**

**Comments:**

    1. Public Works Dept. - Engineering
    2. Planning Report - A5-2015P
6. **Applications for Consent**

- 6.1. **File B3 /2015P - Apollyon Inc.**
- 6.2. **Correspondence - B3/2015P - Apollyon Inc.**

**Comments:**

- 1. Planning Report - B3-2015P

**7. Minutes for Approval**

- 7.1 **Committee of Adjustment Hearing 2/2015 (2015/05/05)**
- 7.2 **Committee of Adjustment Hearing 3/2015 (2015/06/02)**

**8. Adjournment**

## Issue Summary Report

### 5.1. File A4/2015P - Stojan and Mary Zoric

#20150622002

**Meeting** : Committee of Adjustment Hearing 4/2015

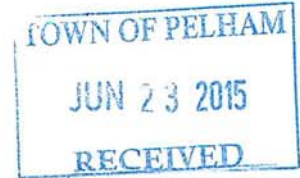
**Meeting Date** : 2015/07/07 16:00

**Meeting Type** : Committee of Adjustment Hearing

Appendix 1 for 5.1.: File A4 2015P BOZZA

Angelo & Myrna Bozza  
█ Forest Hill Cresc.  
Fonthill, ON L0S 1E1

June 23, 2015



Nancy Bozzato  
Town Clerk/Secretary Treasurer  
P.O. Box 400  
Fonthill, ON  
L0S 1E0

Re: File A4/2015P

We wish to inform the Town of Pelham that we are opposed to the subject application for the construction of a four story apartment building at the corner of Pelham and Pancake Lane for various reasons including the fact that this building will overshadow, being twice the height, of an existing two story apartment building, increase traffic in an already congested area, and will be detrimental to existing property values.

The town has spent a lot of money on two sets of "pedestrian lights" at Pancake (and Spruseside) that are totally useless to stop traffic (without a pedestrian present) to allow a car to turn on to Pelham from either street. With traffic congestion currently unresolved in this area, I cannot imagine bringing more vehicles in with a proposed four story building.

Please review the attached list of concerns relative to File A4/2015P

Yours truly

A handwritten signature in cursive script that reads "M Bozza".

Myrna Bozza

A handwritten signature in cursive script that reads "A Bozza mb".

Angelo Bozza

### FILE A4/2015P - SUMMARY

- Register evidence in opposition to the subject application
- Existing Non-complying apartment and near-identical neighbour (1302 Pelham St) are in harmony with the surrounding R1 neighbourhood
- Proposed erection of a second, multiple dwelling building on the lot, in non-conformity with multiple sections of 1136 will certainly not be, which will apply additional stresses to the neighbourhood, such as:
  - Introduction of off-site parking requirements
  - Increased traffic hazards
  - Restriction to Medical Evacuation and Fire Fighting access
  - Aesthetics
  - Depression of surrounding R1 property values
- High probability that a similar application for 1302 will be made, doubling the cumulative detriment to the neighbourhood

### EVIDENCE

#### Parking

- Five (5) of the seven (7) requested variances seek relaxation with respect to:
  - parking aisle dimensions,
  - encroachment of new structures into required setbacks and
  - total number of parking spaces.
- The list of variances is incomplete, omitting requests:
  - to locate the entire North side parking aisle closer to the street line than permitted and
  - to incorporate spaces of deficient width (17-22) under the proposed carport.
- It is suggested that four (4) of the counted spaces are effectively unusable for parking of cars.
- Detailed comments (below) suggest that the effective parking capacity of the proposed site plan is deficient by fifteen (15) rather than the three (3) spaces identified.
- Those fifteen (15) are highly-likely to be parked:
  - On the street
  - In the General Commercial; Neighbourhood Commercial or Institutional properties nearby

#### Increased traffic congestions and hazards. Reduced access for Med-Evac and Firefighting

- Pancake/Pelham intersection is already a challenging, high volume intersection. Doubling the number of occupants of the property, while halving the number of driveways will place additional stress on the management of traffic and those who use this intersection.
- For the same reason, elimination of one (1) of the two (2) means of egress will increase barriers to effective medical evacuation and access of firefighting.
- Note that two-way traffic is now required on all parking aisles and that the overall width of the N-S aisle is a mere 5.2m.

#### Aesthetics, Property Values

- The clustering of the new and old building, at minimum separation, one twice the height of the other, at the minimum setback from the front lot line, on a site which is 1/3 covered by cars and parking will only be to the detriment of the neighbourhood.
- The value of surrounding homes and businesses is likely to be impacted negatively.
- If the site is imagined in profile, the mismatch is evident
- The people who will live in these structures must be considered. The arrangement is likely to be a high-stress, unpleasant environment for those who must attempt to make it function.

We object to the proposal for the above reasons and urge the Committee to reject both the identified and implied variances.

### File A4/2015P - Comments on requested variances

#### **1136(1987) Schedule C: Reduction of parking aisle at north of property.**

The proposal does not identify all required variances. It represents a prominent, unsightly addition on the street line and should not be allowed.

#### **6.16 PARKING AREA REGULATIONS, (i) PARKING LOCATION ON LOT**

Prohibits any parking area where the “new asphalt drive” parking area and non-conforming aisle is proposed, that is within 7.5m from any street line.

The by-law is a reasonable restriction; it should be upheld.

#### **1136(1987) Section 6.17(b): Reduction of planting strip at north of property.**

~~No planting strip is required, nor would it be likely to survive, so would not provide sustained screening, at non-conforming distance from proposed stalls.~~

#### **1136(1987) Schedule C: Reduction of parking aisle at south of property.**

Parking aisle width is dimensioned at 6.25m not 6.5m.

Associated spaces 15 and 16 are unusable for car parking.

This structure is more reasonably – a shed.

#### **1136(1987) Section 6.16(l) Reduction in side yard setback for new parking structure.**

Variance is understated.

17.2 (h) requires 6.8m not 6.0m setback from Interior Side Lot Line.

More than half (3.55m) of the proposed structure encroaches into side yard and the supporting piers making the width of spaces 17-22 deficient.

#### **1136(1987) Section 17.2(h) New Building side yard setback reduction.**

A four-storey building does not do anything to accommodate pedestrian traffic, landscaping or distance between buildings.

Its footprint is the maximum permissible by lot coverage, independent of the number of storeys.

No reason is given in support of the requirement for its non-conforming side yard setback.

Separation from the existing apartment is well below any setback requirements stated in 1136 and its height will obstruct natural light to the SE dwellings in the existing block. The opposing dwellings in the proposed structure will have either, a direct view into the adjacent dwellings or overlook the roof of the existing structure.

#### **1136(1987) Section 6.16(a) Reduction in number of parking spaces.**

Inspection of the site plan indicates that:

- Spaces 15 and 16 are not deficient in parking aisle (6.25m, not 7.3m) but cars in 17 and 18 (with or without a new, non-conforming structure) make these spaces unusable for cars;
- Spaces 17, 18, 21 and 22 scale at 2.75m width, well deficient of the requirements of 6.16(j)(i): 3m, if a new carport is added, as proposed.
- Similarly, handicap spaces 19 and 20 appear to be deficient in width (3.9m+0.6m, 7.(b)(i)+6.16(j)(ii))
- Spaces 24 and 23 are effectively unusable due to difficulties in parallel parking in the indicated orientation.
- Spaces 25-33 cannot be accessed due to insufficient yard depth to accommodate any conforming parking aisle.
- Effective number of usable parking spaces, for this site plan is probably twenty (20), not thirty-three (33).

## File A4/2015P – References

- 5.99 (b) "CORNER LOT" ...two or more street lines intersecting...
- 5.102 "LOT DEPTH" = 64.01 m (210')
- 5.103 "LOT FRONTAGE" = 60.96 m (200')
- 5.104(b)(ii) "FRONT LOT LINE" East, Pelham Street...shorter street line  
"EXTERIOR SIDE LOT LINE" North, Pancake Lane....longer street line
- 5.104(c) "REAR LOT LINE" West
- 5.104(e) "EXTERIOR SIDE LOT LINE" means a side lot line that is also a street line.
- 5.104(f) "INTERIOR SIDE LOT LINE" South
- 5.122 "PARKING AREA" ...includes any related parking aisles, parking spaces and structures...
- 5.124 "PARKING SPACE" ...area, exclusive of any aisles,...
- 5.165 "STREET LINE" means a lot line dividing a lot from a street and is the limit of the street allowance.
- 5.185(e) "EXTERIOR SIDE YARD" means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.

## 6.16 PARKING AREA REGULATIONS

### (a) PARKING REQUIREMENTS

Apartment dwelling 150% of dwellings,

### (b) CALCULATION OF PARKING REQUIREMENTS

- (i) rounded up
- (v) Parking Spaces.....Town of Pelham Handicap Parking By-law...

### (d) INGRESS AND EGRESS

- (i) ...driveways...and have minimum width of 7.5m...where two-way traffic...

### (i) PARKING AREA LOCATION ON LOT

Apartment Dwelling All yards provided that no part of any parking area, other than a driveway is located closer than 7.5m to any street line and no closer to any side lot line or rear lot line.

### (j) PARKING AREA LOCATION ON LOT

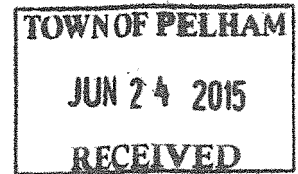
- (i) ...space abuts a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5m or more in height above the level of the parking space, the minimum width of said parking space shall be 3m and;
- (ii) ...space abuts an area of landscaped open space or a pedestrian walkway greater than 1m in width, the minimum width of such parking space shall be 2.4m.

NOTE: 0.6m increase in width for columns

## 17.2 ZONE REQUIREMENTS

- (f) Minimum front yard 7.5m
- (g) Minimum rear yard 12.0m
- (h) Minimum Interior Side Yard 6.8m or half building height (13.6m)
- (i) Minimum Exterior Side Yard 7.0m

STOJAN ZORIC AND MARY ZORIC  
PART LOT 1 CONCESSION 9  
1298 PELHAM ST PELHAM



TO WHOM IT MAY CONCERN

JUNE 23 2015

FROM A FELLOW TENANT WITH AN INPUT TO THE  
PLAN, SUBMITTED FOR A 4 STORY 12 APARTMENT  
BLOCK ON THE PROPERTY

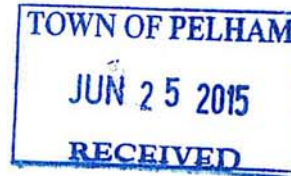
- ① FOREMOST - NO DRIVEWAY FOR EMERGENCY VEHICLES  
EB: FIRETRUCKS AMBULANCES ETC.
- ② ONE COMMON DRIVEWAY OFF PANCAKE LANE FOR EMERGENCES  
REFUSE TRUCKS, DELIVERY VEHICLES AND ALSO DANGEROUS  
FOR TENANTS.
- ③ SNOW REMOVAL NOT AT ITS BEST PRESENTLY IT WILL BE MORE  
DIFFICULT WITH THE NEW PLAN. DRAINAGE IS POOR AT BACK  
DRIVEWAY, BECOMES VERY SLIPPERY WHEN SNOW IS MELTING
- ④ PARKING ON 3 SIDES OF EXISTING BUILDING NOT A GOOD IDEA  
FOR VARIOUS REASONS
- ⑤ WILL THERE BE A SEVERANCE TO MAKE PROPERTY 2 LOTS?
- ⑥ BUILDING WILL NO DOUBT, CHANGE THE LANDSCAPE AND  
CHARACTER OF THE TOWN AND PELHAM ST SOUTH
- ⑦ THESE ARE SOME OF THE PROBLEMS AS I SEE THEM.

INADVERTENT - THANK YOU FOR TAKING THE TIME TO READ THESE  
CONCERNS AND THAT THE INPUT WAS ENCOURAGED.



June 24, 2015

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



RE: File A4/2015P Stojan and Mary Zoric Part Lot 1 Conc. 9 1298 Pelham Street, Pe ham

Dear Adjustment Committee Members,

Please accept this letter as written notice of my objection to all of the proposed adjustments listed as part of minor variance application A4/2015P.

One of my concerns and a question I ask of this committee is when does the number of minor variances requested become something more than minor?

Also, are 2 or more buildings allowed on the same site under the zoning by-law?

I object to the lack of aesthetic continuity being applied in this instance. This is a proposed patchwork of intensification that would not be contemplated for a prominent site in the first instance.

I object to the destruction of our long standing environment on the street that will result from this application.

I object to the lack of fairness in between housing zones i.e.: only one building for a family dwelling is allowed on a single site for an R1 zone but an neighboring site zoned RM2 may contemplate more than one building for dwelling units.

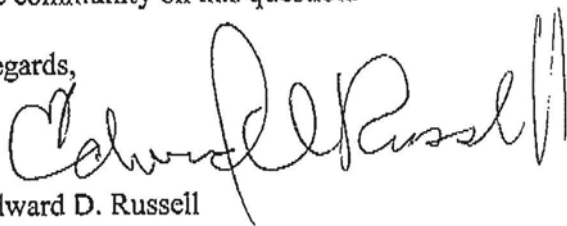
I object to using minor adjustments when it becomes an abuse as opposed to an exception for which the bylaw was designed.

The objection is so easily removed by designing for the number of units the site supporters under the interpretation of the bylaw and not asking the community for exceptions that only enrich a single owner of the site.

If the exceptions are allowed, can it be assumed these are the starting points for the twin apartments use on the North West corner of Pelham and Pancake?

I ask the committee for careful consideration of these and all other objections that are brought by the community on this question.

Regards,

A handwritten signature in black ink, appearing to read "Edward D. Russell". The signature is written in a cursive style with a large, prominent "E" and "R".

Edward D. Russell  
[REDACTED] Pelham Street  
Fonthill, ON

## Appendix 4 for 5.1.: File A4 2015P RUSH

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

22 June 2015

Subject: FILE A4/2015P

Attention: Nancy J. Bozzato  
Town Clerk / Secretary-Treasurer

We are expressing our opposition to this proposal.

Four story buildings are not a welcome addition to the neighbourhood skyline and the increased people and vehicle population will stress further the likelihood of mishaps and injuries along this stretch of Pelham Road.

The approval of this application will pave the way for similar developments in the immediate area with further accompanying disadvantages and depression of residential home values.

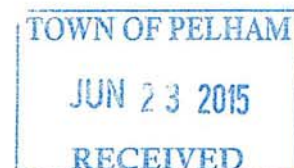
We request that the Committee reject this application.



Ronald Rush

Elsie Rush

■ Forest Hill Crescent, Fonthill.



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



25 June 2015

**Subject:** FILE A4/2015P

**Attention:** Nancy J. Bozzato  
Town Clerk / Secretary-Treasurer

Dear Ms. Bozzato,

We write to register our strong objection to the subject application and to provide evidence supporting that position, in response to your notice of 1 June 2015.

**Summary**

- The existing non-complying apartment and its near-identical neighbour (1302 Pelham St) are in harmony with the surrounding well-established residential neighbourhood;
- The proposed erection of a second, multiple dwelling building on the lot, which is incompatible with the scale, density and character of the existing development, is clearly contrary to the general intent and purpose of the Official Plan (March 11, 2014), does not conform with multiple sections of Zoning By-Law 1136 (1987), some of which are not identified in the application and is certain to disrupt that harmony;
- If allowed to proceed, the proposal will have the following negative consequences:
  - Introduction of aesthetics which are incompatible with the established streetscapes
  - Introduction of increased (probably 15 cars) off-site parking requirements
  - Increased traffic hazards and congestion of the surrounding roads
  - Restriction of access for Medical Evacuation and Firefighting of the buildings within the complex
- It must be observed that if this proposal is allowed to proceed, there is a high probability that a similar application for Part Lot 1, Concession 8, 1302 Pelham Street will be made, doubling the cumulative detriment to our neighbourhood. This decision is therefore strategic.
- We call upon the Committee to reject the proposal in entirety and to uphold the status quo.

TOWN OF PELHAM OFFICIAL PLAN, MARCH 11, 2014

Evidence

1. We disagree that minor variances are sought. The proposal is in fact, an intensification of an well utilized residential property. This lot has not been identified in the Official Plan as an Intensification Target, so has not approved by Provincial or Regional policies.
2. The Site Plan and Elevations clearly indicate how incompatible the project is with the well-established, cohesive neighbourhood and streetscapes. Parameters such as height, bulk, massing, street access, number of parking spaces, altered traffic patterns and set-back are relevant and clearly substantially at odds with the neighbourhood (B1.1.5).
3. The people who must live in these structures and on a construction site, while the new building is being erected should be considered. Natural light will be restricted in the units facing one another across the ~5m separation and the occupants will have little external privacy. This is likely to be a claustrophobic complex of incompatible apartment buildings, inhabited by unhappy tenants.
4. Density of the surrounding single family dwellings is estimated at about 8 units per hectare.
5. Had lot PT LT 1 CON 9 PELHAM been identified as an intensification target, or had such a project been proposed within the "Potential Intensification Area" to the South-East of Bacon Lane/Pelham Street, the Official Plan (B1.1.3(b)) would unequivocally require a maximum density of 25 units per hectare. The existing eleven (11) unit building, on the declared 3,900.5 m<sup>2</sup> lot area already includes a density of 28.2 units per hectare.
6. The current density is therefore about three (3x) times in excess of the surrounding well-established neighbourhood and marginally (by one (1) unit) in excess of the maximum permitted in an intensification, by the Plan, in a Urban Living Area / Built Boundary.
7. Any increase in density is clearly contrary to the general intent and purpose of the town's Official Plan and indeed not permitted by its explicit regulations, accordingly, the entire proposal must be denied.

The following portions of the plan are relevant:

**A2.3.2 URBAN CHARACTER, Objectives**

To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.

**A5.4 INTENSIFICATION TARGET**

When referenced in relation to urban land use, intensification means developing urban lands at a higher density than currently exists through redevelopment, infilling, using vacant or underutilized land or building expansion. Provincial and Regional policies require municipalities to identify suitable lands as well as targets for intensification within the Built-Up Area.

**B1.1.1 Purpose**

The purpose of the Urban Living Area designation is to recognize the existing residential areas of Fonthill and Fenwick and promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential intensification, where appropriate.

### B1.1.3 Residential Intensification

...For the purpose of this Plan, residential intensification is defined as the development or redevelopment of existing vacant land or underutilized land within the existing urban areas of Fonthill and Fenwick into building types that more efficiently use existing urban space and services. In reviewing intensification proposals, the Town will assess the density of such proposals relative to the surrounding neighbourhood as well as the site and building design of the proposal. The Town will also assess how issues such as landscaping, access, parking, utilities and maintenance have been addressed in the proposal.

While intensification opportunities will be encouraged, proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that such proposals will be respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed.

In considering proposals for residential intensification, the following criteria are applicable to intensification proposals within the Urban Living Area designation:

- a) Schedules A1 and A2 to this Plan identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration for other sites in the Urban Living Area designation provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with an arterial or collector road;
- b) 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. Within the identified intensification areas identified on Schedules A1 and A2 the implementing Zoning By-law may establish minimum and maximum densities of between 10 and 25 units per hectare;

#### Town of Pelham- Fonthill Settlement Area Official Plan Schedule 'A1' (partial print)



### **B1.1.5 Semi-Detached, Townhouse, Multiple and Apartment Dwellings**

In addition to the criteria listed in Policy B1.1.2, in considering a Zoning By-law Amendment and Site Plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) Respects the *character of adjacent residential neighbourhoods*, in terms of height, bulk and massing;
- b) Can be easily *integrated* with surrounding land uses;
- c) Will not cause or *create traffic hazards* or an unacceptable level of *congestion* on surrounding roads; and,
- d) Is located on a site that has adequate land area to incorporate *required parking*, recreational facilities, landscaping and buffering on-site.

### ZONING BY-LAW NO.1136 (1087)

#### Evidence

#### Parking

- Five (5) of the seven (7) requested variances seek relaxation with respect to:
  - parking aisle dimensions,
  - encroachment of a new carport into required setbacks and
  - total number of parking spaces.
- However, the list of variances is incomplete, omitting requests:
  - to locate the entire North side parking aisle closer to the street line than permitted ref. **5.104(b)(ii) & (e)** and **6.16 (i)** allowing access to spaces (25-33) and
  - to incorporate spaces of deficient width (17-22) under the proposed carport.
- It is suggested that four (4) of the counted spaces (15, 16, 23 & 24) are, as a practical matter unusable for parking of cars, as dimensioned on the site plan
- Effective parking capacity of the proposed site plan is deficient by fifteen (15) rather than the three (3) spaces identified, if 6.16 9i) is applied correctly and upheld
- Those fifteen (15) vehicles are highly-likely to be parked:
  - On the street, contrary to the provision of By-law No. 89-2000, specifically parking for periods of more than twelve (12) hours and between the hours of 02:00 and 06:00 during the winter months.
  - On the General Commercial; Neighbourhood Commercial or Institutional properties nearby. It is likely that the owners of these properties will find this result to be a major incompatibility.

#### Comments on requested variances

#### **1136(1097) Schedule C: Reduction of parking aisle at north of property.**

The proposal employs 6.16 (i) incorrectly, in that the North lot line is clearly a street line.

Location of the entire width of the necessary parking aisle within the required set-back (for parking areas) will have a major negative impact on the streetscape, is obviously incompatible with the neighbourhood and should be rejected, as prescribed by the 1136.

**6.16 (i)** represents a reasonable restriction and should be upheld.

#### **Ref.: 6.16 PARKING AREA REGULATIONS, (i) PARKING LOCATION ON LOT**

Prohibits any parking area where the “new asphalt drive” parking area and non-conforming aisle is proposed, that is within 7.5m from any street line.

**1136(1987) Schedule C: Reduction of parking aisle at south of property.**

Parking aisle width is dimensioned at 6.25m not 6.5m.  
Associated spaces 15 and 16 are unusable for car parking.  
This structure is more reasonably – a shed.

**1136(1987) Section 6.16(l) Reduction in side yard setback for new parking structure.**

Variance is understated.  
17.2 (h) requires 6.8m not 6.0m setback from Interior Side Lot Line.

**1136(1987) Section 17.2(h) New Building side yard setback reduction.**

A four-storey building does not do anything to “accommodate pedestrian traffic, landscaping or distance between buildings.”  
Its footprint is the maximum permissible by cumulative lot coverage, independent of the number of storeys.  
No valid reason is given in support of the requirement for its non-conforming side yard setback.

**1136(1987) Section 6.16(a) Reduction in number of parking spaces.**

Inspection of the site plan indicates that:

- Spaces 15 and 16 are not only deficient in parking aisle depth (6.25m, not 7.3m) but cars in 17 and 18 (with or without a new, non-conforming structure) make these spaces unusable for cars;
- Spaces 17, 18, 21 and 22 scale at 2.75m width is well deficient of the requirements of 6.16(j)(i): 3m, if a new carport is added
- Similarly, handicap spaces 19 and 20 appear to be deficient in width (3.9m+0.6m, 7.(b)(i)+6.16(j)(ii))
- Spaces 24 and 23 are effectively unusable due to difficulties in parallel parking in the indicated orientation. In order to use them, the drivers will need, either to back in from Pancake Ln., or to back out to Pancake Ln.
- Spaces 25-33 cannot be accessed due to insufficient yard depth to accommodate any conforming parking aisle, as noted above.
- Effective number of usable parking spaces, for this site plan is probably twenty (20), not thirty-three (33).

**Increased traffic congestions and hazards. Reduced access for Med-Evac and Firefighting**

- Pancake/Pelham intersection is already a challenging, high volume intersection. Doubling the number of occupants of the property, while halving the number of driveways will place additional stress on the management of traffic and those who use this intersection.
- For the same reason, elimination of one (1) of the two (2) means of egress will increase barriers to effective medical evacuation and access for firefighting.
- Note that two-way traffic is now required on all parking aisles and that the overall width of the N-S aisle is a mere 5.2m.

We object to the proposal for the above reasons and urge the Committee to reject the identified, implied variances and the resulting increase in density.

  
Donald Larkin  
Foresthill Crescent

  
Sigrid Christianson  
Foresthill Crescent



References

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5.124	"PARKING SPACE'...area, exclusive of any aisles,...
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5.185(e)	"EXTERIOR SIDE YARD" means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.

**6.16 PARKING AREA REGULATIONS**

(a) PARKING REQUIREMENTS

Apartment dwelling 150% of dwellings,

(b) CALCULATION OF PARKING REQUIREMENTS

(i) rounded up

(v) Parking Spaces.....Town of Pelham Handicap Parking By-law...

(d) INGRESS AND EGRESS

(i) ...driveways...and have minimum width of 7.5m...where two-way traffic...

(i) PARKING AREA LOCATION ON LOT

Apartment Dwelling All yards provided that no part of any parking area\*, other than a driveway is located closer than 7.5m to any street line\*\* and no closer to any side lot line or rear lot line.

\* includes aisles 5.122

\*\* 5.104 (e)

(j) PARKING AREA LOCATION ON LOT

(i) ...space abuts a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5m or more in height above the level of the parking space, the minimum width of said parking space shall be 3m and;

(ii) ...space abuts an area of landscaped open space or a pedestrian walkway greater than 1m in width, the minimum width of such parking space shall be 2.4m.

NOTE: 0.6m increase in width for columns

**17.2 ZONE REQUIREMENTS**

(f) Minimum front yard 7.5m

(g) Minimum rear yard 12.0m

(h) Minimum Interior Side Yard 6.8m or half building height (13.6m)

(i) Minimum Exterior Side Yard 7.0m

June 25, 2015

Nancy Bozzato, Secretary-Treasurer  
Town of Pelham

Re: Committee of Adjustment Meeting July 7, 2015  
File A4/2015P Stojan Zoric and Mary Zoric  
Part Lot 1, Concession 9, 1298 Pelham Street, Pelham

The goal of any change should be to better the community and its residents as a whole while not negatively impacting those in the immediate neighbourhood inflicting unjust consequences that will impact their personal lives.

The Neighbourhood:

We have been living at the same location for 37 years at 1297 Pelham Street which is directly across the street from the applicant's property. During this time, the town has always promoted and tried to maintain a small town feel for the town as a whole and continues to do so. The subject lands are in a unique part of Pelham that was created in the 1950's and 60's wherein the subject land and the neighbouring lands consisting of residential, commercial and apartment buildings all have a common deep setback from Pelham Street for all immediate properties south of Pancake Lane on both sides of the street as well as the identical apartment building located on the north side of Pancake Lane. These properties are also on premium sized lots ranging from 150 ft to 200 ft frontages. Please refer to attachment A which is a visual mapping of the properties mentioned. By allowing this application to proceed, the small town characteristics of this neighbourhood would translate into a large city feel of oversized apartments crowded on top of each other while imposing upon the privacy of its immediate neighbours. I do not believe it was the general intent and purpose of the town to develop what was once the site of a nursery into what is currently being proposed. It is important to work together to maintain and preserve the original special and distinguishing features of our town and not change its characteristics incrementally eventually resulting in a town void of any character.

Official Plan

With regards to the Official Plan, as the applicants lands are situated in the Urban Living Area the relevant portions of the official plan are noted in section B1 in particular items B1. 1.1 and B1. 1.5. Item B1. 1.5 is of particular relevance as follows:

- A. "Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing. "

The proposed 4 storey apartment with a hip like roof will be much taller than the current non obstructive 2 storey apartment building with a flat roof on the property in question than any other building in the neighbourhood. Besides the height, its bulk and massing is also not in character with the rest of the neighbourhood. As it will be constructed on higher elevated lands than those across the street from it, its presence will be even more imposing. There are also no other apartment buildings 3 stories or higher anywhere else in town other than those constructed in a concentrated area on Highway 20 in upper Fonthill adjacent to a “potential intensification area” as per the Official Plan. The subject lands in question are not located in a “potential intensification area” nor in the “intensification corridor” as noted in attachment B (schedule A1 Fonthill Settlement Area in Official Plan) thereby indicating that there was no intent to have this type of development occur in this area.

B. “Can be easily integrated with surrounding land uses”

The proposed apartment building will be physically out of place in terms of what currently exists on the subject property as well as in the neighbourhood. It certainly will not blend in as regards ambiance and character. With respect to the current tenants and residents in the neighbourhood, it infringes on their privacy as well as obstructs their view. The noise factor of all the extra vehicles and people especially with the placement of the open air patio and barbeque in the front yard will certainly be most disruptive. Nobody will be able to enjoy the calm, peaceful atmosphere that currently exists. The Pedlar funeral home will no longer be able to provide the same degree of privacy to its mourning clientele as it will be overshadowed by the patios and balconies of said apartment.

C. “Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads, and”

Traffic will be increased onto Pancake Lane by 4 times as much as currently exists as there will be only one driveway for entry and exit versus the 2 driveways now present one of which is onto Pelham Street and the number of unit apartments on the entire property will be more than double that currently exists. Traffic will definitely be impacted on surrounding roads.

D. “Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.”

As regards parking, landscaping and buffering on-site, the applicant has applied for variances to the by-law as adequate land area is not available. These items will be further addressed in the Zoning By-law section below.

In terms of providing year round recreational facilities for a diverse group of tenants, an open air pavilion with a barbeque does not meet the varied recreational

needs of 23 unit apartments. It is apparent that adequate land is not available to build proper recreational facilities.

Overall in regards to the Official Plan, it is evident that the general intent and purpose of the plan will not be maintained.

#### Zoning By-Law Variances

Variances 1, 2, 3 and 6 all deal with parking related issues.

Variance 1: requesting variance of 17.8%

Variance 2: requesting variance of 50%

The 2 variances requested regarding the parking strip at north of the property, if granted, will still not meet the overall parking requirements of the zoning by-law for the property as it will be 2 parking spots short of requirement. (variance 6)

It will be unsafe to have 2 way traffic on a narrow aisle while still accommodating cars entering and exiting their parking spots especially in the winter snow and ice conditions. Taking away 50% of the land from a planting strip to facilitate and still not have the required aisle width contravenes the general intent and purpose of maintaining the Official Plan (section B1.1.5 d) as well as the Zoning By-law.

Variance 3: Requesting variance of 11%

Reduction of a parking aisle width south of the property will have the same effect on vehicular traffic as on the north side of the property and will as well contravene the general intent and purpose of maintaining the Official Plan (section B1.1.5 d) as well as the Zoning By-law.

Variance 6: A request of 5.71 % variance

Adequate parking facilities are a basic requirement. As there is a shortage of parking by 2 parking spots already according to the proposed plans, this parking problem will only be made worse during special occasions as birthdays, family gatherings, and special holidays that the public in general celebrates on a specific day such as Christmas, New Years Day, Easter, Thanksgiving, Valentine's Day, Labour Day, Victoria Day, Family Day, Canada Day, Mother's Day, Father's Day, Civic Holidays, etc.

Inadequate parking at the proposed apartment building will become both an issue in the immediate neighbourhood as well as in the apartment complex. As regards the complex, in addition to the shortage of 2 required parking spots, the proposed usage of the existing garage is not viable. It is too narrow to properly accommodate parking spots for 2 cars as compared to 2 standard sized parking spaces outdoors and as such should not be considered for that purpose. Along with the request of variance

6, this now results in a shortage of at least 4 parking spots. With the narrow aisles and the overall tightness of the parking areas, manoeuvring in the parking lot as a whole will be more challenging for the tenants especially the senior tenants. This will also greatly and negatively impact the access and the efficiencies of any emergency vehicles such as fire wherein more than one truck may be necessary, ambulance and police especially if all are required at the same time. In the winter, where will all the snow be deposited especially with the volumes we experienced this past winter? Will all of the snow be deposited on the north lawn area as there is no other area available unless it is left in the parking spots or on the narrow aisles thus making walking and driving conditions extremely unsafe. Depositing any or all of the snow onto the greenspace will infringe on the recreational areas.

Inadequate parking on site will spill onto the shoulders of the surrounding streets in the neighbourhood. Both Pancake Lane and John Street do not have shoulders. Pelham Street has a sidewalk on the west side north of the Pancake Lane and Pelham Street intersection thereby reducing significantly the area of shoulder parking. Pelham Street is a very busy street and parking on the shoulders, especially on the east side, makes it extremely dangerous for the residential property owners to exit their driveways especially if they have to back out as their view will be obstructed or totally blocked. Parking on the west side will impact the funeral home business traffic, which can be substantial, in the same way. Parking on the shoulders near the intersection will obstruct and/or block the driver's view in the entire intersection thus creating safety issues and traffic backlog as it takes each driver longer to make a safe driving decision. Drivers, whether at the intersections, driveways in private residences or in commercial establishments, should not be required to actually pull out onto the street to see if a safe exit can be made.

Winter weather especially with the volume of snow received this past winter will only make a bad situation worse as regards parking on the shoulder of the street. The snow was piled at great heights on the shoulders of the street which also resulted in considerably narrower shoulders. Narrow shoulders result in drivers parking closer to the edge of the street which in turn compromises the safe entry and exit of the vehicle. Driveway entry and exit becomes even more compromised as a result of these two scenarios. The town puts into effect the winter guideline plans from November 1 to March 31 for a total of 5 months or 41.7 % of the year which is a considerable timeline. These plans restrict vehicular parking on the streets so that the snow ploughs can clean the streets properly and efficiently. There is no parking between 2 a.m. and 6 a.m. on any road except Church Hill in the winter time period and there is no parking for a period of time exceeding 12 hours year round. Where will these cars park during the restricted timelines?

The safety of the numerous walkers using the shoulders will be compromised on Pelham Street. The walkers will have to walk around the vehicles placing them closer to the busy street and this will even be worse in the winter when the shoulders are narrowed.

With regards to the greenspace mentioned, it is important to maintain the required greenspace so as to not further erode the character and ambiance of the neighbourhood. Neither greenspace nor proper parking facilities should be compromised. The solution is to build within the means that the property allows.

Variance 4: Requesting variance of 45.8%

Variance 5: Requesting variance of 26.5%

Variance 7: Requesting variance of 10%

Setbacks for covered parking and proposed building and maximum lot coverage:

Maximum lot coverage should be adhered to as this property has no special features or unique circumstances that cannot be addressed by merely reducing structure sizes and number of unit apartments. Build according to what the property permits.

The applicant is requesting a 10 % variance from what is permitted for maximum lot coverage of structures. Of that, 1.67 % of the variance will be applied to the proposed structures whereas 8.33 % of the requested variance will remain unaccounted for. A submitted detailed plan should be strictly adhered to and as a result, no variances for maximum lot coverage should be required nor should they be granted. Any and all other changes should go through the proper channels. This will ensure that the Official Plan and the Zoning By-laws will be adhered to. Future use of 8.33 % of maximum lot coverage should not be given blanket approval. What do the applicants anticipate in the future that cannot be addressed for proper approval at the present? Will the applicant then want another variance for this variance resulting in a double variance?

In summary, the general intent and purpose of the Zoning By-laws will not be maintained even with the allocation of one of the 7 variances. Each of the variances to the By-laws requested are significant as noted proving the inadequacy of the property in question to permit the building of the 4 storey apartment building. There are no abnormalities or special unique features to this property i.e. special natural features as protected species, vegetation, natural waterways, wetlands etc. to consider in this property's proposed development. Allowing this application to proceed will be detrimental to all others in the neighbourhood. The applicant who currently does not live in the apartment building or in the immediate neighbourhood will benefit financially at everyone's personal expense. This is not fair. Even though the applicant is not required to consult with the immediate neighbourhood which he will greatly negatively alter, the fact that he did not even ask for any input so as to how to minimize the impact upon the neighbourhood with this new proposed building just shows his disregard to the values of the neighbourhood and to that of the small town feel which we all currently enjoy.

Negative Implications:

1. Privacy:

The implied privacy that came with the common front yard setback of the buildings in the neighbourhood will be forever lost. All privacy will be lost in all of the front yards in the neighbourhood as 6 patios at various elevations will be constructed facing onto Pelham Street and will be staring down onto the single family residences. *The bright lighting in the central common hallway of each floor of the building will be disruptive at night to the neighbouring residential properties on Pelham Street, the whole east side of the existing apartment building and will also be visible on Stella Street as well as on Foresthill Crescent.* A quiet side yard currently on the north side of the building will now become a noisy parking lot. It is not fair nor reasonable to impose this upon the tenants on the north side. Not only is a huge building being constructed but the remainder of the front yard is going to be made into a centre of activity by constructing an open air pavilion structure consisting of a roof, paved area and a barbeque. The majority of the greenspace is also going to be fenced in with a 4 foot high fence which is the maximum height allowed for front yards. As a result of these changes, the current quiet front yard which the tenants especially those on the east side enjoy and the residential homes appreciate will now in essence become a noisy backyard. I have yet to see a development in town where a backyard is placed in the front yard. Front yards are exactly that front yards and should remain as such. The current apartment faces out onto Pelham Street and their address reflects this accordingly thus verifying that the current greenspace is a front yard. Of the tenants, those living in the north east corner will be impacted the most as a result of having a parking lot to their north and a backyard to their east. The tenants in the southeast corner will have an imposing building blocking their full view of the neighbourhood to which they are accustomed but as well will have tenants from the proposed apartment directly looking in on them. They will have no privacy at all on their balconies nor in any of their rooms with windows unless the drapes are permanently closed. These future impacts are not the types of conditions that the tenants originally agreed to when signing the lease. The current landscaping of the residential area as well as the Pedlar and Zoric properties minimizes the current building exposure while enhancing the natural privacy and *ambiance of the neighbourhood through the use of trees, hedges and flowers, etc.* The size and location of the proposed apartment building would totally destroy all of the privacy that is currently enjoyed by everyone living in the area as well as of those passing through especially the numerous walkers.

2. Drainage:

As the lands at 1298 Pelham Street are at a higher elevation than those directly across the street from it, there is always a concern about water run off. The fact that the proposed apartment building will be located very close to the property line on Pelham Street enhances the concerns. Building any structures on the property as well as

paving over any of the greenspace will alter the drainage pattern as exists. Currently, the water flow is natural across the entire width of the property and the current greenspace can absorb the water and reduce the flow rate thereby preventing any water issues for the street and the surrounding areas of lower elevation. The new water drainage pattern proposed will consist of 3 water paths all of which are directed towards Pelham Street. The water will be forced to converge into 2 direct paths around the new apartment - one path will be south of the proposed apartment and the other path will be between the existing and proposed building. This will in turn concentrate and increase the water volumes in 2 areas on this portion of the property versus the natural flow that currently exists across the whole property. Similarly, as a result of the proposed north parking lot, an additional water path will be created flowing past the patio area. The water in these 3 concentrated paths will not be able to be absorbed naturally due to the sheer volume and the increased flow rate resulting in an overflow onto Pelham Street which will then readily flow onto neighbouring properties. Excess water on the street in the winter will result in a slick icy street and in the summer, it will result in hydroplaning. Both of these scenarios translate into unsafe driving conditions.

We have not experienced any water issues in the 37 years of residing on our property as a result of the location of the current apartment building and its current lot coverage.

### 3. Property Devaluation:

All the immediate properties will experience devaluation. Assessment values of residences decrease when they are not located in strictly residential areas only. The residences were built before the current 2 storey apartment building was. Their valuation at that point would have decreased and now with this potential new apartment these same homes will again experience another devaluation. Resale value of the homes will be greatly impacted as not just anybody will want to live across a property with 2 apartment buildings one of which is a towering 4 storey building built on an incline relatively close to the property line with a noisy backyard located in what is recognized as the front yard.

### 4. Shade:

The south east corner tenants of the current apartment building will no longer have the morning sun to enjoy but rather shade for the whole day due to the to the height and placement of the proposed building as well as to the natural path the sun follows.

Excessive shade will negatively affect the current landscaping of the neighbouring properties and greatly inhibit its current state of growth and even destroy sun loving vegetation as currently exists.



In conclusion, as well as the negative impacts on the neighbourhood, the proposed apartment building does not meet the general intent and purpose of both the Official Plan and Zoning By-laws. As such, it is our request of the committee of adjustment that all the variances be denied.

Submitted by: John and Donna Schel

Handwritten signatures of John and Donna Schel. The top signature is a stylized, cursive signature, likely John Schel. The bottom signature is a more legible cursive signature, likely Donna Schel.



# Pelham / Pancake Neighbourhood

Scale: 1 : 1000



# Town of Pelham - Fonthill Settlement Official Plan Schedule

- Legend**
- Downtown
  - Downtown Transitional Area
  - Urban Highway Commercial
  - Open Space
  - Environmental Protection
  - Greenfield Overlay
  - Niagara Escarpment Plan
  - Secondary Plan Area
  - Urban Living Area / Built B
  - Urban Settlement
  - Pelham Town Boundary
  - Potential Intensification Area
  - Intensification Corridor



**NOTES:**  
 All lands within the Fonthill Urban Area Boundary not subject to the Greenfield Overlay are considered part of the Built-Up Area as defined in Section A4 Official Plan.  
 This Schedule forms part of the Official Plan for the Planning Area and must be read in conjunction with the Official Plan.  
 Community Planning & Development  
 NIA  
 Pelha  
 Technical Amendment - Subject to Septem

THE CONSTRUCTION OF AN  
ADDITIONAL (4-STORY)  
APARTMENT BLOCK AT  
1298 PELHAM STREET,  
FONTHILL, ON

147

PETITION  
TO DENY BYLAW  
MINOR VARIANCE  
APPLICATION A4/2015P

Tina + Fred

**Petition to Deny Variance Application A4/2015P:  
Construction of an additional (4-storey) apartment block at  
1298 Pelham Street**

<b>Petition summary and background</b>	If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings. It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.

Printed Name	Signature	Address	Comment	Date
Peter Ferguson	<i>Peter Ferguson</i>	1301 Pelham St	See attached.	24 June 2015
Tina Sider	<i>Tina Sider</i>	1293 Pelham St	See personal	24 June 2015
Fred Sider	<i>Fred Sider</i>	1292 Pelham St	Submission	24 June 2015
Amanda Chapman	<i>Amanda Chapman</i>	1303 Pelham St		24 June 2015
DEBORAH WHITE	<i>Deborah White</i>	1302 Pelham St	No New Building	24 June 2015
Aud Smecky	<i>Aud Smecky</i>	1302 PANAM ST.	No New BLDG.	24 June 2015
Andrius	<i>Andrius</i>	1302 Pelham St	No New BLDG.	24 June 2015
JACK PACES	<i>Jack Paces</i>	1321 Pelham St	No New BLDG.	24 June 2015
JURATA ASHMORE	<i>Jurata Ashmore</i>	1321 Pelham St	No!	24 June 2015
TOHAN MILLS	<i>Tohan Mills</i>	1319 Pelham St	NO	24 June 2015
GISELE	<i>Gisele</i>	1315 Pelham St	NO	24 June 2015
Don Mills	<i>Don Mills</i>	11	11	24 June 2015
Josanna Fisman	<i>Josanna Fisman</i>	1313 Pelham St	11	24 June 2015
Dora Hamilton	<i>Dora Hamilton</i>	1309 Pelham St	NO	24 June 2015
Randa Lalani	<i>Randa Lalani</i>	1305 Pelham St	NO	24 June 2015
Gyan Lalani	<i>Gyan Lalani</i>	1305 Pelham St	NO	24 June 2015
Brooklyn D	<i>Brooklyn D</i>	1850 Hooper	NO WA!	24 June 2015
Nellie Solomon	<i>Nellie Solomon</i>	1302 Pelham St	11	24 June 2015
AMY HILTBRAND	<i>Amy Hilbrand</i>	28 PANCAKE	4	24 June 2015

Donna +  
John  
Sheehy

**Petition to Deny Variance Application A4/2015P:  
Construction of an additional (4-storey) apartment block at  
1298 Pelham Street**

<b>Petition summary and background</b>	<b>Action petitioned for</b>
<p>If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings.</p> <p>It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.</p>	<p>We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.</p>

Printed Name	Signature	Address	Comment	Date
Rob Mackenzie	<i>Rob Mackenzie</i>	3 Pickwick		24 June 2015
Don Leppin	<i>Don Leppin</i>	45 Forestville		24 June 2015
Steven Speiser & Susan Levin	<i>Steven Speiser &amp; Susan Levin</i>	1279 Pelham		24 June 2015
John Albert	<i>John Albert</i>	10 Pickwick R.		24 June 2015
AB BORT	<i>AB BORT</i>	9 Pickwick R.		24 June 2015
KIRK HSHICK	<i>KIRK HSHICK</i>	6 Pickwick R.	POT IT IN THE FORTHWEST DIST DISTRICT	24 June 2015
VERA MORGANSON	<i>VERA MORGANSON</i>	4 Pickwick		24 June 2015
George Abraham George A.	<i>George Abraham George A.</i>	2 Pickwick		24 June 2015
J. Mary Abraham	<i>J. Mary Abraham</i>	"		24 June 2015
Lois Wapereck	<i>Lois Wapereck</i>	15 Pancake Lane		24 June 2015
LINDA BROWN	<i>LINDA BROWN</i>	17 Pancake Lane		24 June 2015
Garry Bowen	<i>Garry Bowen</i>	17 Pancake Lane		24 June 2015
TEO MCHAMBERS	<i>TEO MCHAMBERS</i>	95 Pancake		24 June 2015
Greg M. and Cyndy M. M. M.	<i>Greg M. and Cyndy M. M. M.</i>	95 Pancake		24 June 2015
M. Chamberlain M.E.	<i>M. Chamberlain M.E.</i>	35 Pancake	Not in keeping w/ existing plan	24 June 2015
Jane Plesco	<i>Jane Plesco</i>	39 Pancake		24 June 2015
N. MINTER	<i>N. MINTER</i>	28 Pancake		24 June 2015
ANN HILTZ	<i>ANN HILTZ</i>	98 Pancake	WAV?	24 June 2015
Jay Richards	<i>Jay Richards</i>	4 Shoalts dr		24 June 2015
Stavis Construction	<i>Stavis Construction</i>	45 Forestville		24 June 2015

**Petition to Deny Variance Application A4/2015P:  
Construction of an additional (4-storey) apartment block at  
1298 Pelham Street**

<p><b>Petition summary and background</b></p> <p>If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings.</p> <p>It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.</p>	<p><b>Action petitioned for</b></p> <p>We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.</p>
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Printed Name	Signature	Address	Comment	Date
Steven Bernier	<i>[Signature]</i>	18 Whitehall	too congested.	24 June 2015
Glynn Bernier	<i>[Signature]</i>	18 Whitehall	" "	24 June 2015
Richard Baron	<i>[Signature]</i>	1298 Pelham	OUT OF KEEPING WITH NEIGHBOURHOOD	24 June 2015
Tammy van der Bent	<i>[Signature]</i>	37 Pancake Lane	Low visibility - too much traffic	25 June 2015
Margaret Tibout	<i>[Signature]</i>	31 Pancake Ln	too congested. NOT FITTING WITH NEIGHBOURHOOD	25 June 2015
HELEN WILMER	<i>[Signature]</i>	30 Pancake St.	TRAFFIC !!	26 June 2015
Neil Bernick	<i>[Signature]</i>	45 Pancake Lane		26 June 2015
<del>Jeff Bernick</del>				25 June 2015
PAT MENON	<i>[Signature]</i>	47 Pancake	NOT SUITED TO HOUSING	26 June 2015
GOWND MENON	<i>[Signature]</i>	47 Pancake	" " "	25 June 2015
PATY STAKOYI	<i>[Signature]</i>	48 Pancake		25 June 2015
Dave Brown Dr. Dan	<i>[Signature]</i>	38 Pancake		25 June 2015
D. I. Down	<i>[Signature]</i>	26 Pancake	too much traffic	25 June 2015
<del>J. CARLIER</del>	<i>[Signature]</i>	29 Pancake	too much traffic	25 June 2015
<del>R. M. MATHIAS</del>	<i>[Signature]</i>	2 SHIPLEYS	- -	24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015

143

**Petition to Deny Variance Application A4/2015P:  
Construction of an additional (4-storey) apartment block at  
1298 Pelham Street**

<b>Petition summary and background</b>	If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings. It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.

Printed Name	Signature	Address	Comment	Date
STERNADLER M.	<i>M. Sternadler</i>	41 Forest Hill Cr.	STRONGLY AGREE	24 June 2015
Sherryl Wong	<i>Sherryl Wong</i>	49 Forest Hill Cres.		24 June 2015
Jess & Loretta	<i>Jess &amp; Loretta</i>	51 Forest Hill Cres.		24 June 2015
BILL & SHIRLEY	<i>Shirley Rodger</i>	53 Forest Hill Cr.		24 June 2015
JED & GABRIEL	<i>Jed &amp; Gabriel</i>	55 Forest Hill Cr.	STRONGLY AGREE	24 June 2015
Nick Caruone	<i>Nick Caruone</i>	42 Forest Hill		24 June 2015
FRANK HERRON	<i>Frank Herron</i>	5115 Woodstream Dr.	STRONGLY AGREE	24 June 2015
KUY DETAZO	<i>Kuy Detazo</i>	44 Forest Hill	STRONGLY AGREE	24 June 2015
TK Crawford	<i>TK Crawford</i>	46 Forest Hill	Agree	24 June 2015
MAFF HELMKE	<i>Maff Helmke</i>	61 Woodstream	Agree	24 June 2015
PAUL GAUMER	<i>Paul Gaumer</i>	57 Woodstream	AGREE	24 June 2015
FRED ALBERT	<i>Fred Albert</i>	54 Woodstream	Agree	24 June 2015
Kathy MacRae S. MacRae	<i>Kathy MacRae</i>	50 Woodstream		24 June 2015
Richard Doolittle	<i>Richard Doolittle</i>	47 Woodstream	agree	24 June 2015
Bernie Heinze	<i>Bernie Heinze</i>	46 Woodstream	agree	24 June 2015
NATASHA SAVEDY	<i>Natasha Savedy</i>	43 Woodstream	Agree	24 June 2015
Dale Alexander	<i>Dale Alexander</i>	41 Funda Park	Agree	24 June 2015
Rick Bickel	<i>Rick Bickel</i>	15 Forest Hill Cr.	Agree	24 June 2015
Maria L. L. L. L.	<i>Maria L. L. L. L.</i>	41 Woodstream	Agree	24 June 2015
Mark Zaitz	<i>Mark Zaitz</i>	7 Cross Kill Rd	Agree	24 June 2015
Conno Halloway	<i>Conno Halloway</i>	24 Woodstream Blvd	Agree	24 June 2015

*RG*



**Petition to Deny Variance Application A4/2015P:  
 Construction of an additional (4-storey) apartment block at  
 1298 Pelham Street**

<p><b>Petition summary and background</b></p> <p>If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings.</p> <p>It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.</p>	<p><b>Action petitioned for</b></p> <p>We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.</p>
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Printed Name	Signature	Address	Comment	Date
GARY ATAMANYK	<i>[Signature]</i>	32 WOODSTREAN BLVD		24 June 2015
HENRY FUKS	<i>[Signature]</i>	36 Woodstream		24 June 2015
WENDY CLEARER	<i>[Signature]</i>	38 Foresthill		24 June 2015
Grayson Mallett	<i>[Signature]</i>	57 Forest Kill		24 June 2015
Lisa Helmsley	<i>[Signature]</i>	61 Woodstream Blvd		24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
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				24 June 2015
				24 June 2015
				24 June 2015

*[Handwritten signature]*

*[Handwritten initials]*

**Petition to Deny Variance Application A4/2015P:  
Construction of an additional (4-storey) apartment block at  
1298 Pelham Street**

<b>Petition summary and background</b>	If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings. It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.

Printed Name	Signature	Address	Comment	Date
Alex Morris	<i>[Signature]</i>	5 Wycherly Gate		24 June 2015
Sid Scott	<i>[Signature]</i>	12 Whitehall Gate		24 June 2015
Zorica Petrovic	<i>[Signature]</i>	9 Whitehall		24 June 2015
Rick Smith	<i>[Signature]</i>	14 Whitehall Gate		24 June 2015
LEANN SMITH	<i>[Signature]</i>	14 WHITEHALL GATE		24 June 2015
ROBERTA HEGLINS	<i>[Signature]</i>	20 Whitehall Gate		24 June 2015
MIKE ATHER	<i>[Signature]</i>	—		24 June 2015
CARA PAMA	<i>[Signature]</i>	16 WINTERHALL GATE		24 June 2015
JOE & MARY YURCICH	<i>[Signature]</i>	5 Forest Hill		24 June 2015
Dick & Karen Yurcich	<i>[Signature]</i>	1 Forest Hill		24 June 2015
Judith Walker	<i>[Signature]</i>	14 Woodstream		24 June 2015
RON WALLACE	<i>[Signature]</i>	14 Woodstream		24 June 2015
Devy Kirk & Jack	<i>[Signature]</i>	17 Woodstream		24 June 2015
MURRAY & FERRIS M. JONES	<i>[Signature]</i>	13 Woodstream	Worse location.	24 June 2015
SARAH WILSON	<i>[Signature]</i>	13 Woodstream		24 June 2015
CYNIE RAINE	<i>[Signature]</i>	8 Woodstream		24 June 2015
IAN LUCAS	<i>[Signature]</i>	24 Woodstream		24 June 2015
FRANCIS WYLLIE	<i>[Signature]</i>	7 Woodstream		24 June 2015
Alex Ordey / Max Rofus	<i>[Signature]</i>	26 Woodstream		24 June 2015
<del>A. JONES</del>	<del><i>[Signature]</i></del>	<del>31 Woodstream</del>		24 June 2015
G. JORRETT	<i>[Signature]</i>	31 Woodstream		24 June 2015

*[Handwritten mark]*

**Petition to Deny Variance Application A4/2015P:  
Construction of an additional (4-storey) apartment block at  
1298 Pelham Street**

<b>Petition summary and background</b>	If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate fire-fighting of both buildings. It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.

Printed Name	Signature	Address	Comment	Date
Ivana Wilson	<i>Ivana Wilson</i>	35 Woodstream Blvd Fonthill, Ontario		24 June 2015
WALTER J BLINSKI	<i>Walter J Blinski</i>	29 Woodstream Blvd Fonthill, Ont		24 June 2015
ELAINE WHITE	<i>Elaine White</i>	3 Forest Hill Cres. Fonthill		24 June 2015
PIERRE GARNERU	<i>Pierre Garneru</i>	43 FOREST HILL CRES. FONTHILL		24 June 2015
Don MacKay	<i>Don MacKay</i>	36 Forest Hill Cres Fonthill		24 June 2015
JEFF FARROW	<i>Jeff Farrow</i>	39 Forest Hill Cres Fonthill		24 June 2015
MYRNA BOZZA	<i>Myrna Bozza</i>	26 FOREST HILL CR. FONTHILL		24 June 2015
SKYLA M'CAHON	<i>Skyla M'cahon</i>	24 FOREST HILL CR FONTHILL ON		24 June 2015
Wanted otto	<i>Wanted Otto</i>	25 Forest Hill Fonthill		24 June 2015
P. J. J. J.	<i>P. J. J. J.</i>	23 FOREST HILL		24 June 2015
Shirley Dobson	<i>Shirley Dobson</i>	29 FOREST HILL		24 June 2015
FRANK D'AMICO	<i>Frank D'Amico</i>	25 DEER PARK CRT.		24 June 2015
Inur Davis	<i>Inur Davis</i>	18 forest Hill Cres.		24 June 2015
WILLIAM SMITH	<i>William Smith</i>	4 Thimble Cres		24 June 2015
Don & Kara	<i>Don &amp; Kara</i>	8 Green Woodstream Blvd Fonthill		24 June 2015
RUSS STECHELY	<i>Russ Stechely</i>	7 GREENVALE		24 June 2015
REYLA GILBERT	<i>Reyla Gilbert</i>	15 Forest Hill		24 June 2015
Martene Armstrong	<i>Martene Armstrong</i>	11 Forest Hill		24 June 2015
H. PETSCH	<i>H. Petsch</i>	4 Whistler Gate		24 June 2015
D. McArthur	<i>D. McArthur</i>	6 Whistler Gate		24 June 2015
B. M. Lam	<i>B. M. Lam</i>	11		24 June 2015

**Petition to Deny Variance Application A4/2015P:  
Construction of an additional (4-storey) apartment block at  
1298 Pelham Street**

<b>Petition summary and background</b>	If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Panake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Panake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings. It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.

Printed Name	Signature	Address	Comment	Date
KYRA POLKES Dymally	[Signature]	54 STEWART DR	SMALL TOWN FEEL SHOULD CONTINUE	24 June 2015
BLAKE POLKES	[Signature]			24 June 2015
Brad Hallid	[Signature]	56 stella st		24 June 2015
Ray Glen	[Signature]	60 stella st		24 June 2015
Travis O'Neil	[Signature]	64 stella st	Emergency Vehicle Impediment	24 June 2015
Lara O'Neil	[Signature]	64 stella st	Property lines not consistent with zoning	24 June 2015
Eleanor Snyder	[Signature]	59 stella st	front balcony you to add over parking for cars	24 June 2015
			appear then photo to be recorded!!	24 June 2015
DICK GOODE	[Signature]	66 stella st		24 June 2015
Deanna Johnson	[Signature]	62 stella st		24 June 2015
M. J. Puzos	[Signature]	68 stella st		24 June 2015
Therese Brunette	[Signature]	43 stella	Don't do it	24 June 2015
S. Brunette Brunette	[Signature]	43 stella		24 June 2015
D. CHAMBERS	[Signature]	39 stella		24 June 2015
M. Chambers	[Signature]	39 stella st		24 June 2015
S. Bokac	[Signature]	34 stella st		24 June 2015
J. Bokac	[Signature]	34 stella st		24 June 2015
E.H. Bricker	[Signature]	33 stella st		24 June 2015
M.R. Whittaker	[Signature]	53 stella st	No way	24 June 2015
M. Whittaker	[Signature]	53 stella st	More than the not needed	24 June 2015
M. Whittaker	[Signature]	53 stella st	New Panake have	24 June 2015
Alexis Sholdrick	[Signature]	51 stella st	not needed?	24 June 2015



**Petition to Deny Variance Application A4/2015P:  
 Construction of an additional (4-storey) apartment block at  
 1298 Pelham Street**

<b>Petition summary and background</b>	<p>If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings. It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.</p>
<b>Action petitioned for</b>	<p>We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.</p>

Printed Name	Signature	Address	Comment	Date
KEVIN SMITH	<i>[Signature]</i>	36 STELLA ST.		24 June 2015
MARGARET THURMER	<i>[Signature]</i>	MARGARET BLINDERS STELLA ST.		24 June 2015
Shelley Han-Houck	<i>[Signature]</i>	61 Stella St.		24 June 2015
Dennis Moulde	<i>[Signature]</i>	61 Stella St.		24 June 2015
HANDEEN SOTES	<i>[Signature]</i>	67 Stella St.		24 June 2015
DEANNA SOTES	<i>[Signature]</i>	67 Stella St.		24 June 2015
Rich Alexander	<i>[Signature]</i>	91 Kunda Park Blvd		24 June 2015
S. Coste	<i>[Signature]</i>	73 Stella St.		24 June 2015
LET E FACET	<i>[Signature]</i>	76 Kunda		24 June 2015
LEONARD MARY EVANS	<i>[Signature]</i>	78 Kunda Park		24 June 2015
CARIE MITCHEL	<i>[Signature]</i>	85 Kunda Pt Blvd		24 June 2015
MIKE DELGADO	<i>[Signature]</i>	81 Kunda Park Blvd		24 June 2015
R FROSSETT	<i>[Signature]</i>	82 Kunda Park		24 June 2015
2 KARNER	<i>[Signature]</i>	50 Stella St.		24 June 2015
G. Kerner	<i>[Signature]</i>	50 Stella St.		24 June 2015
BTIMMUS	<i>[Signature]</i>	1 BEECHWOOD CR		24 June 2015
Trish Timmums	<i>[Signature]</i>	1 Beechwood Cr		24 June 2015
Barb Bondie	<i>[Signature]</i>	10 Beechwood Cr	No Thanks! ISN'T LAND ON RICE FORTNAT	24 June 2015
Art Bondie	<i>[Signature]</i>	10 Beechwood Cr		24 June 2015
David Strong	<i>[Signature]</i>	1291 Pelham St		24 June 2015
Famela Shepherd	<i>[Signature]</i>	10 Greenvale Cr.		24 June 2015

**Petition to Deny Variance Application A4/2015P:  
Construction of an additional (4-storey) apartment block at  
1298 Pelham Street**

<b>Petition summary and background</b>	If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings. It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.

Printed Name	Signature	Address	Comment	Date
Lester Strong		1291 Pelham St. LOS LEO		24 June 2015
Jim Shephard		10 Grenville Crn. FATHILLON		24 June 2015
Aly Strong		1291 PELHAM ST.		24 June 2015
Bob Laing		1277 Pelham St.		24 June 2015
Patricia Leung		1277 Pelham St.		24 June 2015
Kevin McLaughlin		1273 Pelham St.		24 June 2015
Riham Leung		1267 PELHAM ST		24 June 2015
FRANK FRANK Frank Frank		9 VERRITT ROAD		24 June 2015
Emma Krahn		9 Merritt Rd.		24 June 2015
Miss Kathleen M. McLaughlin		5 Beechwood Cres.		24 June 2015
Miss M. McLaughlin		5 Beechwood Cres.		24 June 2015
				24 June 2015
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				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015

7 Frederick P. Kottick  
1302  
Bellevue St. Toronto

Sharon Jones  
Michael R. Gott

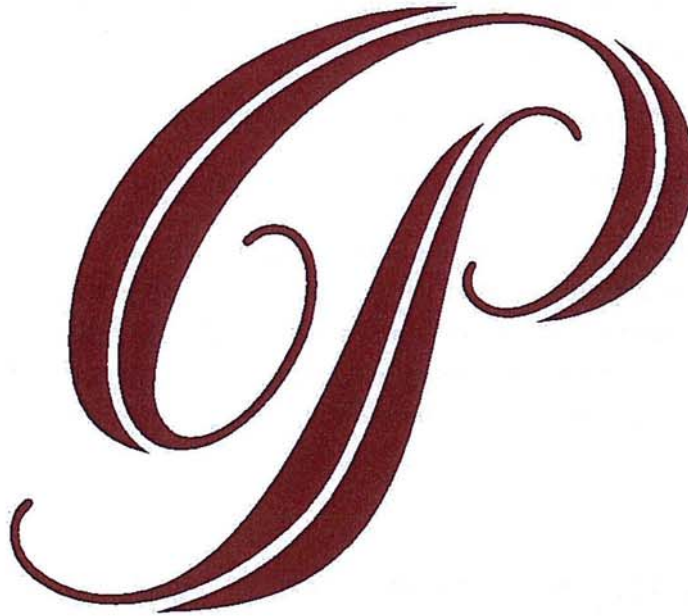


**MINOR VARIANCE APPLICATION A4-2015P**

**NEIGHBOUR**

**COMMENTS AND OBJECTION**

**Completed by:**



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**The JAMES L. PEDLAR FUNERAL HOME**

**1292 Pelham Street**

**Fonthill, ON**

**LOS 1E0**

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**JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-**

1292 Pelham Street, Fonthill, ON

Appendix 8 for 5.1.: File A4 2015P JAMES L PEDLAR FUNERAL HOME  
Minor Variance application A4/2015P-Stojan Zoric and Mary Zoric

Part Lot 1, Concession 9, 1298 Pelham Street, Pelham

Overview brief

The applicants of file A4/2015P are attempting to build a structure that the property cannot sustain in accordance with:

- I. *The Town of Pelham's Official Plan (area intensification/ density ratios),*
- II. *Bylaws for parking, green space and maximum lot size allowance and setback limitations.*
- III. *Residual effects from the additional light pollution, and the additional neighbours who would be affected by this towering building*
- IV. *Additional drainage concerns to a developed area that continues to have drainage issues*
- V. *Additional safety hazards for walking students due to the decrease in area school buses*

We are requesting consideration be given to future development of the area, the Town of Pelham's Official Town Plan and enforcing the Bylaws as written and passed. Most of the Applicants Bylaw Minor Variance requests submitted surround the need for more parking for the residents/ visitors of the proposed disproportionate structure. This structure's green space footprint is far too large for the property and community alike. The essential characteristics of our mature neighbourhood must be preserved and cherished.

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**CALGARY SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Date: 2014-12-03

Docket: DP2014-2490

Citation: SDAB2014-0128 (Re), 2014 CGYSDAB 128

*- The compatibility and impact of the proposed **development** with respect to **adjacent development** and the neighbourhood*

*-the proposed **development** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties;*

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JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

**Essential Characteristics of the Town and Neighbourhood.**

Bylaw 1136(1987)- Town of Pelham

17.2(d) Zone requirements prescribe a maximum density of 65 units per hectare (10,000m<sup>2</sup>) or 25.4 units for 1298 Pelham (3,900m<sup>2</sup>).

**Twenty-three (23) are proposed.**

This property has not been identified for intensification – Schedule A1 of Official Plan for the Town of Pelham March 11<sup>th</sup>, 2014.

Had it been (or say, typified by a redevelopment of the disused car lot opposite Spruceside on Pelham ), the following B1.1.3b) range of densities would result:

- 10 units per hectare 10,000m<sup>2</sup> or 4 dwelling units for 3,900m<sup>2</sup>
- 25 units per hectare 10,000m<sup>2</sup> or **10 dwelling units for 3,900m<sup>2</sup>**

The current building has 11 units, or just above the density used in the OP and evidence of density in keeping with the character of the density where it is proposed.

This high level of density of population does not conform to the Towns Official Plan. The writer would request these Bylaw variance's be denied and that future decisions reflect the Official Plan for the Town of Pelham.

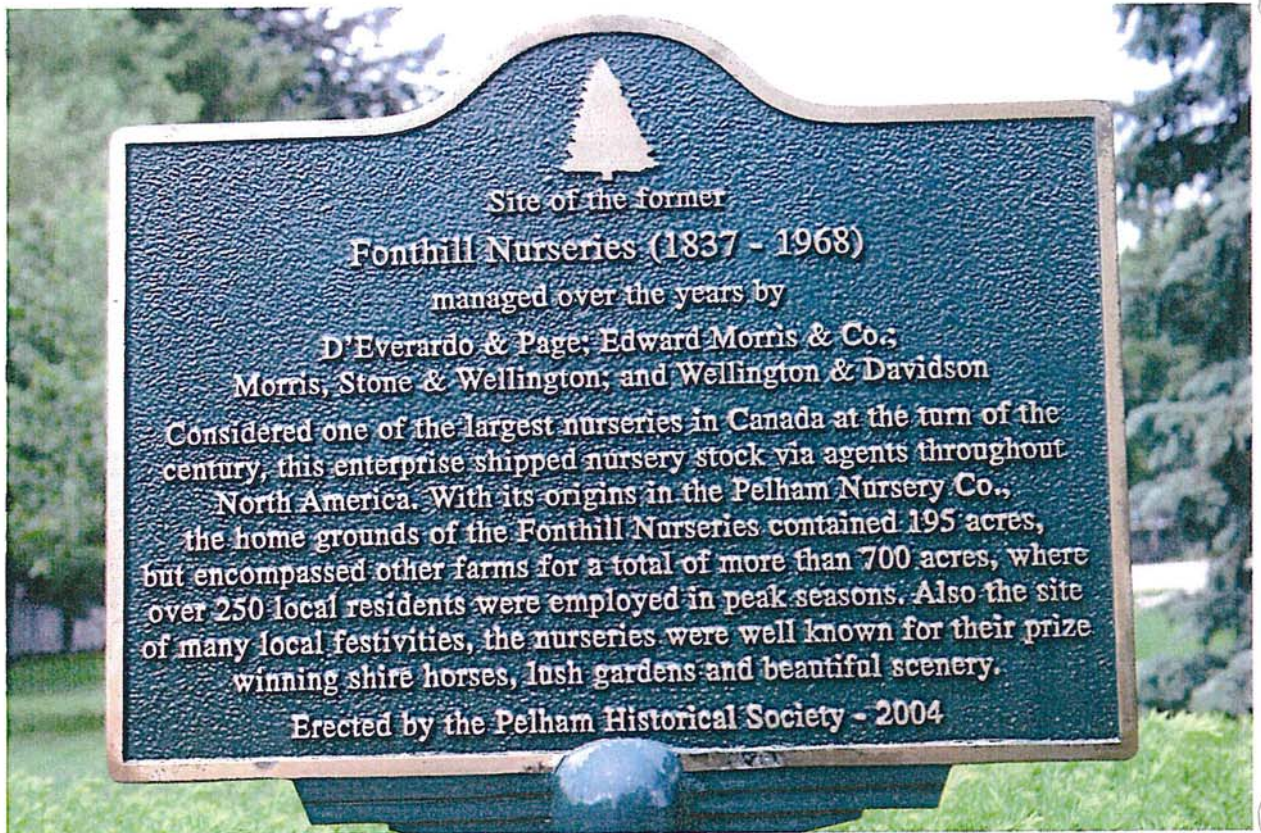
*- Five villages one Community -*

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JAMES L. PEDLAR FUNERAL HOME –DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

Appendix 8 for 5.1.: File A4 2015P JAMES L PEDLAR FUNERAL HOME  
Historical site Designation



The property of the James L. Pedlar Funeral Home has been designated a Historical site by the Pelham Historical Society and the Region of Niagara. They are recipients of the Trillium award for best kept Commercial property. The appearance has always been commented and complemented on; the green space provides certain tranquility to our neighbours and the families we serve alike. We have been researching this information with the future hopes of installing an information board to keep the communities history.

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JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

1/ 1136(1097) Schedule C

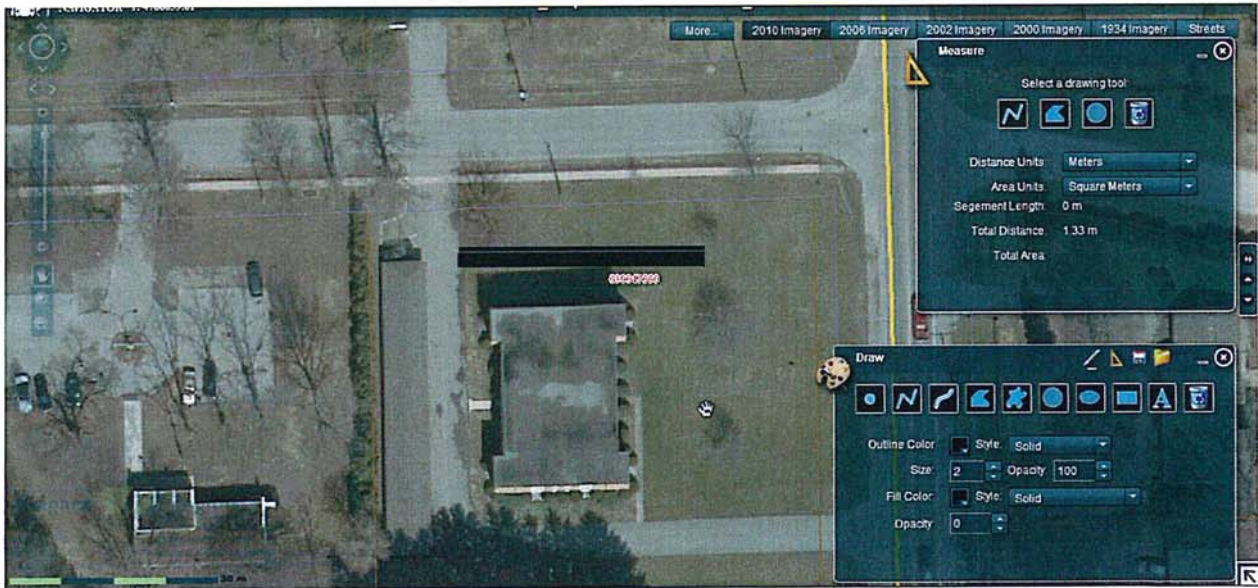
**Reduction of parking aisle at north of property.**

Required setback-7.3m

requested setback 6.0m

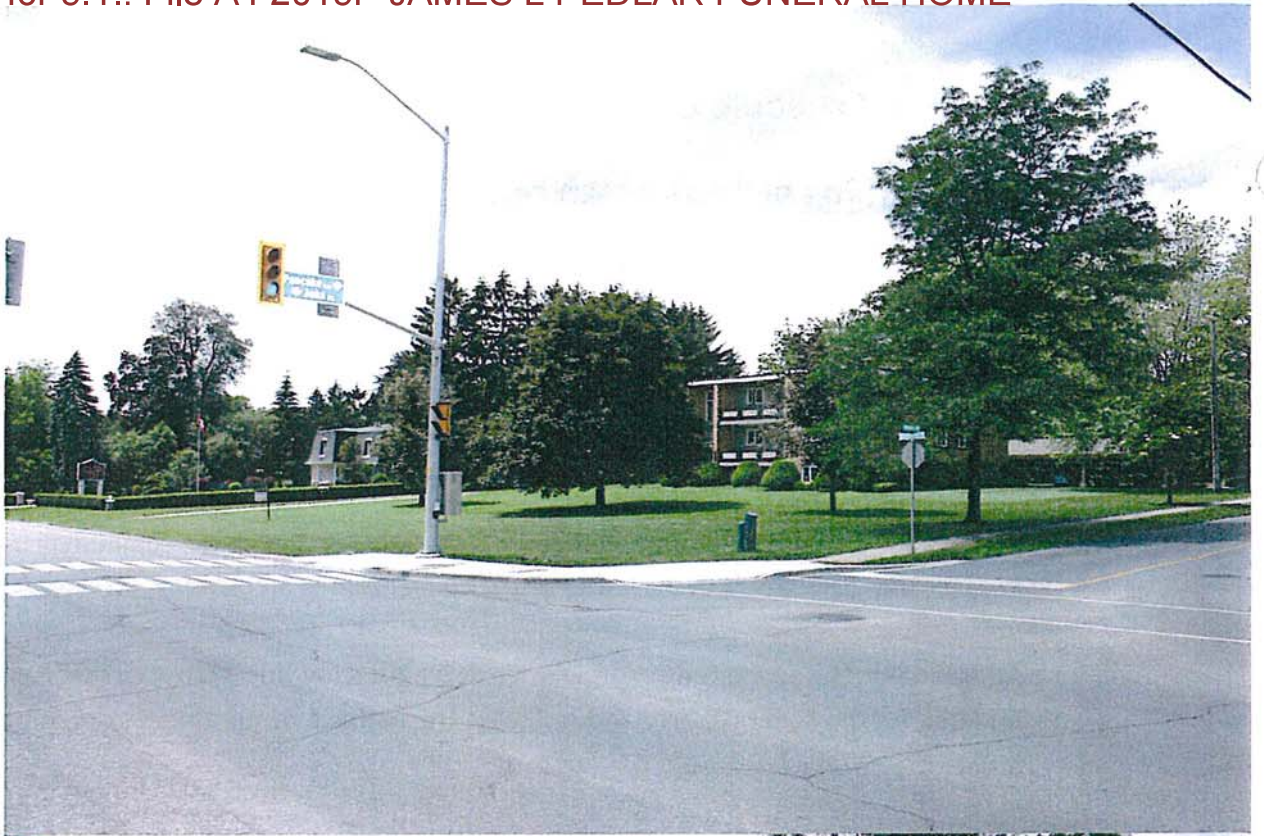
**17.8 % reduction**

- i) This is a request to make up for the oversized structure reducing the number of parking available to resident and visitors.
- ii) This request does not fulfill any needs of the community or benefit the community in any format. The requirement of the lawful setback limit must be enforced.
- iii) Additional green space reduction will result by allowing this disproportionately large building for the said property and reducing the setback requirements for this parking aisle.
- iv) With the setback reduction at 17.8 % the required green space will be reduced.



JAMES L. PEDLAR FUNERAL HOME –DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON



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JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

Appendix 8 for 5.1.: File A4 2015P JAMES L PEDLAR FUNERAL HOME

2/ 1136(1987) Section 6.17(b) Reduction of planting strip at north of property.

Required setback-3m                      requested setback 1.5m                      **50% reduction**

- i) Although the submitted plan shows additional low landscaping, I would question why request a setback for minor landscaping now and why was there no previous concern with beautifying the community and surrounding area.
- ii) This setback would improve the area's appearance if low landscaping was utilized and it did not obstruct motorist turning at the intersection of Pancake Lane and Pelham Street.

3/ 1136(1097) Schedule C- Reduction of parking aisle at south of property.

Required setback-7.3m                      requested setback 6.5m                      **11 % reduction**

- i) This is a request to make up for the oversized structure reducing the number of parking available to resident and visitors.
- ii) This would jeopardize the visual appearance of the area causing tenants and visitors to park on the street on a regular basis

View without vehicles parked on street



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JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON



A minimum of four vehicles can be expected to regularly be parking on the street.  
Street parking on Pelham Street should be an exception but not routinely accepted.

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JAMES L. PEDLAR FUNERAL HOME –DIXON CHAPEL–

1292 Pelham Street, Fonthill, ON



Section 6.16(l) reduction of side yard setback for parking

Required setback-6m

Requested setback 3.5m

**41.7 % reduction**

- i) This request is due to point three's request to reduce the parking aisle and is therefore chain reaction of setback requests proposed by the owner(s) for their own benefit.
- ii) Currently there are six (6) parking spots, with no protection from these trees. No care to this concern has been previously acknowledged.
- iii) This is a request to make up for the proposed new buildings oversized footprint that will reduce the number of parking spaces available to resident and visitors at a cost to neighbours and the community.
- iv) This proposed setback would add to the visual interference of the James L. Pedlar Funeral home and its signage.
- v) This setback would further interfere with the privacy for families at the Funeral Home when they are in the North of the facility.
- vi) This setback and towering new building would also infringe on the basic privacy of the owners whose residence is on the second floor of the Funeral Home
- vii) Changing the setback limit to install covered parking is likely to jeopardize the roots of the very coniferous trees the owner is alleging to seek protection from for vehicles.
- viii) These trees have been there for decades without the care of protection of the tenants/visitors vehicles.



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JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

5/ 1136(1987)

**Section 17.2 (h) New building side yard setback reduction.**

Required setback-6.8m

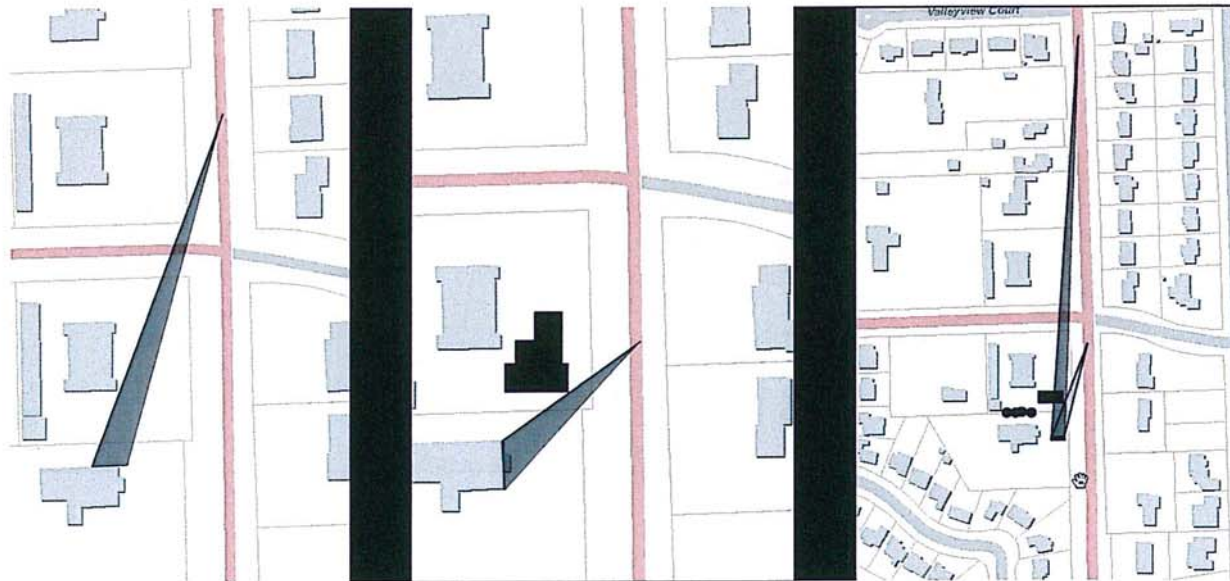
Requested setback 5.0m

**26.5 % reduction**

- i) Since 1974 Regional Road #63 controlled by Region of Niagara, (now Pelham Street- owned by the Town of Pelham) has purchased the frontage of land on the west from pancake Lane south. Two properties remain on Pelham Street yet to be purchased. Each parcel has approximately an additional 3M of frontage onto Pelham Street. (*Region of Niagara Bylaws since 1974-www.regionniagara.ca*) *Should we not also consider the future and possible future Town land developments when allowing setback from main streets.*

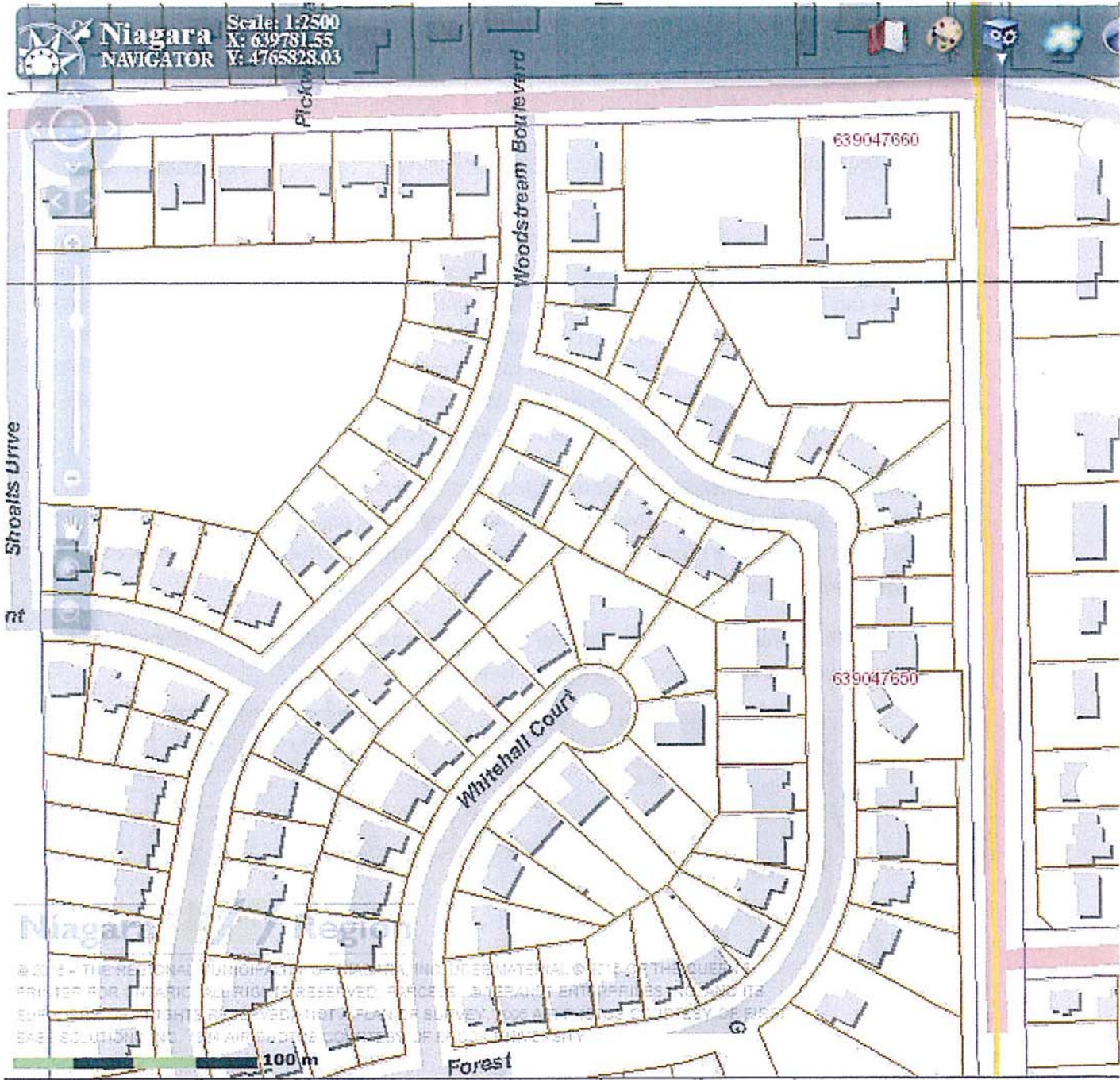
***Approval of this setback would not be aligned with others lawful setbacks due to the additional 3M for frontage. This being said adhering to the required setback would still place other land owners at a disadvantage in visual appearance and the essential Character of the Neighbourhood and of the Community.***

- ii) *The Visual appearance of the Funeral Home will be greatly effected and will reduce its exposure and natural beauty to the community*



JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON



JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

6/ 1136(1987) Section 6.16(a) Reduction I number of parking spaces

Required 35

Requested 33

5.6 % reduction

- i) Without the minimum required parking allotment enforced, the essential character of the community would be affected with the necessity of street parking due to the short comings of the requirements.
- ii) The Owner has identified two parking spots with in the garage. As figure 1 below shows this two car garage has been used as a utility shed since it build. Believing that change might happen, a utility shed or building would be required, therefore further reducing the green space or again increasing the maximum lot coverage far above the Bylaw allotments.

Figure 1-Below



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JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

**Section 17.2(3): Maximum Lot coverage**

Required 30%

Requested 33%

**10% reduction**

- i) The building plans call for 30.5% lot coverage. These plans are portrayed as presumptuous that a minor variance will automatically be granted. Requesting 33% lot coverage will allow additional issues that develop like the need for a utility/ maintenance shed to be built.

The plan is inherently flawed and does not accurately consider various legal requirements.

Including- building code, fire code, bylaws and the general essential good characteristics of a neighbourhood.

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JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

**Light Pollution and Additional Lights**

Five things to know about light pollution, courtesy of the  
Royal Astronomical Society of Canada<sup>1</sup>

MONTREAL — Five things the Royal Astronomical Society of Canada wants people to know about pollution caused by light:

**Health:** Too much light at night disrupts the body's natural 24-hour day-night cycle and prevents the release of melatonin, a hormone that controls a person's sleep and wake cycles.

**Decreased security:** Bright lights produce blinding glares directly into a person's eyes and create black shadows, making it difficult to see the ground and one's surroundings.

**Neighbourliness:** Glare from bright lights shining into a yard or window is un-neighbourly. "Full-cutoff" fixtures direct light downward and keep unwanted light within property boundaries.

**Seniors:** Lights from houses and streets make it tougher for the elderly to see when they go out at night because the transparency of an older eye is not as good as a younger eye.

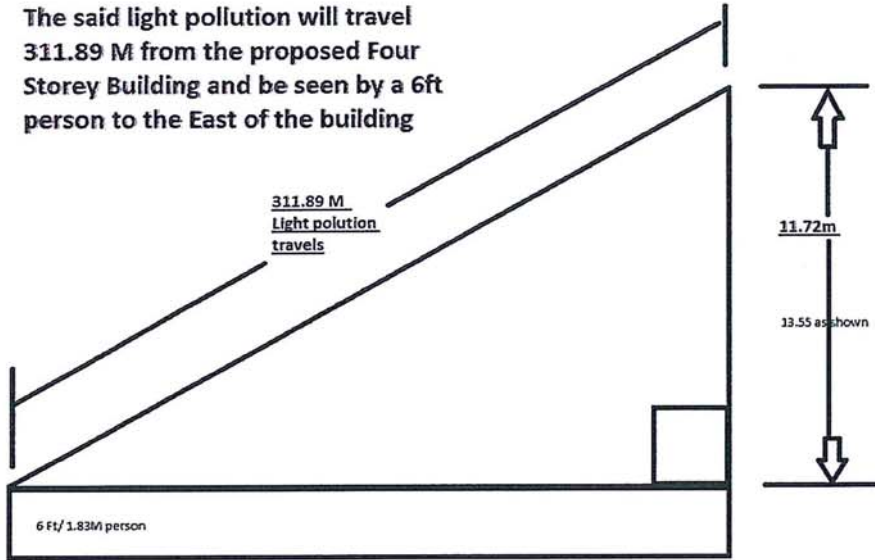
**Habitats:** Light shining toward wetlands or any vegetated area turns night into twilight, disrupting the lives of their inhabitants — insects, amphibians and other species. Feeding, mating and egg-laying suffer.

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<sup>1</sup>  The Canadian Press | April 4, 2015 | Last Updated: Apr 4 2:23 PM ET  
<http://news.nationalpost.com/news/light-pollution-quick-facts-734271>

Appendix 8 for 5.1.: File A4 2015P JAMES L PEDLAR FUNERAL HOME  
Light Pollution and Additional Lights (continued)

The said light pollution will travel  
 311.89 M from the proposed Four  
 Storey Building and be seen by a 6ft  
 person to the East of the building



311.67m to furthest resident to the east who is also on a decreasing elevation



JAMES L. PEDLAR FUNERAL HOME –DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON



**Light Pollution and Additional Lights** *(continued)*

When looking at the Bylaws and taking into consideration the essential Characteristics of the Community and neighbourhood, should we not also have informed the community of this proposal which would affect the surrounding neighbours with the shown light pollution? Our neighbourhood has communicated with out neighbours and friends within only 200 metres of this proposed new building requesting these Bylaw variances, who were unaware of any such issue. They saw a small yellow sign, but thought little of it as pesticides and such for landscaping are utilized this time of the year. When we stood on many of our neighbour's front porch, we could easily see the visual impact it would have in their basic enjoyment of their property. We would request this committee before making judgment walk every street of the neighbourhood within three hundred meters to see the impact on the community a building of this size in this location would have.

**Deprivation of Sun**

The immediate neighbouring business, the James L. Pedlar Funeral Home would see a decreasing amount of available sunlight on their property in the summer months, due to the size and desired proximity to the property line and request for setback variance. This will directly affect the business and the grieving families who regularly sit outside and reflect, admiring the beauty of this historical property and the characteristics of the surrounding community.

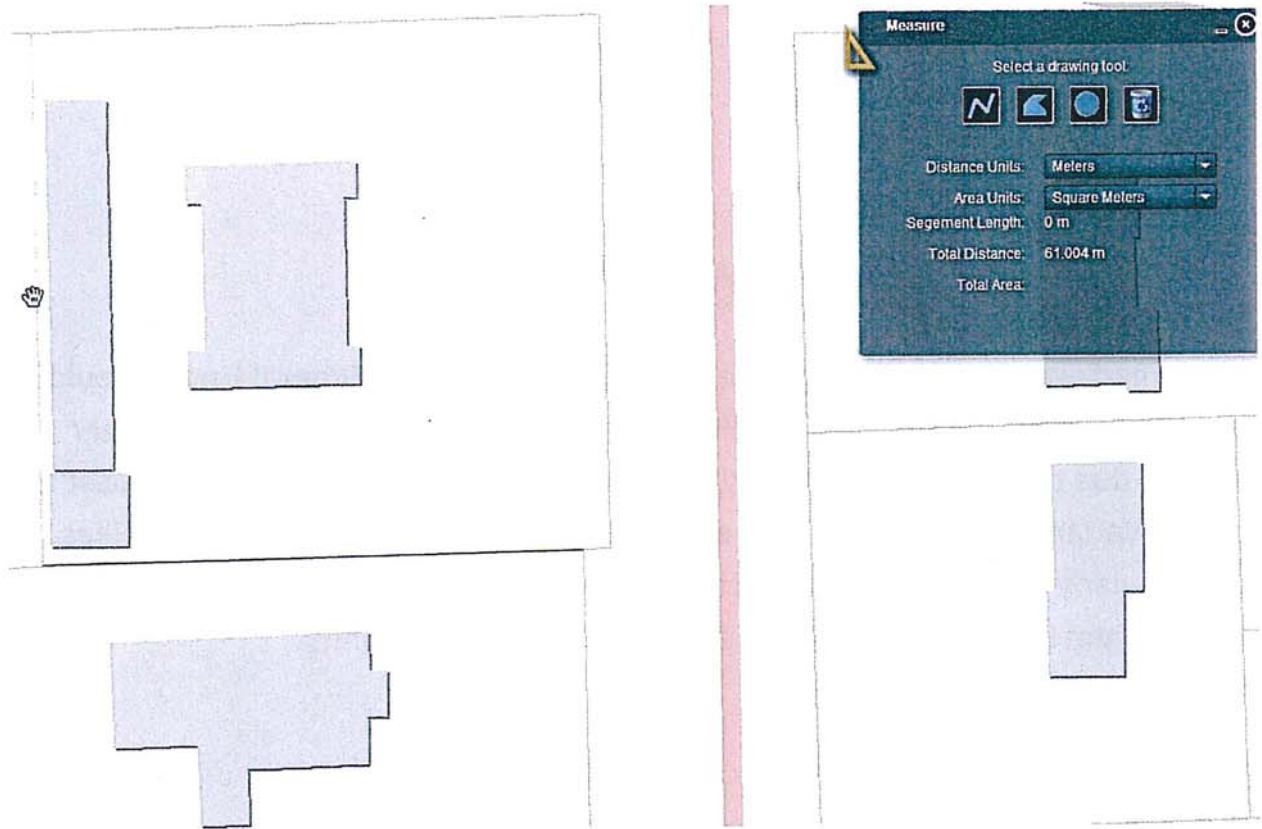
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JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

Appendix 8 for 5.1.: File A4 2015P JAMES L PEDLAR FUNERAL HOME  
DRAINAGE

The proposed additional parking spaces and building structure will greatly jeopardize the James L. Pedlar Funeral home as its neighbouring property with regards to proper drainage. Maximizing its green space usage/ lot size allowance places major drainage concerns for the Funeral home's property. This oversized green space footprint will destroy the natural drainage of the area. The applicant has made a meagre attempt to show that additional drainage is to be added of approximately 20 m. The south property is approximately 60m neighbouring the James L. Pedlar Funeral Home. Was a study performed to ensure only 20m of drainage is sufficient? Was a study performed to show what type of drainage is required, especially taking into consideration how the depletion of sunlight will affect the natural evaporation of the groundwater?



JAMES L. PEDLAR FUNERAL HOME –DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

**DRAINAGE** (continued)

I would further question how this development will affect the mature neighbourhood in respects to drainage, especially in an area that has a sub-division at a much lower elevation within only 300m.

**Additional Safety Hazards**

Due to the additional sightlines blocked, there are issues/concerns and problems resulting in safety hazards from this building proposal. Other problems include additional street parking, illegal parking in neighbourhood driveways, and illegal parking in adjacent Funeral Home, Church or Medical Clinic's parking lots. Along with additional driver distractions, due to the proposed back yard recreational area in the front yard along Pelham Street and Pancake Lane. Due to the proposed decrease in parking spaces and the reduction in School Buses there is also additional foot traffic along these Streets. Cars that are regularly parked there will pose safety concerns for motorists and pedestrians alike.



JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

1292 Pelham Street, Fonthill, ON

**Conclusion**

The applicant (s) are attempting to build a structure that the property cannot sustain in accordance with Bylaws for parking, green space, maximum lot size allowance, setback limitations, drainage, The Town of Pelham's Official Plan regarding population density and Neighbourhood Characteristics, the foreseeable light pollution this building will bring and the on going safety hazard.

Most of the Bylaw Minor Variance requests submitted surround the need for more parking for the residents and visitors of the proposed disproportionate (with the land) structure. This structure's green space footprint is far too large for the property and community alike. .

There is a reason for the by-laws, Official Plan specifically Section B1.1.5 and Planning Act and we are asking for all of them to be enforced as written.

As business owners, tax payer's committed and active members of the community we request this application for minor variance be denied.

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JAMES L. PEDLAR FUNERAL HOME -DIXON CHAPEL-

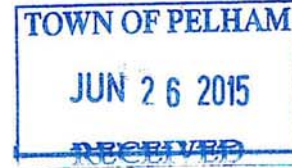
1292 Pelham Street, Fonthill, ON

# Appendix 9 for 5.1.: File A4 2015P GARNEAU AND PETITION

From: Pierre Garneau - [REDACTED]  
Subject: File A4/2015P  
Date: 25 June, 2015 4:27:35 PM EDT  
To: Jjsheppard@pelham.ca



Pierre & Martha Garneau  
[REDACTED] Forest Hill Cres.  
Fonthill, ON L0S1E1



Nancy Bozatto c/o Judy Sheppard  
Town Clerk/Secretary Treasurer  
P.O. Box 400  
Fonthill, ON  
L0S 1E1

Re: File A4/2015P

We wish to inform the Town of Pelham that we are opposed to the application to erect an additional apartment dwelling at the corner of Pancake Lane and Pelham St.

Reasons for objection:

- 1) such a four story building does not fit into the neighbourhood aesthetically
- 2) increased traffic and activity, this intersection is already burdened
- 3) parking is inadequate
- 4) drainage
- 5) children safety
- 6) decrease in property values

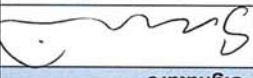

Sincerely,

Pierre Garneau

Martha Garneau

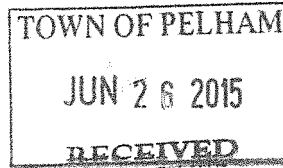
**Petition to Deny Variance Application A4/2015P:  
Construction of an additional (4-storey) apartment block at  
1298 Pelham Street**

<p><b>Petition summary and background</b></p> <p>If approved, the proposed construction will result in a complex of two (2) mismatched apartment blocks at the SW corner of Pelham/Pancake intersection. This will have a major negative impact on our neighbourhood, will be inconsistent with its character / aesthetics, will be a detriment to the streetscape of both Pelham Street and Pancake Lane. It will increase traffic hazards at an already busy intersection and complicate firefighting of both buildings.</p> <p>It is highly probable that approval will result in a similar intensification of the near-identical apartment at the same intersection (NW) magnifying the detriment to our neighbourhood two-fold.</p>	<p><b>Action petitioned for</b></p> <p>We, the undersigned, are concerned citizens of Pelham who urge the Committee of Adjustment to reject the subject application.</p>
--	--

Printed Name	Signature	Address	Comment	Date
STON CLEAR		38 FORESTHILLS		24 June 2015
Peter Marilist		57 FORESTHILLS		24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
				24 June 2015
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				24 June 2015
				24 June 2015

## Appendix 10 for 5.1.: File A4 2015P MAILLET

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



21 June 2015

Subject: FILE A4/2015P  
Attention: Nancy J. Bozzato  
Town Clerk / Secretary-Treasurer

### Summary

- Register evidence in opposition to the subject application
- Existing Non-complying apartment and near-identical neighbour (1302 Pelham St) are in harmony with the surrounding R1 neighbourhood
- Proposed erection of a second, multiple dwelling building on the lot, in non-conformity with multiple sections of 1136 will certainly not be, which will apply additional stresses to the neighbourhood, such as:
  - Introduction of off-site parking requirements
  - Increased traffic hazards
  - Restriction to Medical Evacuation and Fire Fighting access
  - Aesthetics
  - Depression of surrounding R1 property values
- High probability that a similar application for 1302 will be made, doubling the cumulative detriment to the neighbourhood

### Evidence

#### Parking

- Five (5) of the seven (7) requested variances seek relaxation with respect to:
  - parking aisle dimensions,
  - encroachment of new structures into required setbacks and
  - total number of parking spaces.
- The list of variances is incomplete, omitting requests:
  - to locate the entire North side parking aisle closer to the street line than permitted and
  - to incorporate spaces of deficient width (17-22) under the proposed carport.
- It is suggested that four (4) of the counted spaces are effectively unusable for parking of cars.
- Detailed comments (below) suggest that the effective parking capacity of the proposed site plan is deficient by fifteen (15) rather than the three (3) spaces identified.
- Those fifteen (15) are highly-likely to be parked:
  - On the street
  - In the General Commercial; Neighbourhood Commercial or Institutional properties nearby



## Appendix 10 for 5.1.: File A4 2015P MAILLET

### Increased traffic congestions and hazards. Reduced access for Med-Evac and Firefighting

- Pancake/Pelham intersection is already a challenging, high volume intersection. Doubling the number of occupants of the property, while halving the number of driveways will place additional stress on the management of traffic and those who use this intersection.
- For the same reason, elimination of one (1) of the two (2) means of egress will increase barriers to effective medical evacuation and access of firefighting.
- Note that two-way traffic is now required on all parking aisles and that the overall width of the N-S aisle is a mere 5.2m.

### Aesthetics, Property Values

- The clustering of the new and old building, at minimum separation, one twice the height of the other, at the minimum setback from the front lot line, on a site which is 1/3 covered by cars and parking will only be to the detriment of the neighbourhood.
- The value of surrounding homes and businesses is likely to be impacted negatively.
- If the site is imagined in profile, the mismatch is evident
- The people who will live in these structures must be considered. The arrangement is likely to be a high-stress, unpleasant environment for those who must attempt to make it function.

We object to the proposal for the above reasons and urge the Committee to reject both the identified and implied variances.

Pamela and Peter Maillet

■ Forest Hill Crescent

Fonthill, Ontario

Comments on requested variances

**1136(1987) Schedule C: Reduction of parking aisle at north of property.**

The proposal does not identify all required variances. It represents a prominent, unsightly addition on the street line and should not be allowed.

**6.16 PARKING AREA REGULATIONS, (i) PARKING LOCATION ON LOT**

Prohibits any parking area where the “new asphalt drive” parking area and non-conforming aisle is proposed, that is within 7.5m from any street line.

The by-law is a reasonable restriction; it should be upheld.

**~~1136(1987) Section 6.17(b): Reduction of planting strip at north of property.~~**

~~No planting strip is required, nor would it be likely to survive, so would not provide sustained screening, at non-conforming distance from proposed stalls.~~

**1136(1987) Schedule C: Reduction of parking aisle at south of property.**

Parking aisle width is dimensioned at 6.25m not 6.5m.

Associated spaces 15 and 16 are unusable for car parking.

This structure is more reasonably – a shed.

**1136(1987) Section 6.16(l) Reduction in side yard setback for new parking structure.**

Variance is understated.

17.2 (h) requires 6.8m not 6.0m setback from Interior Side Lot Line.

More than half (3.55m) of the proposed structure encroaches into side yard and the supporting piers making the width of spaces 17-22 deficient.

**1136(1987) Section 17.2(h) New Building side yard setback reduction.**

A four-storey building does not do anything to accommodate pedestrian traffic, landscaping or distance between buildings.

Its footprint is the maximum permissible by lot coverage, independent of the number of storeys.

No reason is given in support of the requirement for its non-conforming side yard setback.

Separation from the existing apartment is well below any setback requirements stated in 1136 and its height will obstruct natural light to the SE dwellings in the existing block. The opposing dwellings in the proposed structure will have either, a direct view into the adjacent dwellings or overlook the roof of the existing structure.

**1136(1987) Section 6.16(a) Reduction in number of parking spaces.**

Inspection of the site plan indicates that:

- Spaces 15 and 16 are not deficient in parking aisle (6.25m, not 7.3m) but cars in 17 and 18 (with or without a new, non-conforming structure) make these spaces unusable for cars;
- Spaces 17, 18, 21 and 22 scale at 2.75m width, well deficient of the requirements of 6.16(j)(i): 3m, if a new carport is added, as proposed.
- Similarly, handicap spaces 19 and 20 appear to be deficient in width (3.9m+0.6m, 7.(b)(i)+6.16(j)(ii))
- Spaces 24 and 23 are effectively unusable due to difficulties in parallel parking in the indicated orientation.
- Spaces 25-33 cannot be accessed due to insufficient yard depth to accommodate any conforming parking aisle.

## Appendix 10 for 5.1.: File A4 2015P MAILLET

- Effective number of usable parking spaces, for this site plan is probably twenty (20), not thirty-three (33).

## References

- 5.99 (b) "CORNER LOT" ...two or more street lines intersecting...
- 5.102 "LOT DEPTH" = 64.01 m (210')
- 5.103 "LOT FRONTAGE" = 60.96 m (200')
- 5.104(b)(ii) "FRONT LOT LINE" East, Pelham Street...shorter street line  
"EXTERIOR SIDE LOT LINE" North, Pancake Lane....longer street line
- 5.104(c) "REAR LOT LINE" West
- 5.104(e) "EXTERIOR SIDE LOT LINE" means a side lot line that is also a street line.
- 5.104(f) "INTERIOR SIDE LOT LINE" South
- 5.122 "PARKING AREA" ...includes any related parking aisles, parking spaces and structures...
- 5.124 "PARKING SPACE' ...area, exclusive of any aisles,...
- 5.165 "STREET LINE" means a lot line dividing a lot from a street and is the limit of the street allowance.
- 5.185(e) "EXTERIOR SIDE YARD" means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.

## 6.16 PARKING AREA REGULATIONS

### (a) PARKING REQUIREMENTS

Apartment dwelling 150% of dwellings,

### (b) CALCULATION OF PARKING REQUIREMENTS

- (i) rounded up
- (v) Parking Spaces.....Town of Pelham Handicap Parking By-law...

### (d) INGRESS AND EGRESS

- (i) ...driveways...and have minimum width of 7.5m...where two-way traffic...

### (i) PARKING AREA LOCATION ON LOT

Apartment Dwelling All yards provided that no part of any parking area, other than a driveway is located closer than 7.5m to any street line and no closer to any side lot line or rear lot line.

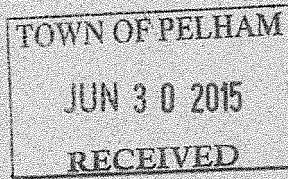
### (j) PARKING AREA LOCATION ON LOT

- (i) ...space abuts a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5m or more in height above the level of the parking space, the minimum width of said parking space shall be 3m and;
- (ii) ...space abuts an area of landscaped open space or a pedestrian walkway greater than 1m in width, the minimum width of such parking space shall be 2.4m.

NOTE: 0.6m increase in width for columns

## 17.2 ZONE REQUIREMENTS

- (f) Minimum front yard 7.5m
- (g) Minimum rear yard 12.0m
- (h) Minimum Interior Side Yard 6.8m or half building height (13.6m)
- (i) Minimum Exterior Side Yard 7.0m



**Pickwick Place**  
██████████  
*Fonthill, Ontario*  
*L0S 1E0*

Town of Pelham  
Committee of Adjustment  
Pelham Town Hall  
Fonthill, ON

July 2, 2015

Dear Committee Members,

**Re: File A4/2015P**

I am writing to register my strong concern regarding the above file pertaining to the proposed construction of a new four storey apartment building on the southwest corner of Pancake Lane and Pelham Street.

I find the proposed development ill conceived. It ignores the character of the surrounding residential area, does not enhance the small town atmosphere of Fonthill, and degrades the beauty of the Town and the intersection of Pancake Lane and Pelham Street in particular. In addition, I'm concerned that, if approved, a precedent will be set for similar construction to occur in other locations such as the one on the northwest corner of the same intersection.

I urge you to give serious consideration to my concerns and the concerns of my many neighbours, as well as many other citizens of the Town, and reject this proposal.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "John A. Abbott".

John A. Abbott

Phone: ██████████  
██████████



## Memorandum

### Public Works Department - Engineering

**To:** Nancy J. Bozzato, Dipl.M.M., AMCT

**CC:** Andrea Clemencio, Director of Public Works

**From:** Peter Dimitroulias, C.E.T.

**Date:** June 26, 2015

**File #:** A4/2015P

**Subject:** Minor Variance Application  
File No. A4/2015P  
1298 Pelham Street, Pelham

Please note the following comments of the Public Works Department, regarding the above-noted application.

The following submitted drawings have been considered for the purpose of this application:

- A-1 – Site Plan, Dated: April 09, 2015
- A-2 – Context Site Plan, Dated: April 09, 2015
- A-3 – East Elevation, Dated: April 09, 2015
- A-4 – South Elevation, Dated: April 09, 2015
- A-5 – North Elevation, Dated: April 09, 2015
- A – 6 – West Elevation, Dated: April 09, 2015





## Minor Variance Application

### Site Plan Revisions

The following conditions shall be addressed to the satisfaction of the Public Works Department, prior to final acceptance of the Minor Variance Application.

- 1) Storm water catch basin placements shall be placed with thought to future storm sewer construction.

These are the Public Works Department's comments at this time. If additional information is required, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter D.", with a long horizontal flourish extending to the right.

Peter Dimitroulias, C.E.T.  
Engineering Technologist



From the Department of



July 2, 2015

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A4/2015P (Stojan & Mary Zoric)**  
**1298 Pelham Street, Pelham, ON**  
**Part of Lot 1, Concession 9**  
**Roll No. 273203001107700**

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

1. 'Schedule C – Geometric Design Standards for Parking' to reduce the parking aisle at the north end of the property to 6.0 metres (19.68 ft), whereas 7.3 metres (23.95 ft) is required;
2. Section 6.17(b) to reduce the planting strip at the north end of the property to 1.5 metres (4.92 ft), whereas 3 metres (9.84 ft) is required;
3. 'Schedule C – Geometric Design Standards for Parking' to reduce the parking aisle at the southern portion of the property to 6.5 metres (21.32 ft), whereas 7.3 metres (23.95 ft) is required;
4. Section 6.16(l) to reduce the side yard setback for a proposed parking structure to 3.25 metres (10.66 ft), whereas 6 metres (19.68 ft) is required;
5. Section 17.2(h) to reduce the minimum interior side yard setback to 5 metres (16.4 ft), whereas 6.8 metres (22.3 ft) is required;
6. Section 6.16(a) to reduce the number of parking spaces to 33, whereas 35 is required; and,
7. Section 17.2(e) to increase the maximum lot coverage to 33 percent, whereas 30 percent is permitted.

Relief is requested to facilitate the construction of a four (4) storey residential apartment building (refer to Appendix 1). The effective purpose of the minor variance application is to:

1. Reduce the parking aisle at the north end of the property by 1.3 metres (4.26 ft) or 17.8 percent;
2. Reduce the planting strip at the north end of the property by 1.5 metres (4.92 ft) or 50 percent;





3. Reduce the parking aisle at the southern portion of the property by 0.8 metres (2.62 ft) or 10.9 percent;
4. Reduce the side yard setback for the proposed parking structure by 2.75 metres (9.02 ft) or 45.8 percent;
5. Reduce the minimum interior side yard setback by 1.8 metres (5.9 ft) or 26.47 percent;
6. Reduce the number of parking spaces by 2 spaces or 5.71 percent; and,
7. Increase the maximum lot coverage by 10 percent.

The subject parcel is located at the southwest corner of Pancake Lane and Pelham Street, being Part of Lot 1, Concession 9 and known municipally as 1298 Pelham Street in the Town of Pelham.

### **Applicable Planning Policies**

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

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014. According to Policy 1.1.3.1, settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

#### Greenbelt Plan (2005)

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

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

The Regional Official Plan (Consolidated, August 2014) designates the subject parcel as 'Urban Area Boundary – Built-up Area'. Policy 4.G.7.2 states that urban areas will be the focus of the Region's long term growth and development. Additionally, Policy 4.G.8.1 states that built-up areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term.

#### Town Official Plan (2014)

The Town's Official Plan, 2014, designates the subject parcel as 'Urban Living Area/Built Boundary'. The permitted uses in the 'Urban Living Area/Built Boundary' include single-detached residential dwelling units; accessory apartments in single-detached dwellings (subject to Policy B1.1.4); semi-detached, townhouse, multiple and apartment dwellings (subject to Policy B1.1.5); home occupations (subject to Policy B1.1.6); bed and breakfast establishments in single detached dwellings (subject to Policy B1.1.7); private home daycare; and, complementary uses such as residential care facilities, daycare centers, institutional uses and convenience commercial uses (subject to Policy B1.1.8).



Town Zoning By-law No. 1136 (1987)

The Town of Pelham's Zoning By-law No. 1136, (1987), as amended, identifies the subject parcel as 'Residential Multiple 2' (RM2). The permitted uses in the 'RM2' zone include apartment dwellings, and uses, buildings and structures accessory to the foregoing permitted uses.

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
<p>1. The variance is minor in nature.</p>	<p>Planning Staff are of the opinion that the variances for the reduction of the parking aisles at the north and south of the property are minor in nature, as they will be adjusted to facilitate the construction of a functional parking lot to serve the tenants of both buildings. Despite the reduction in the width of the parking aisles, there appears to be sufficient space to accommodate two-way vehicular traffic. There also does not appear to be any hazards and/or safety concerns as a result of the reduced parking aisle widths.</p> <p>Planning staff are of the opinion that the variance for the reduction of the planting strip at the north end of the property is minor in nature, as it will provide additional space for the construction of a functional parking lot to serve the tenants of both buildings. Despite the reduction in the width of the planting strip, there appears to be a sufficient buffer between the parking lot and the northern property line. There does not appear to be any negative impacts on the street as a result of the reduced parking area buffer.</p> <p>Planning staff are of the opinion that the variance for the reduction of the side yard setback for the proposed parking structure is minor in nature, as there will still be sufficient space around the structure for any future maintenance. There also appears to be existing coniferous trees between the proposed parking structure and the adjacent lot, which will maintain privacy between the two parcels.</p> <p>Planning staff are of the opinion that the reduction of the side yard setback for the proposed apartment building is minor in nature, as it still provides sufficient amenity space around the structure, and also provides sufficient space for any future maintenance. The reduction in the side yard setback will also allow for the accommodation of pedestrian traffic and landscaping, and will ensure that there is an appropriate distance between both buildings on the site.</p>

From the Department of



**Community Planning  
& Development**

Minor Variance Test	Explanation
<p>1. The variance is minor in nature.</p>	<p>Planning staff are of the opinion that the reduction in the number of parking spaces is minor in nature, as the reduction will preserve green space on the property, and will ensure that the parking lot is located away from Pelham Street. Additionally, the property owner may make arrangements to utilize the parking that is available at the church, which is located across the street on Pancake Lane (1 Pancake Lane). Finally, this subject application will improve the parking situation on the property, as parking will be brought further into conformity with the requirements of the Town's Zoning By-law.</p> <p>Planning Staff are also of the opinion that there will not be a negative impact on adjacent properties, as the lot coverage for the subject property is only being marginally adjusted to facilitate the construction of a new apartment building and accessory structures. The minor increase in the lot coverage will still maintain amenity space, and will not impede the functionality of the parcel.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>The variances are considered desirable for the use of the land as there is also an existing two-storey apartment building located on the subject property. There is also a two-storey apartment building located across the street (1302 Pelham Street), and a commercial property located to the south of the subject parcel (1292 Pelham Street). The proposed building will have similar bulk and massing as the existing apartment buildings.</p> <p>As such, Planning Staff are of the opinion that the variance will maintain the urban/built-up character of the area.</p>
<p>3. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The variances maintain the general intent and purpose of the Zoning By-law as the requested variances are minor in nature and the scale of the development is appropriate given its location in the urban/built-up area.</p> <p>Additionally, the proposed development is permitted within the 'Residential Multiple 2' (RM2) zone. This zone permits apartment buildings up to a maximum height of five (5) storeys.</p>
<p>4. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The variances maintain the general intent and purpose of the Official Plan as the use is permitted in the 'Urban Living Area/Built Boundary' designation.</p> <p>The subject application respects the character of the surrounding area in terms of height, bulk and massing, as there is an existing apartment building located on the property, and across the street on the northwest corner of Pelham Street and Pancake Lane (1302 Pelham Street). As such, the proposed building is consistent with the character of the existing apartment buildings that are located in the area.</p>

From the Department of



Minor Variance Test	Explanation
<p>4. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The subject application does not appear to create any traffic hazards or an unacceptable level of congestion on surrounding roads, as the property will be used for residential purposes and will not generate a high volume of traffic. The access to the property will also be located on Pancake Lane, so as to not have a direct impact on Pelham Street.</p> <p>The site of the subject application appears to have adequate land area to incorporate recreational facilities, landscaping and buffering. Furthermore, the owner of the property may make arrangements with the church located across the street on Pancake Lane to utilize their parking lot for visitor parking. This will prevent on-street parking within the neighbourhood.</p>

On June 1<sup>st</sup> 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Utilities, Building, Fire) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- The Department of Public Works and Utilities has no objection to the application, subject to the following condition:
  - Storm water catch basin placements shall be placed with consideration for future storm sewer construction.
- The Building Department has no objection to the application.

Additionally, eleven (11) comments have been received from the public:

- Pamela & Peter Maillet comments, dated June 21, 2015, are not in approval of the application for the following reasons:
  - Existing non-complying apartment and near-identical neighbour (1302 Pelham Street) are in harmony with the surrounding 'Residential 1' (R1) neighbourhood;
  - Proposed erection of a second, multiple dwelling on the lot, is not in conformity with multiple sections of Zoning By-law No. 1136 (1987), which will apply additional stresses to the neighbourhood, such as:
    - Introduction of off-site parking requirements;
    - Increased traffic hazards;
    - Restriction to Medical Evacuation and Fire Fighting access;
    - Aesthetics; and
    - Depression of surrounding 'R1' property values.



- High probability that a similar application for 1302 will be made, doubling the cumulative detriment to the neighbourhood.
- John and Donna Schel comments, dated June 25, 2015, are not in approval of the application for the following reasons:
  - The neighbourhood will lose its 'small-town feel', which will have a negative impact on the character of the municipality;
  - The application is not appropriate for this location, as it was once the site of a nursery;
  - The application does not conform with the provisions of 'Section B1.1 – Urban Living Area/Built Boundary' of the Town's Official Plan;
  - Does not respect the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
  - The proposal cannot be easily integrated with surrounding land uses;
  - The proposal will create traffic hazards and will result in unacceptable levels of congestion on surrounding roads;
  - The proposal is not located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site;
  - The proposal will result in a loss of greenspace. It is important to maintain the required greenspace so as to not further erode the character and ambiance of the neighbourhood;
  - There will not be sufficient space for snow storage on the subject property, resulting in a loss of recreational space and dangerous conditions for walking and driving;
  - Variances 1, 2, 3 and 6 seek relief from the parking requirements of the Zoning By-law, which will result in parking issues on and around the subject lands. These issues include:
    - A reduction in the number of required parking spaces will create a parking problem on the subject property, which will be made worse during special occasions and/or holidays;
    - A reduction in the width of the north and south parking aisles will result unsafe driving conditions on the subject lands;
    - A 50 percent reduction in the width of the planting strip is not appropriate, and contravenes the general intent and purpose of the Official Plan and the Zoning By-law;
    - The proposed usage of the existing parking garage is not viable, as it is too narrow to properly accommodate parking for two (2) vehicles;

From the Department of



- The narrow parking aisles and the overall tightness of the parking areas will make it difficult for tenants and emergency vehicles to maneuver through the parking area;
  - The proposal will result in an increase in on-street parking, which will create unsafe conditions for residents and impede the operations of surrounding businesses; and,
  - An increase in off-street parking will compromise the safety of pedestrians on Pelham Street, as they will be forced to walk closer to the street to get around vehicles.
- The maximum lot coverage should be adhered to as the subject property has no special features or unique circumstances that cannot be addressed by reducing the structure sizes and number of apartment units;
  - There is concern regarding the proposed increase in the maximum lot coverage value, as it is not deemed appropriate for this application;
  - The application does not maintain the general intent and purpose of the Zoning By-law, as each of the requested variances are of a significant value. This proves the inadequacy of the property in question to permit the construction of a 4 storey apartment building;
  - The approval of this application may benefit the applicant financially, but it will be detrimental to the neighbourhood and surrounding property owners;
  - The applicant did not consult any of the surrounding property owners, which demonstrates his disregard to the values of the neighbourhood and the 'small town feel' of the community; and,
  - The subject application will result in a loss of privacy, alter the drainage of the area, reduce property values, and create excessive shade which will negatively impact the landscaping of neighbouring properties.
- An Anonymous Tenant's comments, dated June 23, 2015, are not in approval of the application for the following reasons:
    - There will be no driveway access for emergency vehicles;
    - There is only one common driveway off of Pancake Lane to provide access for emergency vehicles;
    - Snow removal on the subject property is not sufficient and will be made worse with the construction of a new building;
    - Drainage is poor at the rear driveway, resulting in slippery conditions when the snow is melting;
    - Parking on three (3) sides of the existing building is not a good idea for various reasons;

- The potential of a future severance application for the subject property; and,
- The proposed building will alter the landscape and character of the Town and Pelham Street South.
- Pierre & Martha Garneau comments and petition, dated June 25, 2015, are not in approval of the application for the following reasons:
  - A four storey building does not fit into the aesthetics of the neighbourhood;
  - Increased traffic and activity, as the intersection is already burdened;
  - Inadequate parking;
  - Drainage issues;
  - The safety of children will be jeopardized; and,
  - A reduction in property values.
- A petition was signed by 147 local residents who are in opposition to the subject application.
- Donald Larkin & Sigrid Christianson comments, dated June 25, 2015, are not in approval of the application for the following reasons:
  - The existing non-complying apartment and its near-identical neighbour (1302 Pelham Street) are in harmony with the surrounding well-established residential neighbourhood;
  - The proposed erection of a second, multiple dwelling building on the lot, which is incompatible with the scale, density and character of the existing development, is clearly contrary to the general intent and purpose of the Official Plan and does not conform with multiple sections of Zoning By-law No. 1136 (1987);
  - The proposal will have the following negative consequences:
    - Introduction of aesthetics which are incompatible with the established streetscapes;
    - Introduction of increased off-site parking requirements;
    - Increased traffic hazards and congestion of the surrounding roads; and,
    - Restriction of access for emergency vehicles within the site.
  - The subject application will set a precedent for similar applications in the future;
  - The subject application involves the intensification of a well-utilized residential property, which has not been identified in the Official Plan as a site of potential intensification;

- The proposal is incompatible with the surrounding neighbourhood and streetscape;
  - Consideration has not been given to the tenants of the existing building who will be forced to live on a construction site while the new building is being constructed. Once built, there will be little natural light between the two buildings and the occupants will have little external privacy;
  - The density of the site exceeds the density of the surrounding area, as well as the maximum density permitted in the Town's Official Plan;
  - Increased traffic congestion, hazards, and reduced access for emergency vehicles; and,
  - None of the requested variances maintain the general intent and purpose of the Zoning By-law and Official Plan.
- Angelo & Myrna Bozza comments, dated June 23, 2015, are not in approval of the application for the following reasons:
    - The proposed building will overshadow adjacent lands and buildings;
    - Increased traffic congestion in an already congested area and reduced access for emergency vehicles;
    - A potential reduction in property values; and,
    - None of the requested variances maintain the general intent and purpose of the Town's Zoning By-law and Official Plan.
  - Edward D. Russell comments, dated June 24, 2015, are not in approval of the application for the following reasons:
    - The number of variances requested under the subject application does not appear to be considered 'minor';
    - Uncertainty regarding the number of buildings that are permitted on the subject property;
    - The lack of aesthetic continuity associated with the proposal;
    - The destruction of the long-standing environment on the street as a result of the subject application;
    - A lack of fairness between the permitted uses for different residential zones (i.e. a 'Residential Multiple 2' (RM2) Zone permits two buildings, whereas a 'Residential 1' (R1) Zone only permits one dwelling per lot); and,
    - The subject application may set a future precedent for similar applications in the surrounding area.



- John A. Abbott comments, dated July 2, 2015, are not in approval of the application for the following reasons:
  - The proposed development ignores the character of the surrounding residential area, does not enhance the small town atmosphere of Fonthill, and degrades the beauty of the Town; and,
  - If approved, the application will set a precedent for similar construction to occur in other locations such as the one on the northwest corner of the same intersection.
- James L. Pedlar Funeral Home comments, dated June 2015, are not in support of the application for the following reasons:
  - The subject application is not in accordance with the Town's Official Plan policies regarding intensification and density ratios;
  - The subject applications does not maintain the general intent and purpose of the Town's Zoning By-law provisions for parking, setbacks, green space and maximum lot size allowance;
  - Residual effects from the additional light pollution, and the impacts the proposed building will have on neighbouring residents; and,
  - Additional safety hazards for students who walk to and from school, due to a decrease in area school buses.
- Ronald & Elsie Rush comments, dated June 22, 2015, are not in approval of the application for the following reasons:
  - Four (4) storey buildings are not a welcome addition to the neighbourhood skyline and an increase in population and the number of vehicles will stress further the likelihood of mishaps and injuries along Pelham Street; and,
  - If approved the application will set a precedent for similar developments in the immediate area, which will bring forth more disadvantages and depress property values.

The issues and concerns raised by the public include: incompatibility with the surrounding neighbourhoods; traffic congestion; public health and safety concerns; light pollution; negative impacts on vegetation; setting a precedent for similar applications in the future; the application does not maintain the general intent and purpose of the Zoning By-law and the Official Plan; a reduction in property values; the application is not considered 'minor'; destruction of the natural environment; reduced access for emergency vehicles; lack of consideration for surrounding property owners; and, drainage issues.

If the subject application is approved, the applicant will be required to submit a Site Plan Control application prior to receiving a building permit. The issues and concerns that have been identified by local residents will be addressed by Planning Staff during the Site Plan Approval process.



Planning Staff are of the opinion that the application meets the tests required to permit a minor variance and it is consistent with Provincial policies and the Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File A4/2015P be approved.

Submitted by,



Andrew Gameiro,  
Planner

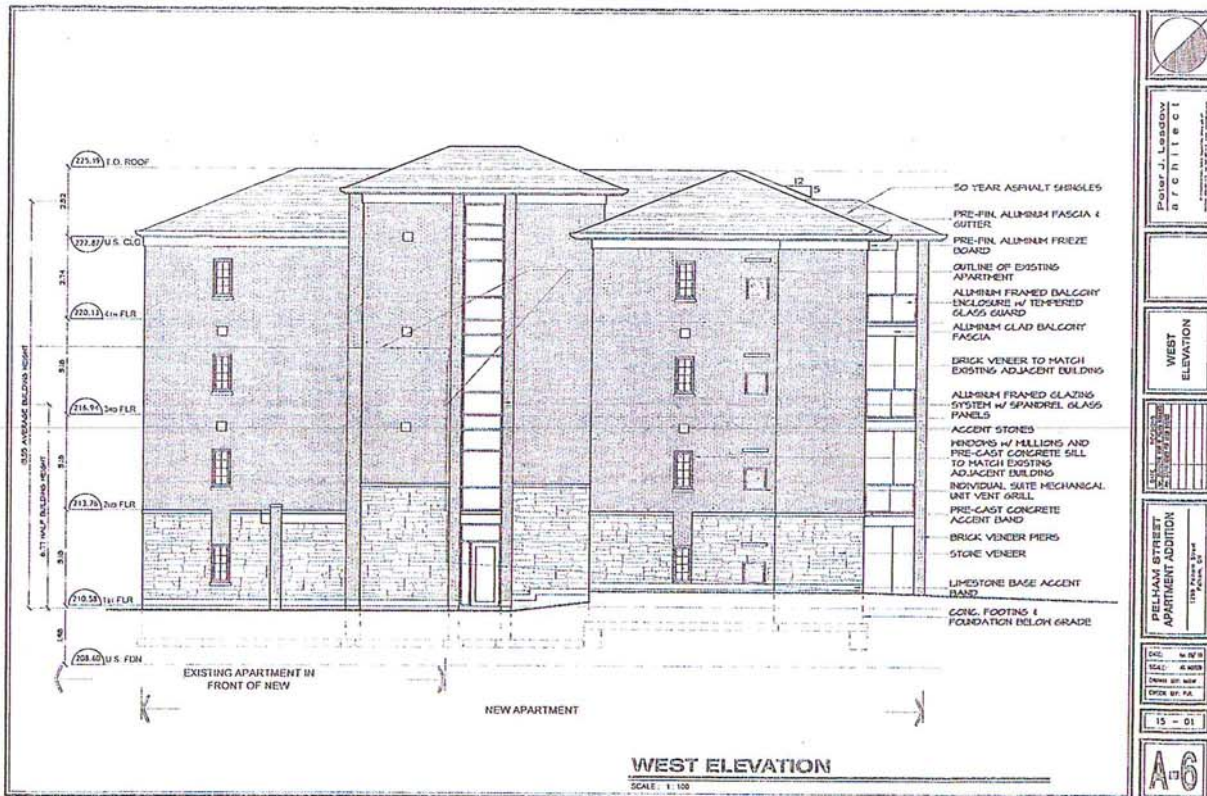
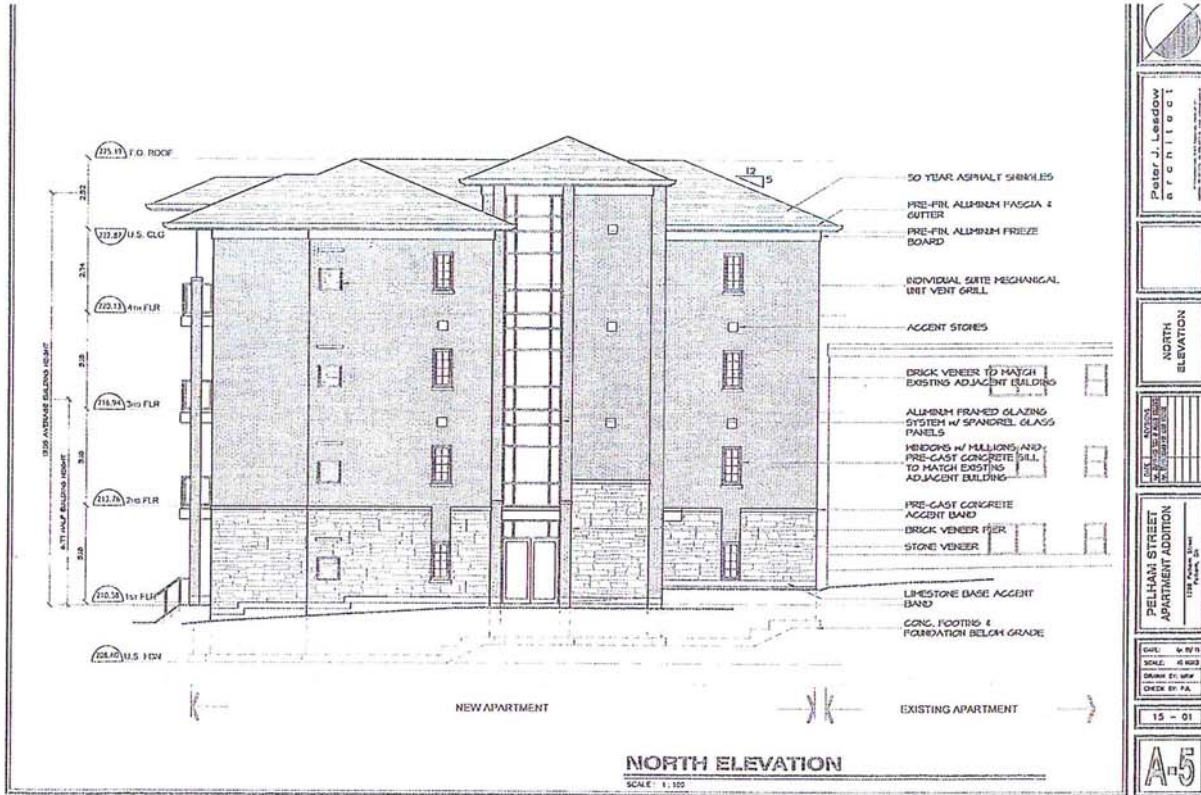






From the Department of  

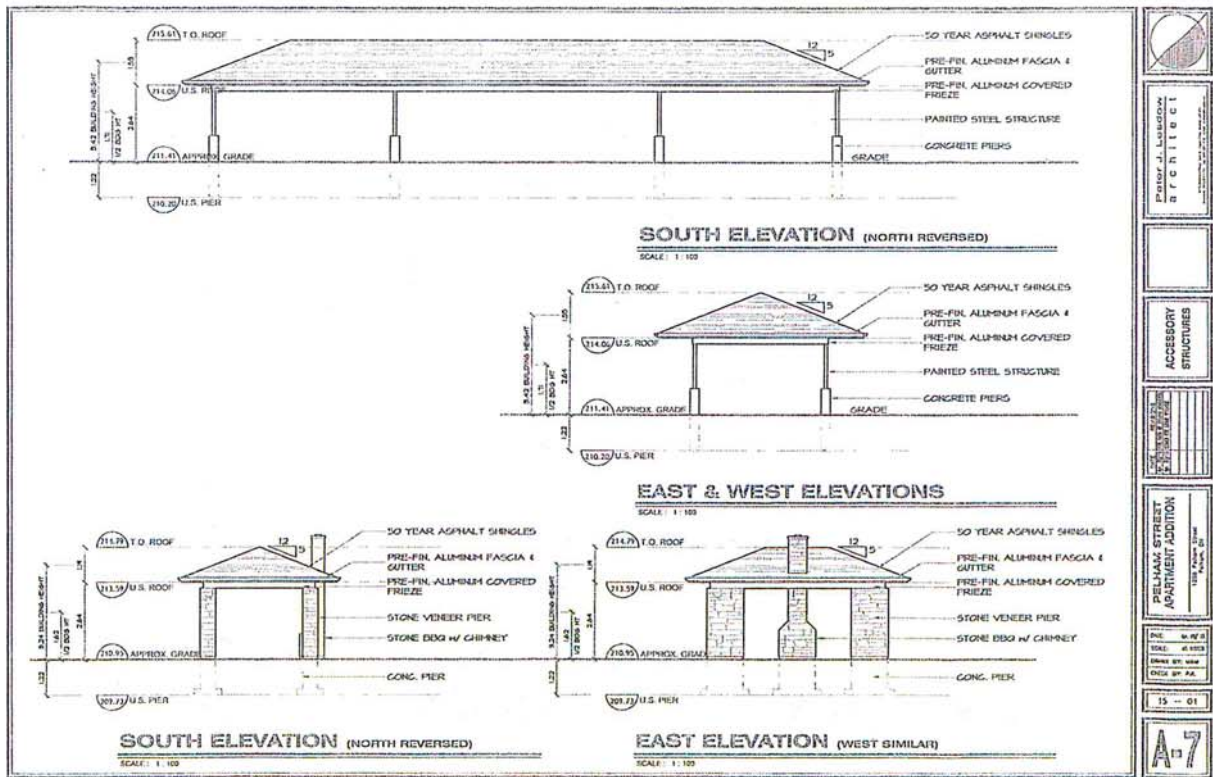
**Community Planning & Development**



From the Department of


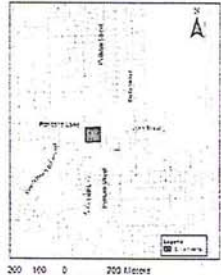



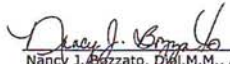



**Community Planning & Development**



Appendix 2: Public Notice

*Planning*

 <p style="font-size: small;">vibrant • creative • caring <span style="float: right;">www.pelham.ca</span></p>		
<p style="font-size: x-small;">In the matter of the Planning Act, R.S.O. 1990, as amended And in the matter of an application for minor variance or permission on behalf of:</p>		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p style="margin: 0;">NOTICE OF PUBLIC HEARING</p> </div>	<p><b>WHAT:</b> <span style="float: right;"><b>FILE A4/2015P</b></span></p> <p><b>WHO:</b> <span style="float: right;"><b>STOJAN ZORIC AND MARY ZORIC</b></span></p> <p><b>WHEN:</b> <span style="float: right;"><b>TUESDAY, JULY 7<sup>th</sup>, 2015 at 4:00 p.m.</b></span></p> <p><b>WHERE:</b> <span style="float: right;"><b>Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario</b></span></p>	
	<p style="font-size: x-small;">Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above.</p>	
	<p><b>DESCRIPTION &amp; LOCATION OF SUBJECT LANDS:</b> The subject land is located at the southwest corner of Pancake Lane and Pelham Street, being part of Lot 1, Concession 9 and known municipally as 1298 Pelham Street in the Town of Pelham. The subject land is depicted on the <b>Key Map</b> below and is shown on the sketch accompanying this notice.</p>	
	<p><b>NATURE &amp; EXTENT OF RELIEF/ PERMISSION APPLIED FOR:</b> The subject land is zoned Residential Multiple-RM2X in accordance with Pelham Zoning By-law 1136(1987), as amended. All variances requested are detailed on Schedule "A" appended hereto.</p> <p style="font-size: x-small;">*Key Map not to scale</p>	
		
 <p>Information</p>	<p><b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, approvals or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing.</p>	
 <p>HAVE YOUR SAY</p>	<p><b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> <i>The Committee would appreciate receiving your written comments regarding this application by JUNE 25/15. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i> The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.</p>	
 <p>pelham.ca</p>	<p><b>NEED MORE INFORMATION? CONTACT US!</b> <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a></p> <p style="text-align: right;">                   Nancy J. Bozzato, P.M.M., AMCT                  Town Clerk / Secretary-Treasurer             </p> <p>Dated this 1<sup>st</sup> day of June, 2015</p>	
 <p>Legal Notice</p>	<p><b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.</p>	
Town of Pelham Committee of Adjustment		

From the Department of



Schedule A to Notice of Hearing

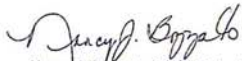
File A4/2015P - STOJAN ZORIC AND MARY ZORIC

This Schedule A forms part of the Notice of Hearing for the above-referenced file.

Part Lot 1, Concession 9, 1298 Pelham Street, Pelham

The following variances have been requested as part of Minor Variance Application A4/2015P:

Zoning By-law Reference	Required	Requested
1136(1097) Schedule C: Reduction of parking aisle at north of property. Reason: Parking required for visitors, however width between property line and building does not allow for a wider aisle and full parking depth.	7.3m	6.0m
1136(1987) Section 6.17(b): Reduction of planting strip at north of property. Reason: Parking required for visitors, however width between property line and building does not allow for wider strip; relates to Item 1 above.	3.0m	1.5m
1136(1987), Schedule C: Reduction of parking aisle at south of property. Reason: Parking required for tenants of new building however width from existing apartment to property line insufficient for full width aisle and setback to asphalt. Existing parking does not comply.	7.3m	6.5m
1136(1987) Section 6.16(l): Reduction of side yard setback for parking structure. Reason: Covered parking proposed to protect vehicles from existing coniferous trees and weather.	6.0m	3.25m
1136(1987) Section 17.2(h): New Building side yard setback reduction. Reason: Proposed four-storey apartment building height needed to accommodate pedestrian traffic, landscaping and distance between buildings.	6.8m	5.0m
1136(1987) Section 6.16(a): Reduction in number of parking spaces. Reason: Reduction will allow for retention of greenspace at northeast corner of property and away from Pelham Street.	35	33
1136(1987) Section 17.2(3): Maximum Lot Coverage Total for all structures is calculated as 30.5%, however 33% requested to ensure compliance.	30% Permitted	33%

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

Dated this 1st day of June, 2015





## Issue Summary Report

### 5.3. File A5/2015P - Domenico Simonetti and Elena Simone-Simonetti #20150522002

**Meeting** : Committee of Adjustment Hearing 4/2015

**Meeting Date** : 2015/07/07 16:00

**Meeting Type** : Committee of Adjustment Hearing



## Memorandum

### Public Works Department - Engineering

**To:** Nancy J. Bozzato, Dipl.M.M., AMCT

**CC:** Andrea Clemencio, Director of Public Works

**From:** Peter Dimitroulias, C.E.T.

**Date:** June 26, 2015

**File #:** A5/2015P

**Subject:** Minor Variance Application  
File No. A5/2015P  
Part Lot 9 & 10, Plan 16, 1012 Church Street, Pelham

Please note the following comments of the Public Works Department, regarding the above-noted application.

The following submitted drawings have been considered for the purpose of this application:

- A0.0 – Cover Sheet, Dated: July 13, 2014
- A0.1 – Basement Plan, Dated: July 13, 2014
- A2 – Second Floor Plan, Dated: July 13, 2014
- A5 – Roof Plan, Dated: July 13, 2014
- A6 – North Elevation, Dated: July 13, 2014
- A7 – East Elevation, Dated: July 13, 2014
- A8 – South Elevation, Dated: July 13, 2014
- A9 – West Elevation, Dated: July 13, 2014





## Minor Variance Application

### Site Plan Revisions

The following conditions shall be addressed to the satisfaction of the Public Works Department, prior to final acceptance of the Minor Variance Application.

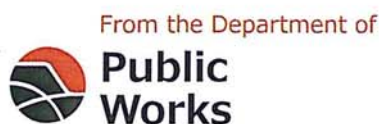
- 1) The setback for the swale along the North side of the garage must be a minimum of 1.5m to allow adequate flow.

These are the Public Works Department's comments at this time. If additional information is required, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Dimitroulias", with a long horizontal flourish extending to the right.

Peter Dimitroulias, C.E.T.  
Engineering Technologist



From the Department of



July 2, 2015

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A5/2015P (Simonetti)  
1012 Church Street, Pelham, ON  
Part Lot 9 & Part Lot 10, Plan 16  
Roll No. 273201001518800**

The subject application is for a minor variance from Section 9.2(e) of Zoning By-law Number 1136 (1987), as amended, to permit a northerly side yard setback distance of 1.23 metres (4.03 feet), whereas 1.5 metres (4.92 feet) is required. Relief is requested to facilitate the construction of a garage (refer to Appendix 1). The effective purpose of the minor variance application is to reduce the minimum side yard setback requirement by eighteen percent (18%).

The subject parcel is located on the west side of Church Street, lying south of Canboro Road, being Part of Lots 9 and 10, Plan 16 and known municipally as 1012 Church Street, Fenwick, in the Town of Pelham.

### **Applicable Planning Policies**

#### Provincial Policy Statement (2014)

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014. According to Policy 1.1.3.1, settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

#### Greenbelt Plan (2005)

The portion of subject parcel to which this application applies is located outside of the Greenbelt Plan Area. As such, the policies of the Greenbelt Plan are not applicable to this application.

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

The Regional Official Plan (Consolidated, August 2014) designates the subject parcel as 'Urban Area Boundary/Built-up Area'. Policy 4.G.7.2 states that urban areas will be the focus of the



Region's long term growth and development. Additionally, Policy 4.G.8.1 states that built-up areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term.

Town Official Plan (2014)

The Town's Official Plan, 2014 designates the subject parcel as 'Urban Living Area/Built Boundary' and 'Specialty Agricultural'. The permitted uses in the 'Urban Living Area/Built Boundary' designation include single-detached residential dwelling units; accessory apartments in single-detached dwellings (subject to Policy B1.1.4); semi-detached, townhouse, multiple and apartment dwellings (subject to Policy B1.1.5); home occupations (subject to Policy B1.1.6); bed and breakfast establishments in single detached dwellings (subject to Policy B1.1.7); private home daycare; and, complementary uses such as residential care facilities, daycare centres, institutional uses and convenience commercial uses (subject to Policy B1.1.8).

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

This application pertains only to the portion of the subject property that is designated 'Urban Living Area/Built Boundary' in the Town's Official Plan.

Town Zoning By-law No. 1136 (1987)

The Town of Pelham's Zoning By-law No. 1136, (1987), as amended, identifies the subject parcel as 'Residential Village 1' (RV1) and 'Agricultural' (A). The permitted uses in the 'RV1' zone include one single detached dwelling on one lot and uses, buildings and structures accessory thereto, and home occupations. The permitted uses in the 'A' zone include agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares; one single detached dwelling on one lot; home occupations; kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and, forestry and conservation uses. This application pertains only to the portion of the subject property that is zoned 'Residential Village 1' (RV1).

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
<p>1. The variance is minor in nature.</p>	<p>Planning Staff are of the opinion that the variance is considered minor in nature because the interior side yard setback for the main dwelling (garage) will be marginally adjusted from the Zoning By-law requirement to accommodate the storage of personal goods and vehicles.</p> <p>Planning Staff are of the opinion that there will not be a negative impact on the adjacent neighbours as the side yard setback is being marginally adjusted from the Zoning By-law requirement. This will maintain sufficient amenity space around the dwelling and provide access for any future maintenance on the subject property.</p>

From the Department of



<p>2. The variance is desirable for the development or use of the land.</p>	<p>The variance is considered desirable for the use of the land as the decrease in the side yard setback requirement for the main dwelling will facilitate the construction of a garage. This will allow for the proper storage of personal goods and vehicles.</p> <p>The subject parcel is also surrounded by similar single detached dwellings. As a result, Planning Staff are of the opinion that the variance will maintain the urban, residential character of the area.</p>
<p>3. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The variance maintains the general intent and purpose of the Zoning By-law as the decrease in the minimum side yard setback requirement for the main dwelling is minor in nature and the scale of the building is appropriate given its location in the urban/built-up area of the Town.</p> <p>A single detached dwelling with a garage is also a permitted use within the 'RV1' zone.</p>
<p>4. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The variance maintains the general intent and purpose of the Official Plan as the use is permitted in the 'Urban Living Area/Built Boundary' designation.</p>

On June 11<sup>th</sup>, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Utilities, Building, Fire) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- The Department of Public Works and Utilities has no objection to the application, subject to the following condition:
  - The setback for the swale along the north side of the garage must be a minimum of 1.5 metres (4.92 feet) to allow adequate flow.
- The Building Department has no objection to the application.
- A signed petition from surrounding property owners in favour of the subject application (refer to Appendix 3).

Planning Staff are of the opinion that the application meets the tests required to permit a minor variance and it is consistent with Provincial policies and the Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File A5/2015P be approved.

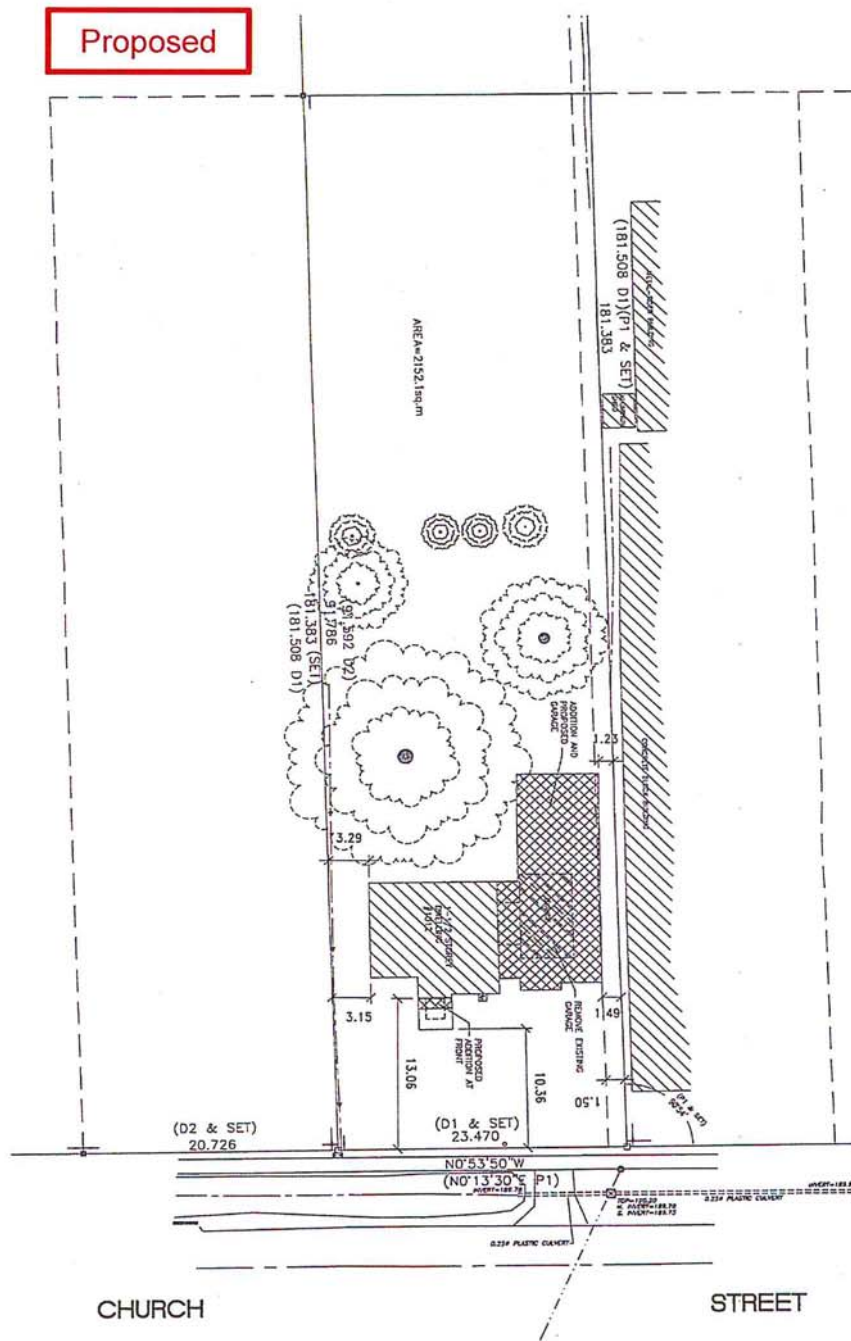
Submitted by,



Andrew Gameiro,  
Planner



Appendix 1: Submitted Site Drawing







① 3D View 1

② 3D View 2

VOLPENTESTA DESIGN LTD. TEL: 416-433-1058 FVOLPENTESTA@GMAIL.COM	1012 CHURCH STREET Addition	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">No.</th> <th style="width: 75%;">Description</th> <th style="width: 20%;">Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Date										<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;"><b>COVER SHEET</b></td> </tr> <tr> <td style="width: 70%;">Project number</td> <td style="width: 30%;">2014-05</td> </tr> <tr> <td>Date</td> <td>2014-07-13</td> </tr> <tr> <td>Drawn by</td> <td>Author</td> </tr> <tr> <td>Checked by</td> <td>Checker</td> </tr> <tr> <td colspan="2" style="text-align: right;">Scale</td> </tr> <tr> <td colspan="2" style="text-align: center; font-size: 24px;"><b>A0.0</b></td> </tr> </table>	<b>COVER SHEET</b>		Project number	2014-05	Date	2014-07-13	Drawn by	Author	Checked by	Checker	Scale		<b>A0.0</b>	
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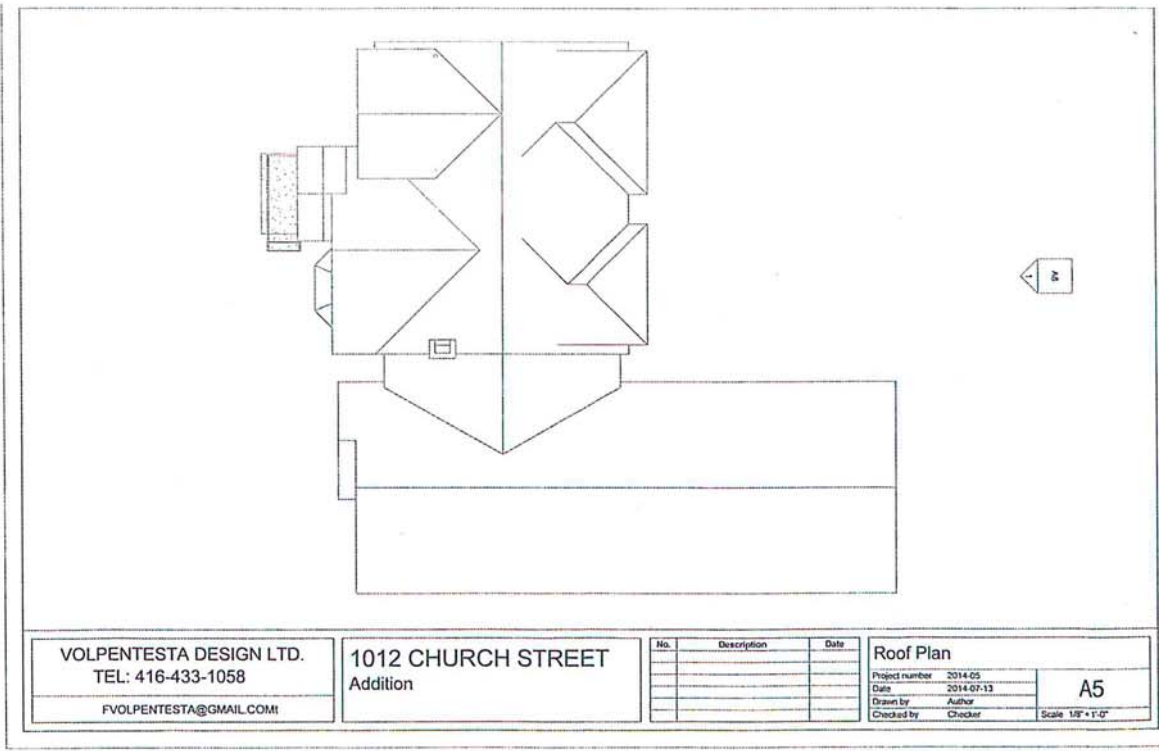
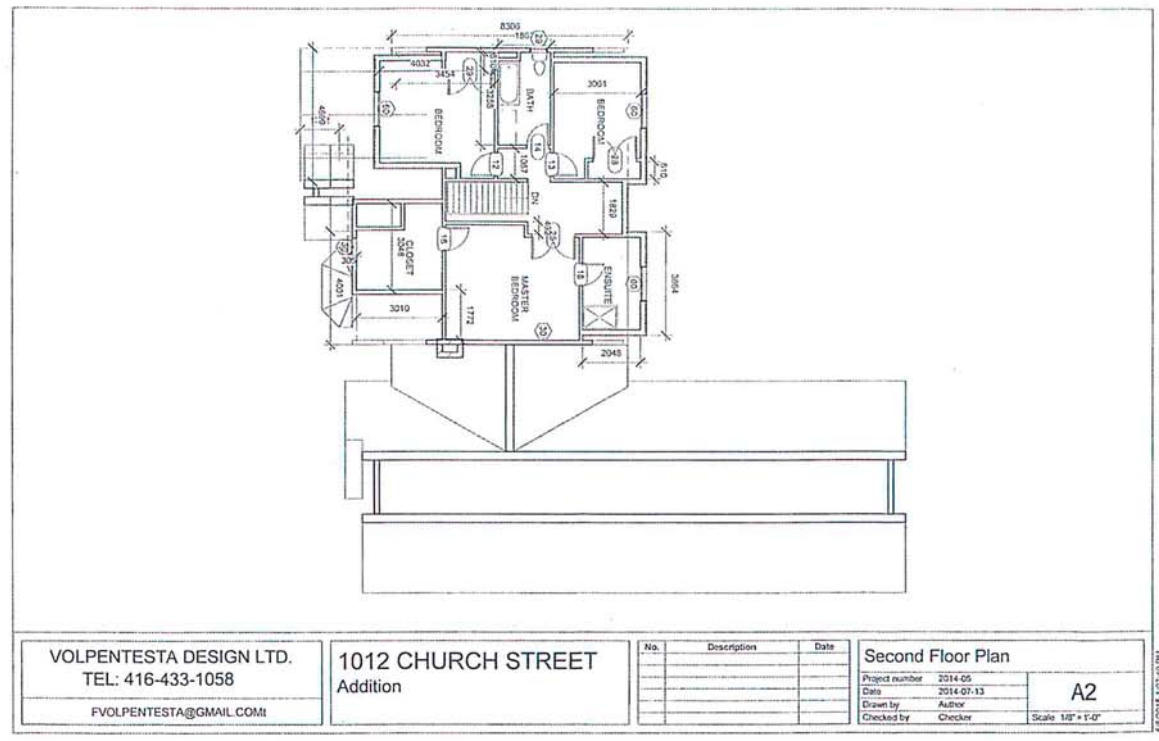
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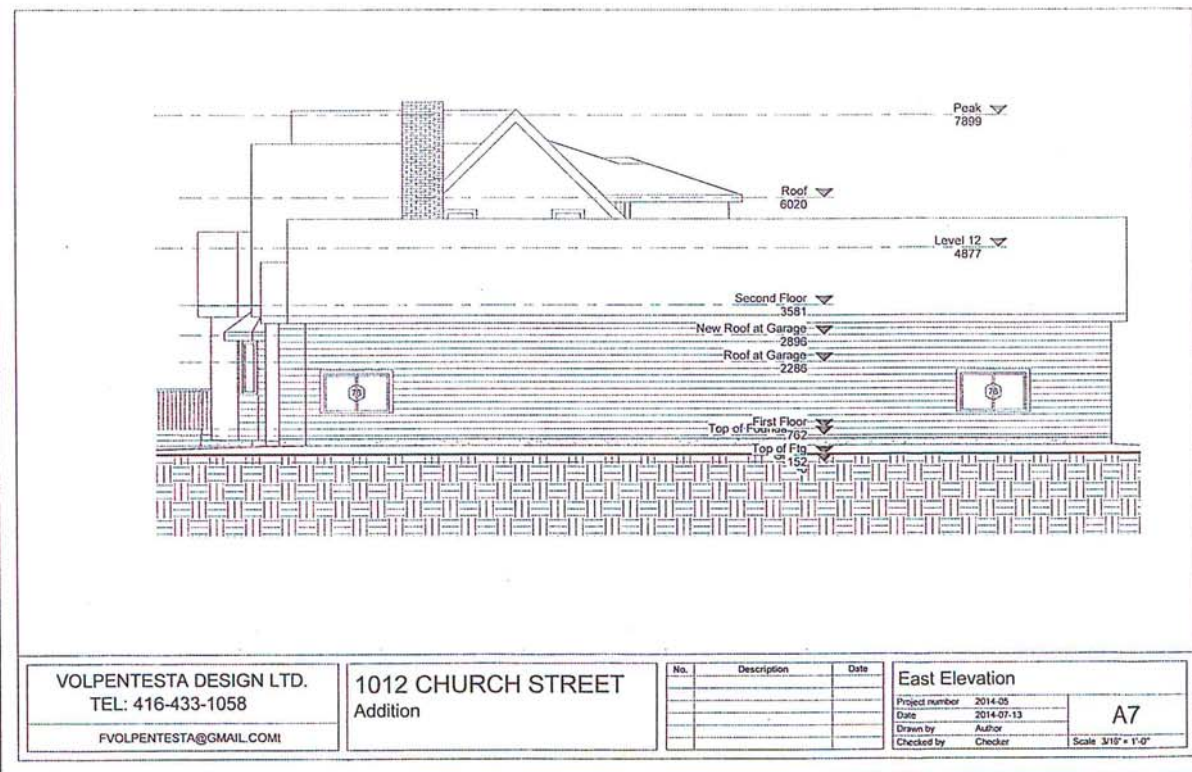
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VOLPENTESTA DESIGN LTD. TEL: 416-433-1058 FVOLPENTESTA@GMAIL.COM	1012 CHURCH STREET Addition	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">No.</th> <th style="width: 75%;">Description</th> <th style="width: 20%;">Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Date										<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;"><b>Basement Plan</b></td> </tr> <tr> <td style="width: 70%;">Project number</td> <td style="width: 30%;">2014-05</td> </tr> <tr> <td>Date</td> <td>2014-07-13</td> </tr> <tr> <td>Drawn by</td> <td>Author</td> </tr> <tr> <td>Checked by</td> <td>Checker</td> </tr> <tr> <td colspan="2" style="text-align: right;">Scale 1/8" = 1'-0"</td> </tr> <tr> <td colspan="2" style="text-align: center; font-size: 24px;"><b>A0.1</b></td> </tr> </table>	<b>Basement Plan</b>		Project number	2014-05	Date	2014-07-13	Drawn by	Author	Checked by	Checker	Scale 1/8" = 1'-0"		<b>A0.1</b>	
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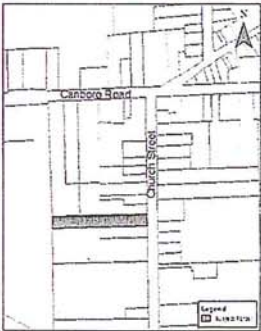













Appendix 2: Public Notice

	
In the matter of the Planning Act, R. S.O. 1990, as amended And in the matter of an application for minor variance or permission on behalf of:	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">                     NOTICE OF PUBLIC HEARING                 </div>	<b>WHAT:</b> FILE A5/2015P <b>WHO:</b> DOMENICO SIMONETTI AND ELENA SIMONE-SIMONETTI Part Lot 9 & 10, Plan 16, 1012 Church Street
	<b>WHEN:</b> TUESDAY, JULY 7 <sup>th</sup> , 2015 at 4:00 p.m.
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above.
	<b>DESCRIPTION &amp; LOCATION OF SUBJECT LANDS:</b> The subject land is located on the west side of Church Street, lying south of Canboro Road, being Part of Lots 9 and 10, Plan 16 and known municipally as 1012 Church Street, Fenwick, in the Town of Pelham. The subject land is depicted on the Key Map below and is shown on the sketch accompanying this notice.
<b>NATURE &amp; EXTENT OF RELIEF/ PERMISSION APPLIED FOR:</b> The subject land is zoned Residential Village 1 (RV1) and Agricultural (A) in accordance with Pelham Zoning By-law 1136(1987), as amended. Relief from Section 9.2(e) is sought to facilitate construction of a garage having a northerly sideyard setback distance of 1.23 metres, whereas 1.5 metres is required.	
	
	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, approvals or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing.
	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> <i>The Committee would appreciate receiving your written comments regarding this application by June 25, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i> The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
	<b>NEED MORE INFORMATION? CONTACT US!</b> <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NBozzato@pelham.ca">NBozzato@pelham.ca</a>
	 Nancy I. Bozzato, Cpl.M.M., AMCT Town Clerk / Secretary-Treasurer
	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Town of Pelham Committee of Adjustment	

From the Department of



**Appendix 3: Signed Petition from Surrounding Property Owners in Favour of the Subject Application**

Petition for the renovations and addition to 1012 Church street

We have reviewed the plans and are in favour of the application to renovate and addition to 1012 Church Street. We are also aware and are in favour of the relief requested by the owner concerning the height of the garage at the Committee of Adjustment.

First Name	Last Name	Signature	Address
PETER	WARD-WHARTE	<i>P. Ward-Wharte</i>	Church St. Fenwick
CHUCK	Ruttenford	<i>C.R.</i>	Church St.
JUDY	Ruttenford	<i>J. Ruttenford</i>	Church St.
Dennis	Posinski	<i>D. Posinski</i>	Church St.
Dick	Bokma	<i>Dick Bokma</i>	CHURCH ST
Elv	Bokma	<i>Elv Bokma</i>	CHURCH ST
Christina	Prevoost	<i>Christina Prevoost</i>	Church St.
Karen	Vanderwerf	<i>Karen Vanderwerf</i>	Church St Fenwick Ch.
LARRY	LETHBY	<i>Larry Lethby</i>	CHURCH ST.
Karen	D'Brine	<i>Karen D'Brine</i>	Church ST
JESSICA	STEVEN	<i>Jessica Steven</i>	Church St
Janet	Robbins	<i>Janet Robbins</i>	Church St.
Nancy	Manno	<i>Nancy Manno</i>	church st
Rita	Schouten	<i>Rita Schouten</i>	church st

Page 1

Petition for the renovations and addition to 1012 Church street

We have reviewed the plans and are in favour of the application to renovate and addition to 1012 Church Street. We are also aware and are in favour of the relief requested by the owner concerning the height of the garage at the Committee of Adjustment.

First Name	Last Name	Signature	Address
LESLIE (ROZA)	UJFALUSSY	<i>Leslie Ujfalussy</i>	██████████ CHURCH ST. FENWICK
Wayne	Leiden	<i>Wayne Leiden</i>	██████████ Church St Fenwick
BRAD	ELLIOTT	<i>Brad Elliott</i>	██████████ Church

Page 2





## Issue Summary Report

### 6.1. File B3 /2015P - Apollyon Inc.

#20150622003

**Meeting** : Committee of Adjustment Hearing 4/2015

**Meeting Date** : 2015/07/07 16:00

**Meeting Type** : Committee of Adjustment Hearing



July 2, 2015

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

Dear Mrs. Bozzato:

**Re: Consent (Severance) Application B3/2015P (Apollyon Inc.)  
1161 Pelham Street, Pelham, ON  
PT TWP LOT 177 RP 59R5503; PARTS 1 AND 2  
Roll No. 273203001906200**

The subject application is for consent to convey 7,231 square metres (77,833.84 ft<sup>2</sup>) of vacant land for future residential use, subject to an easement in perpetuity over 41 square metres (441.32 ft<sup>2</sup>) of land (Part 6) and together with an easement in perpetuity over 84 square metres (904.16 ft<sup>2</sup>) of land (Part 3) for drainage purposes, to the benefit of the Town of Pelham. 3,546 square metres (38,168.83 ft<sup>2</sup>) of land known municipally as 1161 Pelham Street and shown as Parts 1, 2, 3 and 4 on the attached survey is to be retained for continued commercial use (refer to Appendix 1). Part 3 will be encumbered by the above-referenced easement in perpetuity.

The subject parcel, shown as Parts 5, 6 and 7 on the attached survey sketch, is an interior parcel of land situated approximately 68 metres (223 ft) east of Pelham Street, south of Bacon Lane, and being Part of Lot 177 in the former Township of Thorold, now Town of Pelham (refer to Appendix 1).

### **Applicable Planning Policies**

#### Provincial Policy Statement (PPS) 2014

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS), 2014. According to Policy 1.1.3.1, settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

#### Greenbelt Plan (2005)

The subject parcel is located outside of the Greenbelt Plan Area. As such, the policies of the Greenbelt Plan are not applicable to this application.



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

The Regional Official Plan (Consolidated, August 2014) designates the subject parcel as 'Urban Area Boundary – Built-up Area'. Policy 4.G.7.2 states that urban areas will be the focus of the Region's long term growth and development. Additionally, Policy 4.G.8.1 states that built-up areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term.

### Town Official Plan (2014)

The Town's Official Plan, 2014 designates the subject parcel as 'Urban Living Area/Built Boundary'. The permitted uses in the 'Urban Living Area/Built Boundary' designation include single-detached residential dwelling units; accessory apartments in single-detached dwellings (subject to Policy B1.1.4); semi-detached, townhouse, multiple and apartment dwellings (subject to Policy B1.1.5); home occupations (subject to Policy B1.1.6); bed and breakfast establishments in single detached dwellings (subject to Policy B1.1.7); private home daycare; and, complementary uses such as residential care facilities, daycare centres, institutional uses and convenience commercial uses (subject to Policy B1.1.8).

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

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

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

The Town of Pelham's Zoning By-law No. 1136, (1987), as amended, identifies the subject parcel as 'Neighbourhood Commercial' (NC) and 'Residential 1' (R1). The permitted uses in the 'NC' zone include banks; barber shops; beauty salons; business and professional offices; convenience retail stores; public and private parking areas; restaurants; studios; agencies; salons; uses, buildings and structures accessory to the foregoing permitted uses; and, dwelling units above a ground floor.

The permitted uses in the 'R1' zone include one single detached dwelling; uses, buildings and structures accessory to the foregoing uses; and, home occupations.

Additionally, Section 6.13 of the Zoning By-law states that no person shall, within any residential zone or commercial zone, except as provided for in the 'Residential Village 1' (RV1) zone or 'Rural Commercial' (RC) zone, erect, alter or use any building or structure unless such lot is serviced by a

From the Department of



public water supply and sanitary sewer system.

### Planning Staff Comments

According to the application and attached survey sketch, Part 1 contains a one (1) storey commercial building with an asphalt parking lot, while Part 7 contains vacant land. Part 1 will continue to be used as a commercial property, while Part 7 will be utilized for future residential development. Planning staff recommend that a holding (H) provision be placed on Part 7 of the subject parcel until the Town finalizes the Lot 177 Secondary Plan. This will provide the Town with the opportunity to determine which zoning designation is most appropriate for the subject lands.

The subject parcel is surrounded predominantly by single-detached residential lots. There is also a commercial property located adjacent to the southerly side yard of the subject parcel.

With respect to the Official Plan, under Policy D5.2.1, the retained and severed portions of the subject parcel will front on and be directly accessed by Pelham Street and Tanner Drive. The severed portion will also have access to Pelham Street via a 2.5 metre (8.2 ft) reserve, shown as Parts 3, 4, 5 and 6 on the attached survey sketch (refer to Appendix 2). In addition, the site does not pose a traffic hazard as there are no visibility concerns due to topography.

Planning staff are of the opinion that the newly created lot conforms to the provisions of the Town's Zoning By-law, provided that the lot can be serviced with appropriate water supply and means of sewage disposal. Future servicing requirements will be addressed by the Department of Public Works and Utilities.

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

Planning Staff note that the Niagara Peninsula Conservation Authority's (NPCA) Niagara Natural Environment Information Mapping Screening Area (NNEIMSA) affects the eastern portion of the subject parcel, which fronts on Tanner Drive. The subject application does not appear to have a negative impact on the NNEIMSA. Future development on the newly created lot will be subject to approval by the NPCA.

Any future development on the severed parcel will be subject to a building permit application. As such, future development must comply with the requirements of the Town's Zoning By-law, Ontario Building Code and all applicable law.

On June 10<sup>th</sup>, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Utilities, Building, Fire) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- The Building Department has no objection to the application.

The Department of Public Works and Utilities will provide comments under a separate cover.



No comments were received from the public.

Planning Staff are of the opinion that the application for consent to sever is consistent with Provincial policies and Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. Consequently, Planning Staff recommend that Application File B3/2015P be approved, subject to the following conditions:

- That Part 7 on the attached survey sketch have a holding provision placed on the lands, to the satisfaction of the Director of Community Planning & Development;
- That Parts 4 and 5 on the attached survey sketch be dedicated to the Town of Pelham, for the purposes of a walkway;
- That Parts 3 and 6 with a width of 1.25 metres each on the attached survey sketch, be granted to the Town of Pelham for drainage purposes; and
- That a temporary easement with a width of 7.5 metres, also known as Part 2 on the attached survey sketch, be placed on the title of Part 1 for the purposes of granting access to Part 7.

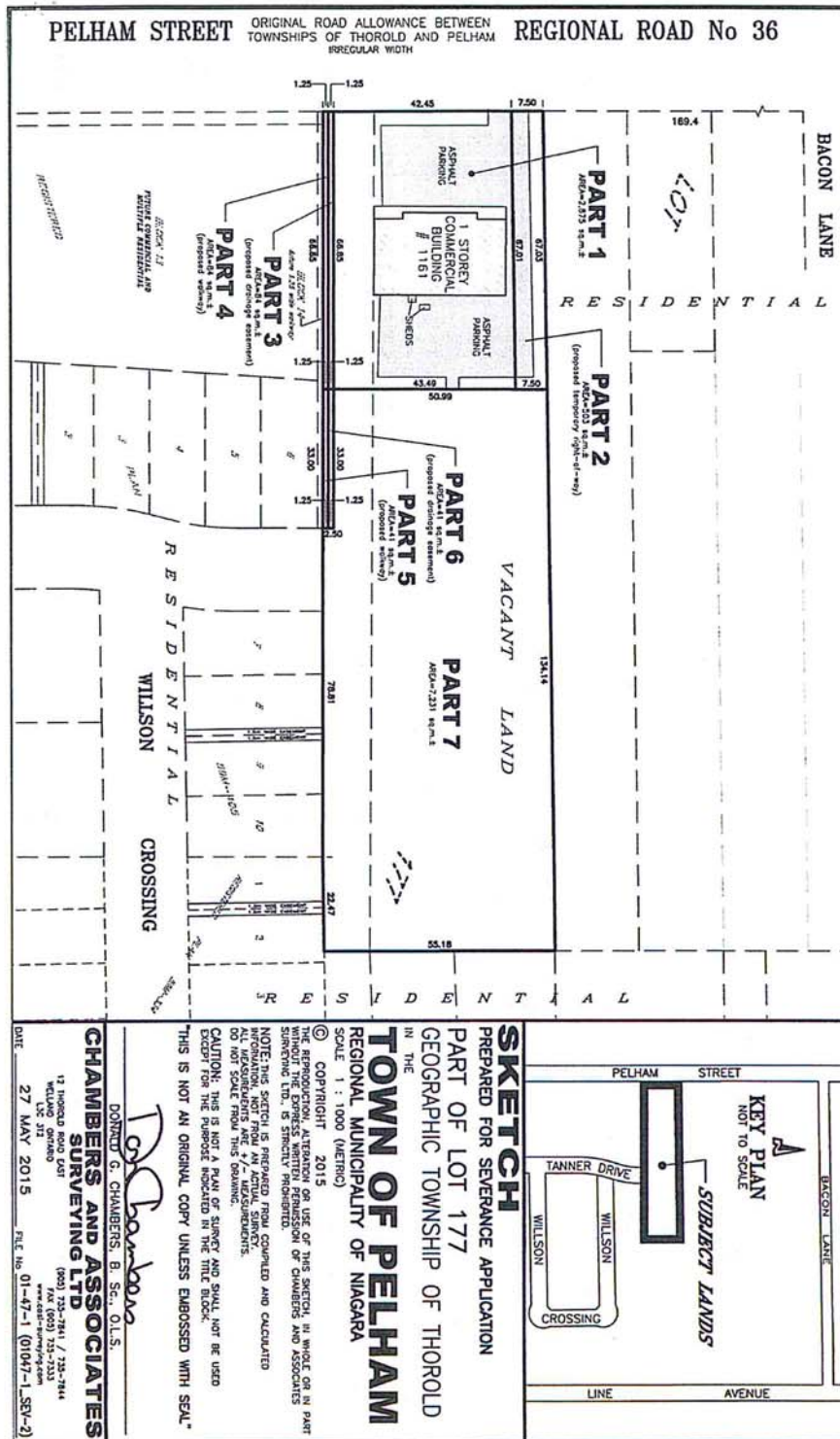
Additionally, the approval of the application for consent to sever shall be subject to any additional conditions imposed by the Department of Public Works and utilities.

Submitted by,



Andrew Gameiro,  
Planner

Appendix 1: Submitted Site Drawing








From the Department of



**Community Planning & Development**

Appendix 2: Public Notice

	
In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P. 13 and; In the matter of an application for consent on behalf of:	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>NOTICE OF PUBLIC HEARING</b> </div>	<b>WHAT:</b> FILE B3/2015P <b>APOLLYON INC.</b>
	<b>WHO:</b> Part Lot 177, former Township of Thorold, now Town of Pelham 1161 Pelham Street
	<b>WHEN:</b> TUESDAY, JULY 7 <sup>TH</sup> , 2015 at 4:00 p.m.
	<b>WHERE:</b> Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario
	Notice is hereby given that an application for consent under the above noted file number will be heard by the Committee of Adjustment for the Town of Pelham on the date and at the time and place shown above.
<b>LOCATION OF THE LANDS AND PURPOSE OF THIS APPLICATION:</b> The subject parcel, shown as Parts 5, 6 and 7 on the attached sketch, is an interior parcel of land situated approximately 68 metres east of Pelham Street, south of Bacon Lane, and being Part of Lot 177 in the former Township of Thorold, now Town of Pelham.  Application is made for consent to convey 7313 square metres of vacant land, for future residential use, subject to an easement in perpetuity over 41 square metres of land (Part 6) and together with an easement in perpetuity over 84 square metres of land (Part 3) for drainage purposes, to the benefit of the Town of Pelham. 3546 square metres of land known municipally as 1161 Pelham Street and shown as Parts 1, 2, 3 and 4 on the sketch is to be retained for continued commercial use. Part 3 will be encumbered by the above-referenced easement in perpetuity.	
Information 	<b>WHAT IS THIS?</b> This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. If you are aware of any person interested in or affected by this application who has not received a copy of this notice you are asked to inform that person of this hearing. If you have comments on this application they may be forwarded in writing to the Secretary-Treasurer at the address above or you may appear in person or by counsel and make a verbal presentation to the Committee.
HAVE YOUR SAY 	<b>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING!</b> The Committee would appreciate receiving your written comments regarding this application by June 25 <sup>th</sup> , 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.  The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.
	<b>NEED MORE INFORMATION? CONTACT US!</b> <b>TOWN OF PELHAM COMMITTEE OF ADJUSTMENT</b> 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a>
Legal Notice 	<b>IMPORTANT INFORMATION!</b> If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.
Town of Pelham Committee of Adjustment	

From the Department of



## Committee of Adjustment MINUTES

### Committee of Adjustment Hearing 2/2015

Meeting Type : Committee of Adjustment Hearing

Date : Tuesday, May 05, 2015

Location : Town of Pelham Municipal Building - Council Chambers

### Minutes

#### Attendance

Brian DiMartile Chair

Don Cook, Member

John Klassen, Member

#### Town Clerk / Secretary Treasurer

- Nancy J. Bozzato

#### Staff

- Kristina Braun
- Judy Sheppard

#### Applicants/Representatives:

- Rob Lucchetta;
- Stephen Kaiser (Warden)

#### Interested Citizens

#### Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Chair DiMartile declared that a quorum was present and called the meeting to order at approximately 4:00 p.m. Chair DiMartile read the prescribed opening remarks.

#### Disclosure of Pecuniary Interest and General Nature Thereof

No pecuniary interests were disclosed by the members present.

#### File A2/2015P - U. Lucchetta

#### Purpose of the Application



**Construction Ltd.**

(Applications for Minor Variance)

The subject land is zoned Residential Multiple 1 RM1-233 in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is requesting relief of Section 16.3(f) to allow an interior side yard setback of 1.5 metres whereas 3 metres is required to facilitate the construction of street townhouse dwellings.

**Representation**

Mr. Robert Lucchetta appeared on behalf of this application.

**Correspondence**

Town of Pelham Consolidated Planning Report

- Niagara Peninsula Conservation Authority
- Town of Pelham Public Works Department
- Town of Pelham Building Department
- Laurence & Philippe Roptus
- Danny Kasunic??

**Comment**

Mr. Robert Lucchetta addressed the committee, noting that the initial application was adjourned due to the adverse comments relating to the proposed covered deck construction. This revised application has increased the rear yard setback distances, thus removing any variances relating to the decks and resulting in the inclusion of only the side yard setback deficiency, which is in keeping with most townhouse blocks within the Town of Pelham. The proposed bungalow townhouses, 1600 square feet, will have double car garages that will reduce concerns regarding parking. This amended proposal will also be less intrusive to neighbouring properties. There will be a fence for privacy between their property and rear properties, and to further improve privacy, the units are proposed as bungalows as opposed to two-storey units. The deck heights will be lower and set back to a distance permitted in the zoning requirements, to minimize impact. There were no trees to be preserved. In conclusion, Mr. Lucchetta stated that in this subdivision, the zoning requirement for setbacks is four feet for single family homes, so the distance between houses is 8-10 feet, thus he suggested that the proposed setbacks are consistent with the surrounding neighbourhood.

Mr. Dan Kasunic, Quaker Road, advised that his concerns have been resolved and as such, withdrew his letter of objection.

**Committee Input**

Some concern was expressed that the Town will be unable to maintain the storm sewer laterals for the rear yard catch basins should this reduction in side yard be approved. Mr. Lucchetta advised that the Director of Public Works has reviewed the application and proposed plans and has not expressed any concerns in this regard. Further, he noted that there will be no structures situated within the lands encumbered by the easement, including footings for the dwelling units.

**Resolution #CA20150505.1001**

Moved By: John Klassen Second By: Brian DiMartile

THAT application A2/2015P by U. Lucchetta Construction Ltd. for relief of Section

16.3(f) to allow an interior side yard setback of 1.5 metres whereas 3 metres is required is hereby granted.

**Reasons:**

1. The variance is minor in nature given that there will be sufficient amenity space provided around each of the street townhouse blocks, thus allowing space for maintenance and preservation of privacy.
2. The proposal is desirable for the appropriate development and/or use of the land, as exterior and rear yard setbacks will be maintained, thus resulting in no negative impacts on existing surrounding properties.
3. The general purpose and intent of the Zoning By-Law is maintained as the reduction in the interior side yard setback is of an appropriate scale, and the proposed use is permitted.
4. The intent of the Official Plan is maintained as this use is permitted in the Urban Living Area/Built Boundary designation.
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 relating to the side yard setback reductions.
7. The applicant is aware of the precautions highlighted by the Town of Pelham Public Works Department relating to service laterals, as detailed in their April 29, 2015 correspondence.

**Resolution #CA20150505.1002**

Moved By: Don Cook Second By: John Klassen

THAT the motion be amended by adding the following condition to the variance approval:

**THAT the Chief Building Official be satisfied that no footings for the subject dwelling units shall be installed within the easements that are in favour of the Town of Pelham.**

**Carried**

**Resolution #CA20150505.1003**

Moved By: John Klassen Second By: Don Cook

**THAT application A2/2015 on behalf of U. Lucchetta Construction Ltd., for relief of Section 16.3(f) to allow an interior side yard setback of 1.5 metres whereas 3 metres is required is hereby granted, subject to the following condition:**

**1. THAT the Chief Building Official be satisfied that no footings for the subject dwelling units shall be installed within the easements that are in favour of the Town of Pelham.**

**Reasons:**

1. **The variance is minor in nature given that there will be sufficient amenity space provided around each of the street townhouse blocks, thus allowing space for maintenance and preservation of**

- privacy.
2. **The proposal is desirable for the appropriate development and/or use of the land, as exterior and rear yard setbacks will be maintained, thus resulting in no negative impacts on existing surrounding properties.**
  3. **The general purpose and intent of the Zoning By-Law is maintained as the reduction in the interior side yard setback is of an appropriate scale, and the proposed use is permitted.**
  4. **The intent of the Official Plan is maintained as this use is permitted in the Urban Living Area/Built Boundary designation.**
  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 relating to the side yard setback reductions.**
  7. **The applicant is aware of the precautions highlighted by the Town of Pelham Public Works Department relating to service laterals, as detailed in their April 29, 2015 correspondence.**

Carried

**File A3/2015P -  
Sandra, Karey &  
Jacquelyn  
Warden**

(Applications for Minor  
Variance)

**Purpose of the Application**

The subject land is zoned Agricultural A in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is requesting relief of Section 7.4(f) to allow a minimum side yard setback of 3.05 metres whereas 9 metres is required. The applicant is requesting relief for both the east and west side yard setbacks to allow for the construction of a new dwelling and will be demolishing all existing buildings on the site.

**Representation**

Mr. Stephen Kaiser, authorized agent, appeared on behalf of this application.

**Correspondence**

Town of Pelham Consolidated Planning Report

- Niagara Peninsula Conservation Authority
- Town of Pelham Public Works Department
- Town of Pelham Building Department
- Dr. David Nicholson

**Comment**

Mr. Kaiser advised that he also represents the proposed purchasers, with the sale scheduled for closing on July 1st. An unconditional offer is in place for the property.

He stated that Kaiser Homes will be constructing the home and that the design process has begun. He noted that the purpose of the application is to change the side yards to give more room to set the house on the lot, noting that the current by-law has the minimum frontage of 150 feet. The existing parcel has a frontage of 120 feet in width, and the zoning requirement for side yards is 9 metres, which would mean that

there would be only a 60-foot wide building envelop for a dwelling. He is proposing 10 feet on both sides to allow space for a home with a 100 foot width, similar to other new houses on this street. To support this Mr. Kaiser indicated that in this area new larger houses are being built and that a neighbouring house is 130 feet wide.

There are residential uses on both sides of property, Mr. Kaiser indicating that to the east is a new build, and another recent build to the west overlooking a pond. There remains some limited farming in this area as well. The intent of the purchasers is to build a home to fit with the new character of the area. It was noted that the parcel is sloped to the rear. Mr. Kaiser has met with the Niagara Peninsula Conservation Authority and noted that there are some constraints on the lot for top of slope considerations and septic installations. Property owners to the east and west have been contacted and Mr. Kaiser noted that the correspondence submitted by Dr. Nicholson is correct in that this lot was part of a severance, but the application actually increased the size of this parcel. Mr. Kaiser noted that the character of Ridgeville is suited to the proposed dwelling and that this proposal will be more congruent with the larger homes now established. Contrary to Dr. Nicholson's submission that this is a subversion, Mr. Kaiser suggested that this opinion is not supported by the Planner given that this construction will bring the property more in tune with the character of the area.

### **Public Comment**

Mr. Knol, purchaser, was present and submitted that it is his belief that this proposal will fit in with the neighbourhood. He advised that he spoke directly with property owners to the east, west and north and all were happy with the proposal and supportive to make it suitable for the area.

### **Committee Input**

In response to a question by Committee, Mr. Kaiser advised that the subject parcel is one acre in size, and that the previous severance cited in correspondence resulted in an increase in the lot size to bring it into conformity with by-law requirements for parcels using private septic systems. No new lot was created as a result of the previous severance.

Member Klassen suggested that due to the slope of the parcel, the drainage plan be designed by a Professional Engineer to ensure it is designed properly. Mr. Kaiser noted that for any building permit, a drainage plan is required, however he did agree that they could comply with this suggestion. Some discussion ensued regarding the timing for approval, and whether it would be prudent to tie the final approval with the occupancy permit, to ensure the drainage plan has been adhered to, with Mr. Kaiser indicating that when obtaining a building permit, he would enter into securities posted with building permit which is then subsequently tied to having the building permit finalized prior to occupancy. He also indicated that lot grading outside of the urban area is not necessarily the same as in an urban area. Some discussion also ensued regarding the potential to register the drainage plan on title so as to ensure future owners cannot change the drainage, leaving them no recourse in the event of flooding.

Mr. Kaiser noted that the lot runs from the northern boundary from Pancake Lane, southerly and falls to the valley land system which is away from the houses in the vicinity. Because of the soil compilation, there would be little draining going to the valley, but there is no intent to direct water so as to adversely impact other properties.

Mr. Kaiser acknowledged the concerns of the Committee relating to drainage, and indicated that he is aware of all of the requirements in this regard. Further, he noted that without the need for a variance, this discussion would not be taking place. However, Committee noted that the reduction to a 10 foot setback may be excessive and could have an impact on drainage plans so the matter is relevant to the variance sought. It was noted that the Niagara Peninsula Conservation Authority has not submitted any concerns.

Mr. Kaiser advised that the dwelling will be constructed to fit the character of the neighbourhood and that they will have a constrained building envelop due to the slope of land. There are existing driveways on both sides of the property and Mr. Kaiser again reviewed the similar dimensions of neighbouring houses to demonstrate how this proposal will fit with the character.

**Resolution #CA20150505.1004**

Moved By: Don Cook Second By: John Klassen

**THAT Application A3/2015P on behalf of Sandra Warden, Karey Warden and Jacquelyn Warden, for relief of Section 7.4(f) to allow a minimum sideyard setback of 3.05 metres, whereas 9 metres is required, is hereby granted, subject to the following conditions:**

- 1. THAT prior to issuance of a building permit, a Grading and Drainage Plan, prepared by an Ontario Land Surveyor or an Ontario-Licensed Professional Engineer be submitted for review and approval by the Director of Public Works.**
- 2. THAT a detailed sewage system design be submitted for review and approval by the Niagara Region Development Services Department, and that written approval be submitted to the Town prior to issuance of a building permit.**

**Reasons:**

- 1. The variance is minor in nature, as the impact on adjacent properties will be minimal as there will be sufficient amenity space around the proposed dwelling, preserving privacy between adjacent properties.**
- 2. The general purpose and intent of the Zoning By-Law is maintained as the reduction in side yard is of an appropriate scale for the area.**
- 3. The intent of the Official Plan is maintained, with the use being permitted in the Specialty Agricultural and Greenbelt Natural Heritage Overlay designations.**

4. **The proposal is desirable for the appropriate development and/or use of the land as shadowing onto adjacent properties will not increase, and the agricultural character of the area will be maintained.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**

**Carried**

**Minutes for  
Approval**

**Resolution #CA20150505.1005**

Moved By: John Klassen    Second By: Don Cook

**MOVED THAT the minutes of the Committee of Adjustment Hearing 1/2015 held on 2015/04/08 be adopted as printed, circulated and read.**

**Carried**

**Adjournment**

There being no further business, the Chair declared the hearing adjourned.

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B. DiMartile, Chair

Nancy J. Bozzato, Town Clerk/Secretary-Treasurer

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Date Approved

Hearing Chair

## Committee of Adjustment MINUTES

### Committee of Adjustment Hearing 3/2015

Meeting Type : Committee of Adjustment Hearing

Date : Tuesday, June 02, 2015

Location : Town of Pelham Municipal Building - Council Chambers

### Minutes

#### Attendance

Wayne Lockey, Committee Chair  
Brian DiMartile, Committee Member  
James Federico, Committee Member  
Nancy J. Bozzato, Town Clerk/Secretary-Treasurer  
Judy Sheppard, Acting Deputy Clerk  
Lawrence Overbeeke, Applicant  
Interested Citizens

#### Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Chair, Wayne Lockey, declared that a quorum was present and called the meeting to order at 4:02 p.m. Chair Lockey read the opening remarks, in accordance with the Planning Act provisions.

#### Disclosure of Pecuniary Interest and General Nature Thereof

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

#### Requests for Withdrawal or Adjournment

There were no requests for withdrawal or adjournment.

#### Town of Pelham Consolidated Planning

#### Purpose of the Applications

Application B1/2015 P on behalf of Lawrence Overbeeke is made for consent to convey 1114 square metres of land for single detached

**Reports,  
B1/2015P and  
B2/2015P**

(Files B1/2015P and  
B2/2015 - Lawrence  
Overbeeke)

residential use. 1236 square metres of land (Part 1) with a dwelling known municipally as 691 Canboro Road, is to be retained for continued residential use. Application B2/2015P relating to Part 2 on the drawing is being considered concurrently.

Application B2/2015P on behalf of Lawrence Overbeeke is made for consent to convey 1,115 square metres of land for single detached residential use. 1,236 square metres of land (Part 1) with a dwelling known municipally as 691 Canboro Road, is to be retained for continued residential use. Application B1/2015P relating to Part 1 is being considered concurrently.

**Representaton:**

Lawrence Overbeeke was present on behalf of these applications.

**Correspondence Received:**

Town of Pelham Consolidated Planning Report  
Town of Pelham Building Division  
Town of Pelham Public Works Department  
Region of Niagara Planning and Development Department  
Larry and Jane Sztogryn  
Joe McCollum

**Comments:**

The Secretary Treasurer read a synopsis of the Planning Reports and correspondence received from. Although the applicant was present in the gallery, he offered no additional comments regarding the proposals. Although interested citizens were present in the gallery, no one spoke to the applications.

The Secretary-Treasurer provided clarification as to the requirements for connecting to the municipal watermain system. It was noted by the Committee that although a number of conditions will be required to ensure an orderly development, the conditions address any concerns.

**Resolution #CA20150602.1001**

Moved By: Brian DiMartile Second By: James Federico

**THAT Application for consent to convey 1114 square metres of land, shown as Part 3 on the drawing submitted, being part of Lot 3,Registered Plan 59M-101 in the Town of Pelham be GRANTED; and Application for consent to convey 1115 square metres of land, shown as Part 2 on the drawing submitted, being part of Lot 3,Registered Plan 59M-101 in the Town of Pelham, be GRANTED, subject to the following conditions:**

**Conditions and Reasons are Identical for Applications B1/2015P and B2/2015P, Lawrence Overbeeke, as follows:**



1. **THAT the Director of Public Works for the Town of Pelham be provided with written documentation confirming that there are no existing water or sewer services branches from or through the subject or remnant parcels, to other lands;**
2. **THAT an application be submitted for each new connection to the 300mmØAC Regional watermain located within the Canboro Road allowance to the satisfaction of the Niagara Region Planning and Development Services Division, through the Town of Pelham Public Works Department;**
3. **THAT detailed drawings of proposed connections to the 300mmØAC Regional watermain located within the Canboro Road allowance be provided to the Niagara Region Planning and Development Services Department for review and approval;**
4. **THAT detailed design drawings, including calculations, for extension of the local 200mmØPVC sanitary sewer system required to service the proposed subject and remnant parcels be submitted, and a Ministry of the Environment and Climate Change Environmental Compliance Approval be obtained under the Transfer of Review Program to the satisfaction of the Niagara Region Planning and Development Services Division;**
5. **THAT the dwelling known municipally as 691 Canboro Road be connected to municipal sanitary sewers and the existing sewage system be decommissioned, to the satisfaction of the Niagara Region Planning and Development Services Division;**
6. **THAT the Municipal Sanitary Sewer Line to service the subject and remnant parcels be completed, to the satisfaction of the Niagara Region Planning and Development Services Division;**
7. **THAT the accessory buildings situated on the subject lands be demolished to the satisfaction of the Town of Pelham Chief Building Official.**
8. **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.**
9. **THAT the final certification fee of \$358, per application, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer.**
10. **THAT applications B1/2015P and B2/2015P on behalf of Lawrence Overbeeke obtain concurrent final certification of the Secretary-Treasurer.**

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

1. **The applicant is aware, and the Town of Pelham Chief Building Official has been advised, that any request to connect to an existing Town of Pelham drinking watermain shall be managed through the building permit process and shall be subject to review by the Water Department, taking into consideration such factors as length of service or cross-connections to existing wells.**

2. **The approval will create a lot in a settlement area that is serviced by a public water supply and sanitary sewer system, and which 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. **The Committee is satisfied that the lot configuration is consistent with the surrounding area.**
4. **This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**

**Carried**

**Adjournment**

**Resolution #CA20150602.1002**

Moved By: James Federico    Second By: Brian DiMartile

**THAT there being no further business, the Committee of Adjustment Hearing be and is hereby adjourned.**

**Carried**

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B. DiMartile, Chair

Nancy J. Bozzato, Town Clerk/Secretary-Treasurer

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Date Approved

Hearing Chair