

**Committee of Adjustment
AGENDA**

CoA-09/2017

September 12, 2017

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

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

5. Applications for Minor Variance

5.1 File A28/2017P - Colin Scott Allison

1

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Fire & By-law Department
4. Jan and David Wininger
5. Anne Jenkins and Kathy Babbit
6. Laurence and Philippe Roptus
7. John and Ursula Deans
8. Wendy Atkins
9. Gordon Marasco
10. John Nocera
11. Atkins
12. Adrian and Christine Cayton
13. Nancy Benko
14. Jeff and Christine Hoover

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Fire & By-law Department
4. Jan and David Wininger
5. Anne Jenkins and Kathy Babbit
6. Laurence and Philippe Roptus
7. John and Ursula Deans
8. Wendy Atkins
9. Gordon Marasco
10. John Nocera
11. Margaret Galt - Photos
12. Atkins
13. Adrian and Christine Cayton
14. Nancy Benko
15. Jeff and Christine Hoover

5.3 File A30/2017P - Kenneth Shier & Anita Muscat-Tyler

52

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Fire & By-law Department
4. Jan & David Wininger
5. Anne Jenkins and Kathy Babbit
6. Laurence and Philippe Roptus
7. John and Ursula Deans
8. Wendy Atkins
9. Gordon Marasco
10. Anna Tbeshat
11. John Nocera
12. Atkins
13. Adrian and Christine Cayton
14. Nancy Benko
15. Jeff and Christine Hoover

5.4 File A31/2017P - Henry and Leona Bokma

75

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works & Engineering
4. Town of Pelham Fire & By-law Services
5. Region Comments

6. Applications for Consent

6.1 File B22/2017P - 744530 Ontario Inc.

85

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Bell Comments

6.2	File B23/2017P - Trustees of the Fonthill Church	93
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. NPCA Comments	
	4. Bell Comments	
	5. John Abbott	
	6. Real Bergevin	
	7. Edward Russell	
6.3	File B24/2017P - Giampaolo Investments Ltd.	108
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works & Engineering	
	4. Bell Comments	
6.4	File B25/2017P - Giampaolo Investments Ltd.	116
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works & Engineering	
	4. Bell Comments	
6.5	File B26/2017P - Giampaolo Investments Ltd.	124
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works & Engineering	
	4. Bell Comments	

6.6	File B27/2017P - Giampaolo Investments Ltd.	132
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works & Engineering	
	4. Bell Comments	
6.7	File B28/2017P - Giampaolo Investments Ltd.	140
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works & Engineering	
	4. Bell Comments	
6.8	File B29/2017P - Giampaolo Investments Ltd.	148
	1. Town of Pelham Planning Department	
	2. Town of Pelham Building Department	
	3. Town of Pelham Public Works & Engineering	
	4. Bell Comments	
7.	Minutes for Approval	156
	Committee of Adjustment Hearing Minutes - August 1, 2017	
8.	Adjournment	

September 12, 2017

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

Re: Minor Variance Application A28/2017P (S. Allison)
10 Brayden Way, Pelham
Block 13, Plan 59M-406, Part 3 of Plan 59R-15691
Roll No. unknown

The subject land is located on the south side of Brayden Way, lying east of Tanner Drive, being Block 13; Plan 59M-406, Part 3 on 59R-15691, and known municipally as 10 Brayden Way in the Town of Pelham.

The subject land is zoned 'Residential Multiple 1-223' (RM1-223) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 6.35 (c) "Yard Encroachments"** to permit a rear yard encroachment of 2.5m for an uncovered deck whereas 1.5m is allowed.
- **Section 6.35 (c) "Yard Encroachments"** to permit the height of the deck encroachment of 1.64m whereas 1.3m is allowed.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The lands are located within the 'Settlement Area' according to the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

No direct policies of the Growth Plan speak to uses such as decks or patios.

Regional Official Plan (Consolidated, August 2014)

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

Policy 11.A.2 states that the Region encourages the development of attractive, well designed residential development that:

- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

Town Official Plan, 2014

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' which permits townhomes.

Pelham Zoning By-law Number 1136 (1987)

The Zoning By-law identifies the subject parcel as 'Residential Multiple 1-223' (RM1-223).

Section 16.3 Regulation for street townhouses:

- g) Minimum Rear Yard 7.5m

Section 6.35 (General Provisions) Yard Encroachments

- c) Unenclosed porches, balconies, steps and patios, covered or uncovered may project into a required yard a maximum distance of 1.5m provided that, in the case of porches, steps or patios, such uses are not more than 1.3m above ground.

- The request is to permit an encroachment of 2.5m into the required rear yard at a height of 1.64m for an uncovered deck with steps.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The variance to permit a larger rear yard encroachment and increase of height for an uncovered porch is minor overall given the relatively small scale of the proposed deck in relation to the scale of the collective rear yards and neighbouring buildings surrounding the use. No negative impacts are anticipated as presented in this request.
2. The variance is desirable for the development or use of the land.	Permitting a larger rear yard uncovered deck height & encroachment is desirable for the site because it improves the rear yard amenity space without negatively affecting neighbours.
3. The variance maintains the general intent and purpose of the Official Plan.	Enlarging the rear yard encroachment for the uncovered deck does not compromise the intent of the Official Plan because the extension will not negatively affect any neighbouring resident's sight lines or sun exposure.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Enlarging the rear yard encroachment for the uncovered deck does not compromise the intent of the Zoning By-law because some spatial separation is maintained between the rear yard lot line and abutting neighbours.

Comments

On August 1st 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

Staff / Agency

- Building Department (August 31, 2017)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (August 28, 2017)
 - Does not support construction due to impact on rear lot swales which affect drainage for all lots on the south side of Brayden Way.



- Fire & By-Law Services Department (August 1, 2017)
 - No comments

Public Comments (summarized below, see appendices for complete comments):
{Not in support}

- Anne Jenkins & Kathy Babbit
 - Loss of privacy for Quaker Road lots.
 - ✓ Subjective in context, select trees have been planted along the rear yards and are expected to help mitigate long term privacy concerns.
 - Relief was previously granted for rear yard encroachments under file A2/2015P.
 - ✓ False, the previous application for encroachments was withdrawn.
 - Stairs can be built from the side of the existing deck without the need for a rear yard encroachment.
 - ✓ Yes, this is an option.
- Laurence & Philippe Roptus
 - Previously granted relief for rear yard encroachments under file A2/2015P.
 - ✓ False, the previous application for encroachments was withdrawn.
- Nancy Benko
 - Concerns about standing water / grading.
 - ✓ These townhouse units have not received final lot grading approval via building permit. A revised final lot grading plan will be required for the subject property as a condition of approval.
 - Concern for access of the “middle unit” because decks have blocked access across rear yards. 12 & 14 Brayden Way have obstructed passage through to their rear yards.
 - ✓ 12 & 14 Brayden Way do not have access easements in favour of their attached, interior unit neighbours. Therefore, there is no duty to maintain an unobstructed 1.5m access easement along the rear lot line. The Reference Plans (59R-15691 and 59R-15803) illustrate how the attached neighbours receive their rear yard access from the other side. (Figure 1)



✓

Figure 1: Comprehensive overlay of both reference plans for subject lands.

{Support}

- Adrian & Christine Cayton
- Jan & David Wininger
- Gordon Marasco
- Wendy Atkins
- Jeff & Christine Hoover
- John Nocera
- Ursula & John Deans
 - The deck is in keeping with the character of the neighbourhood, enhances the appeal of the area and does not detract from the surrounding environment.
 - Does not feel the deck / stairs are infringing on privacy, view or services in any way.

Planning Comments

Planning Staff visited the site's neighbourhood and don't foresee any adverse impacts to the neighbourhood as a result from this minor variance. The overall scale of the deck and stairs being considered, as shown on the application's site plan and in the attached photos (Figure 1) is minor overall and will not obstruct drainage operations, privacy, or the enjoyment of rear yards. Further, a couple trees have been planted near the rear lot lines and as they mature, will help buffer neighbouring properties sight lines.

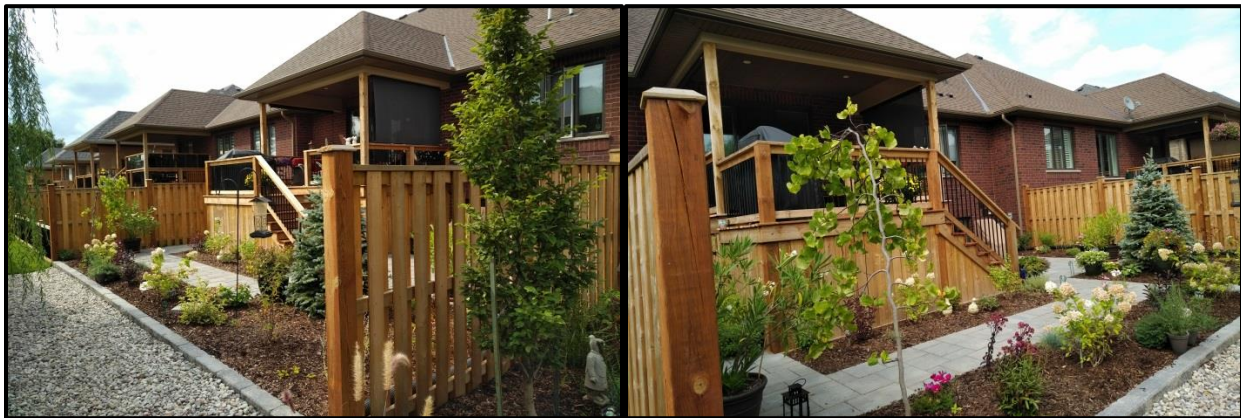


Figure 2: Deck extension at 10 Brayden Way

Please note that there was not a previous minor variance approval relating to deck encroachments into the rear yards. That application was amended and those requests were withdrawn from the Committee of Adjustment's consideration. The subject application is not asking for subsequent relief over what was previously granted. The provisions before the Committee are the standard default regulations found under Section 6 – General Provisions.

The Committee should note that the rear yard swales have been impacted mainly because of landscaping treatments carried out by the owners. The final lot grading approval may require the landscaping to be substantially altered, regardless of the deck extensions. The proposed condition for a revised lot grading plan, (if approved) is meant to address drainage concerns raised by the Public Works Department.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act. The subject application is consistent with Provincial policies, the Regional Official Plan, and conforms to the general intent of the Town 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 at large. Consequently, Planning Staff recommend that application file number A28/2017P **be approved**, subject to the following conditions:

THAT

- The applicant resubmit a revised final lot grading plan which takes into account the new decking, and any associated hardscaping (e.g. patios) and the loss in permeable surface that the previous grading plan took into consideration to the satisfaction of the Town.
- All necessary building permits are received.

Submitted by,



Curtis Thompson
Planner, BURPI

Reviewed by,

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

File: A28/2017P

August 31, 2017

Address: 10 Brayden Way, Pelham

Owner: Colin Scott Allison

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard

Building Intake/Plans Examiner

Community Planning & Development

Judy Sheppard

From: Nancy Bozzato
Sent: Tuesday, August 01, 2017 4:52 PM
To: Judy Sheppard; Curtis Thompson
Subject: FW: Varinaces

 <i>Vibrant · Creative · Caring</i>	Nancy Bozzato, Dipl.M.M. <i>Town Clerk</i> Administration Services	e: njbozzato@pelham.ca p: 905.892.2607 x315 pelham.ca	20 Pelham Town Square P.O. Box 400 Fonthill, ON L0S 1E0
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TOWN OF PELHAM CONFIDENTIALITY NOTICE:

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From: William Underwood
Sent: Tuesday, August 01, 2017 3:27 PM
To: Nancy Bozzato
Cc: Sarah Leach
Subject: Varinaces

Hi Nancy,

Fire has no comments for File A28-30/2017P.

Thanks,

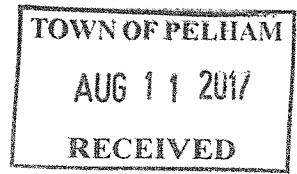
Will

 <i>Vibrant · Creative · Caring</i>	William Underwood <i>Fire Prevention Officer</i> Fire & By-Law Services	e: wunderwood@pelham.ca p: 905.892.2607 x202 c: 905.327.0402 pelham.ca	177 Highway 20 West P.O. Box 323 Fonthill, ON L0S 1E0
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any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you



Jan and David Wininger
■ Brayden Way
Fonthill, On LOS1E4

2017-08-09

Dear Ms.Bozzato,

Recently we received communication regarding a meeting to be held on September 12,2017. The meeting will include discussion regarding an addition to the existing deck of the new builds by Lucchetta builders on 10, 12, 14 Brayden Way. We have seen each of these backyards and in our opinion the owners have enhanced and beautified their yards at their own expense. The small extension of their decks have not obstructed or detracted from the environment and we see no reason why it should be removed in any of the yards. In our opinion, they have enhanced their yard. These extension are not offensive in any way to any of the surrounding properties.

Sincerely,

Jan and David Wininger

Anne C Jenkins & Kathy R Babbitt
PO Box [REDACTED]
Fonthill, Ontario
LOS 1E0

August 14, 2017

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

Re: Files - A28/2017P, A29/2017P, and A30/2017P

We do not support the requests for encroachment relief as detailed in the above listed applications.

Additionally, we would not support similar approval(s) for south lot encroachments from any additional and/or future applicants of the townhomes along Brayden Way.

While a loss of privacy for those neighbours facing Quaker Road would seem to be the primary objection, it is not the only issue of concern and dismay.

Other points of objection and/or contention includes but is not limited to;

- All the townhome properties on Brayden Way were awarded a Committee of Adjustment approval for encroachment in 2015 following an application by the builder.
 - Reference: File A2/2015P: Section 6.35(c) and Section 16.3(g) of the bylaw requires a setback distance of 7.5 metre and permit a 1.5 metre encroachment in the rear yard for unenclosed porches, balconies, steps. The applicant (Lucchetta Construction Ltd) requested relief from the bylaw provisions for an additional 2.6 metres. The Planning Committee granted the applicant.
 - As such, haven't the townhouse owners already benefited by 3.6 metres of encroachment approvals?

- Despite Town of Pelham Council and Committee investment of time and cost to create, maintain, manage and enforce such bylaws, the applicants proceeded with their desire to build onto the existing structure. Therefore, one could conclude that the applicants decided to proceed without an approved building permit and without regard for municipal bylaw, their neighbours and taxpayers.
- Approval these applications will set a clear precedent for other Brayden Way townhome owners.
- The size, location and design of the decks as provided by the builder is generous relative to the individual townhouse footprint.
- Stairs can be built from side of the existing deck without diminishing the existing footprint of the deck and without a need for further encroachment.

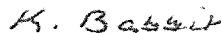
It's bewildering that the townhome owners would not have known the design and size of the deck in advance of their purchase. It's likely the owners were aware of the property boundary & bylaws through initial and subsequent interactions with the builder, lawyers and the contractor who constructed the deck expansions.

Hopefully, our Planning Committee will resolve the situation to the satisfaction of *all* neighbours. It is unfortunate for *all* concerned - and sadly, the outcome of this issue could displace what is ordinarily a welcoming and harmonious neighbourhood.

Sincerely,

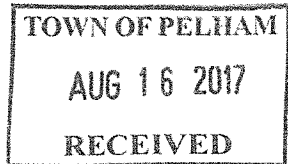


Anne Jenkins



Kathy Babbit

cc: John Durley, Councillor Ward 3
Peter Papp, Councillor Ward 3
Nancy Bozzato, Clerk



Laurence & Philippe Roptus

■ Quaker Rd Welland
Ontario L3C 3H4
■

August 11, 2017

To: Mrs. Nancy J. Bozzato Secretary-Treasurer
Town of Pelham Committee of Adjustment
20 Pelham Town Square L0S 1E0

**Ref: File A28/2017P Colin Scott Allison Block 13, Plan 59M-406, part 3 on 59R-15691
10 Brayden Way, Pelham**

Dear Mrs. Bozzato,

With respect to the file above referenced, please note that after seeking legal counsel we concluded that it is not in our best interest to support the application for minor variance or permission. To the best of our knowledge a relief has already be granted and another change would have a negative impact on our privacy. Given this, we do not support the relief from the following sections:

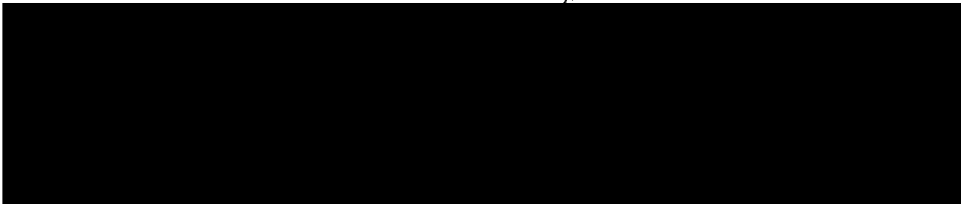
6.35 (c) -Yard Encroachments Permitted - seeking 2.5 metre encroachment into a required rear yard whereas 1.5 metres is allowed; and

6.35 (c) – Yard Encroachments Permitted- seeking 1.64 metre encroachment for height whereas 1.3 metres is allowed. Relief is sought to facilitate construction of stairs to a deck to create an additional ingress/egress access.

As we won't be able to attend the September 12, 2017 meeting, we would appreciate to be notified in writing of the decision of the Committee of Adjustment.

Sincerely

Laurence & Philippe Roptus



No. of pages (including cover 1):

Date:	August 27-2017	From:	John and Ursula Deans
To:	Ms. Bozzato		
Fax:	905-892-5055		
Address	20 Pelham Town Square Fonthill, Ontario, L0S1E0 E-mail: NJBozzato@pelham.ca		■ Emily Lane Fonthill, Ontario L0S1E4

Subject	Application for Minor Variance or Permission on Behalf of File A28/2017P, A29/2017P, A30/ 2017P
	10,12 and 14 Brayden Way Fonthill, Ontario

Dear Ms Bozzato

We are in receipt of the Notice of Public Hearing, addressing the applications for minor variances regarding yard encroachments for the recently built Lucchetta homes on Brayden Way and, in particular Units 10, 12 and 14. This is in regards to the meeting planned for Sept 12, 2017 at the Municipal Bldg Council Chambers to address these variances.

We would like to first off state the owners of the 3 properties in question are very co-operative and caring people and certainly are a great addition to the townfolk of Fonthill. I am sure any interaction that the town employees of Fonthill have had would absolutely support this view.

We have observed all three properties and the Owners have done an amazing job. Their extensions to the decks have done nothing but help beautify their properties along with their outstanding landscaping. It is really hard to believe any neighbours objecting to these properties.

We have no objection to the proposal, especially given the care and effort these neighbours have put in to beautify their properties. We hope the town has no objection and approves their applications. They have done an exemplary job and they just add more beauty to the properties of Fonthill.

Thank-you
Yours truly,

Ursula and John Deans

Sarah Leach

From: Nancy Bozzato
Sent: Wednesday, August 30, 2017 4:49 PM
To: Judy Sheppard; Sarah Leach; Curtis Thompson
Subject: 10,12 and 14 Brayden Way

From: Wendy Atkins [<mailto:> [REDACTED]]
Sent: Wednesday, August 30, 2017 4:41 PM
To: Nancy Bozzato
Cc: Wendy Atkins
Subject: Re: 10,12 and 14 Brayden Way

Dear Ms. Bozzato:

I am writing in regards to the town meeting scheduled for September 12th, reference the above.

I have seen the deck extensions and stair installations for the above mentioned units.

The work has been completed in a professional manner and add beauty to the rear of the said units.

The stairs are not only functional, but a necessity as one ages. In order to enjoy the rear outdoor space, it is much more convenient to exit from the deck as apposed to walking around the units. There is also a swale in all rear yards for proper drainage, so if one is barbecuing or requires entry in the rear, this is very dangerous with water in the swales during the rainy season.

Pelham encourages "beautification" and these areas certainly add to the beauty of the complex and demonstrates pride of ownership.

When completed, this complex will be an above average and very desired area, showing off Pelham at its best.

Wendy Atkins

[REDACTED] Brayden Way
[REDACTED]

SUBJECT
FILE A30/2017P
FILE A29/2017P
FILE A28/2017P
PELHAM NIAGARA

ATTENTION:
NJ BOZZATO
TOWN OF PELHAM
COMMITTEE OF ADJUSTMENT

TO: SECRETARY-TREASURER

I am writing in response to the MINOR VARIANCE APPLICATION regarding the above FILES for these three properties on BRAYDEN WAY.

I recently visited the rear yards of these properties. I was very impressed with what I saw.

The applicant owners have skillfully extended their decks and stairs to provide excellent land usage. They have utilized many of the same materials that Lucchetta Homes used in the original construction. The construction blends in with the surroundings and the adjoining structures.

The owners have successfully planted vegetation that shows originality and professionalism. My understanding is that two of the applicants contracted with DeKORTE'S LANDSCAPING LTD to further enhance the rear yard of their properties. TIMBERLINE LANDSCAPING CONTRACTORS provided professional landscaping services for one of the properties.

The encroachments have added significant value to the properties and do not appear to intrude on any of the adjacent side yard neighbours.

Further, these revisions should not affect the rear yard neighbours as there is considerable property distance from their houses. There also is enough efficiently planted foliage to shield these rear neighbours from the deck heights.

I fully support all three requests for these MINOR VARIATIONS.

REGARDS
GORDON MARASCO
EMILY LANE FONTHILL L0S1E4

TOWN OF PELHAM
AUG 31 2017
RECEIVED

Date: Aug 30 2017

Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from some of our neighbours at 10, 12 and 14 Brayden Way.

We are neighbours of theirs at live at the following address:

■ BRAYDEN WAY

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

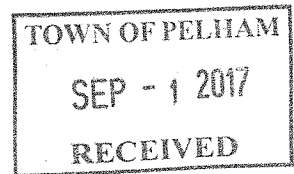
In conclusion, we would like to submit to the committee that we DO NOT object to the height nor extension and therefore do not object to their request for a variance.

Names: JOHN ALBERTA

Signature: 

■ BRAYDEN WAY.

Date: Aug 31, 2017



Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from some of our neighbours at 10, 12 and 14 Brayden Way.

We are neighbours of theirs and live at the following address:



Brayden Way

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

In conclusion, we would like to submit to the committee that we DO NOT object to the height nor the extension and therefore have no objection to their request for a variance.

Names:



Signature:

Brayden

TOWN OF PELHAM
SEP - 1 2017
RECEIVED

Date: August 30th, 2017

Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from some of our neighbours at 10, 12 and 14 Brayden Way.

We are neighbours of theirs at live at the following address:  Brayden Way

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

In conclusion, we would like to submit to the committee that we DO NOT object to the height nor extension and therefore do not object to their request for a variance.

Names: ADRIAN CAYTON

CHRISTINE CAYTON

Signature:



With respect to the "minor variance" of 10, 12, 14 Brayden Way. I am the town directly beside 14 Brayden Way. I have serious concerns with respect to this. I will address my concerns in summary form.

Water flow

When I purchased this town, I was told that the back yard had a setback in addition to the swale, which is a marshy soft ground. The variances have a huge impact with water flow. We have been here for summer months with large downpours. This water pools and sits and at times does not move with the end result being large quantities of pooling water rising, where the water has no where to go, so it collects and floods the yards. I believe there were several flooded basements just this summer alone. And they are NEW...imagine over time if you will. ALL properties are impacted largely in a rain event, which will also affect winter snowfall, if snowfalls are large OR we get a period of freeze thaw situations. These "variances" can and will affect the standing water issues in all seasons. These towns are quite close together and not set back far enough to do the kinds of things that have gone on with respect to deck expansions, stairs, and huge rocks buried into the yard. This puts ALL surrounding towns in jeopardy. When the yards were done, the grade was set. ***To immediately alter the grade puts all towns at risk.***

Access

These "minor variances" have affected access for the other units. There has been no consideration for the middle units whatsoever, and in fact a more "deal with it" mentality was forced upon the middle units. We were told, by the builder, the back 4 feet was to be an access way, or easement, however, these "minor" variances have essentially blocked anyone from getting through. It appears these folks have concerns for themselves, however no concerns with the surrounding homes. The term "not permanent" has also been floating around with respect to these soft & hard scapes. This is semantics and wordplay because I was under siege for months and months while they had machines and saw cutting rocks and dragging trees and rocks and people through *MY BACK YARD* with not even so much as a warning this was going to happen. Again "deal with it" mentality.

Uniformity

The builder, Award Winning Luchetta Homes, has built these towns with uniformity in mind. They have gone to painstaking lengths to ensure these homes looked calm & peaceful and uniform. That was evident then and also evident now. Unfortunately, the homeowners here seem to have thrown that concept out, and taken a free for all stance. I look to the towns uptown in Fonthill, which are decades old, but still have the appearance of peaceful and high end. Those people didn't take a free for all approach and decades later, they have remained uber classy, and looking the same as they did years and years ago. This will create problems down the road as people try to sell these units.

Hardscapes

The new terms popping up seems to be “not permanent”. Now, I may be wrong, but having an exposed aggregate pad poured, to house a hot tub, and a pergola, a **fire pit**, an in the air runway would not be considered “not permanent”. If I want to go out onto my deck, I have to pick and choose when I may do so because again “deal with it”, I’m doing what I’m doing and I’m gonna run the show here, attitude, I am not being allowed the ability to enjoy my own yard because of the noise and the nonsense of infighting and fighting with the rear neighbours and little gangs of bullies on the street. If I am to use the mentality that it is not permanent, then I guess my house is not permanent because you can come with a dozer and knock it down. Again, wordplay and also bullying. We have completely lost our back yard because of this. There is no time I don’t have to deal with something even if I want to go out and read a book, there is no concern for their surroundings and only concerned with themselves. They also seem to have problems with the behind neighbours and they want to dictate to someone who has been there long before them, again, “deal with it” bullies.

ACCESS

The town towns 12 & 14, have decided in no uncertain terms, NO ONE is going through their towns. These two towns have again, taken it upon themselves, to completely obstruct anyone from passing through and have resorted to replacing this entire area with river rock. Now imagine for a moment, should an emergency happen and firemen or ambulance needed to get through there, is that for real? They are supposed to scale these rocks? Unacceptable and puts everyone at risk. Bullies.

SINGLES

It appears as though these folks would have had this option if they purchased a single home. With a townhome there are certain things you need to accept. Perhaps these folks would be better with a fenced in backyard of their own. Perhaps they have incorrectly purchased a town without knowing what you give up when you purchase one. These are the kinds of things single home owners do. I just have to look at the towns uptown Fonthill and seeing they look the same today as they did when they were first built. Something they may wish to consider.

In closing I would just like to say, I am happy to share my concerns in a public forum and completely prepared to come to the meeting Sept. 12 at 4 p.m. and here the discussion and the rulings.

Sincerely,

Ms. Benko, ■ Brayden Way

Sarah Leach

From: Nancy Bozzato
Sent: Tuesday, September 05, 2017 9:40 AM
To: Judy Sheppard; Sarah Leach; Curtis Thompson
Subject: FW: Notice of Public Hearing

Please add to the comments for the September 12th hearing.

Thank you!

Nan

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-----Original Message-----

From: Jeff Hoover [REDACTED]
Sent: Sunday, September 03, 2017 11:15 AM
To: Nancy Bozzato
Cc: Jeff Hoover
Subject: Notice of Public Hearing

Dear Ms. Bozzato,

We recently received a notice of public hearing in regards to 3 applications for minor variance or permission to be held by the Committee of Adjustment for the Town of Pelham on September 12, 2017 @ 4pm. The meeting will include discussion regarding additions to the existing decks for the new builds by Lucchetta Homes for 3 of our neighbours @ 10,12 & 14 Brayden Way. We have had the opportunity to review each of these backyards and the extensions in question in our opinion have enhanced the beauty of these yards. The small extensions and stairs have not only made the existing covered porches accessible but have enhanced the character & appeal of the entire covered porch section. These do not create any obstructions or detract from the environment and we see no reason why they should be removed or altered in any way. These extensions and stairs are not offensive in any way to any of the surrounding properties and we fully support the projects that our neighbours have completed.

Sincerely,

Jeff & Christine Hoover
[REDACTED] Brayden Way

Fonthill, ON, L0S1E4

9,03,2017

September 12, 2017

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

Re: Minor Variance Application A29/2017P (M. Galt)
12 Brayden Way, Pelham
Block 13, Plan 59M-406, Part 4 of Plan 59R-15691
Roll No. unknown

The subject land is located on the south side of Brayden Way, lying east of Tanner Drive, being Block 13; Plan 59M-406, Part 4 on 59R-15691, and known municipally as 12 Brayden Way in the Town of Pelham.

The subject land is zoned 'Residential Multiple 1-223' (RM1-223) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 6.35 (c) "Yard Encroachments"** to permit a rear yard encroachment of 5.5m for an uncovered deck whereas 1.5m is allowed.
- **Section 6.35 (c) "Yard Encroachments"** to permit the height of the deck encroachment of 1.64m whereas 1.3m is allowed.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The lands are located within the 'Settlement Area' according to the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

No direct policies of the Growth Plan speak to uses such as decks or patios.

Regional Official Plan (Consolidated, August 2014)

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

Policy 11.A.2 states that the Region encourages the development of attractive, well designed residential development that:

- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

Town Official Plan, 2014

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' which permits townhomes.

Pelham Zoning By-law Number 1136 (1987)

The Zoning By-law identifies the subject parcel as 'Residential Multiple 1-223' (RM1-223).

Section 16.3 Regulation for street townhouses:

- g) Minimum Rear Yard 7.5m

Section 6.35 (General Provisions) Yard Encroachments

- c) Unenclosed porches, balconies, steps and patios, covered or uncovered may project into a required yard a maximum distance of 1.5m provided that, in the case of porches, steps or patios, such uses are not more than 1.3m above ground.

- The request is to permit an encroachment of 5.5m into the required rear yard at a height of 1.64m for an uncovered deck with steps.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The request to permit a larger (5.5m) rear yard encroachment and increase of (1.64m) height for an uncovered porch is not minor overall given the relatively large scale of the proposed deck in relation to the scale of the rear yards and neighbouring buildings surrounding the use. Negative impacts with respect to loss of privacy and drainage impacts are anticipated and may persist with this setup.
2. The variance is desirable for the development or use of the land.	Permitting a larger rear yard uncovered deck height & encroachment is desirable for the site because it improves the rear yard amenity space and provides for access to the rear yard from the deck.
3. The variance maintains the general intent and purpose of the Official Plan.	Allowing the (5.5m) rear yard encroachment for the uncovered deck will compromise the Official Plan's intent because the extension does protrude significantly beyond the neighbouring rear yard decks and is highly visible from various angles. The intent of the Official Plan is to provide for appropriate development that minimizes land use conflicts by respecting neighbourhood character. The requested variance will increase the opportunity of land use conflicts with adjacent properties to a degree that is not appropriate.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Enlarging the rear yard encroachment for the uncovered deck does compromise the intent of the Zoning By-law because little spatial separation is maintained between the rear lot line and abutting neighbours. The deck also leaves little open space available to residents and affects the permeability of ground cover increasing storm water runoff.

Comments

On August 1st 2017, a notice was circulated to agencies directly affected by the proposed application



including internal Town departments (Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

Staff / Agency

- Building Department (August 31, 2017)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (August 28, 2017)
 - Does not support construction due to impact on rear lot swales which affect drainage for all lots on the south side of Brayden Way.
- Fire & By-Law Services Department (August 1, 2017)
 - No comments.

Public Comments (summarized below, see appendices for complete comments):

{Not in support}

- Anne Jenkins & Kathy Babbit
 - Loss of privacy for Quaker Road lots.
 - ✓ Subjective in context, select trees have been planted along the rear yards and are expected to help mitigate long term privacy concerns.
 - Relief was previously granted for rear yard encroachments under file A2/2015P.
 - ✓ False, the previous application for encroachments was withdrawn.
 - Stairs can be built from the side of the existing deck without the need for a rear yard encroachment.
 - ✓ Yes, this is an option.
- Laurence & Philippe Roptus
 - Previously granted relief for rear yard encroachments under file A2/2015P.
 - ✓ False, the previous application for encroachments was withdrawn.
- Nancy Benko
 - Concerns about standing water / grading.
 - ✓ These townhouse units have not received final lot grading approval via building permit. A revised final lot grading plan will be required for the subject property as a condition of approval.
 - Concern for access of the "middle unit" because decks have blocked access across rear yards. 12 & 14 Brayden Way have obstructed passage through to their rear yards.
 - ✓ 12 & 14 Brayden Way do not have access easements in favour of their attached, interior unit neighbours. Therefore, there is no duty to maintain an unobstructed 1.5m access easement along the rear lot line. The Reference Plans (59R-15691 and 59R-15803) illustrate how the attached neighbours receive their rear yard access from the other side. (Figure 1)



Figure 1: Comprehensive overlay of both reference plans for subject lands.

{Support}

- Adrian & Christine Cayton
- Jan & David Winingar
- Gordon Marasco
- Wendy Atkins
- Jeff & Christine Hoover
- John Nocera
- Ursula & John Deans
 - The deck is in keeping with the character of the neighbourhood, enhances the appeal of the area and does not detract from the surrounding environment.
 - Does not feel the deck / stairs are infringing on privacy, view or services in any way.

Planning Comments

The applicants submitted a letter with the minor variance application detailing several reasons for the deck extension (see attached). In summary, according to the applicants the deck was extended for the purposes of:

- Providing access to the backyard for emergency purposes.
 - ✓ The house design meets the emergency exiting requirement.
- Providing sun exposure for health reasons.
 - ✓ Not a matter that can be considered as one of the minor variance tests under the Planning Act., Resident sun exposure can be achieved in various fashions.
- Providing exterior living space due to the lawn area being flooded regularly by both weather and an abutting neighbour's pool water being discharged.
 - ✓ A shorter deck closer to grade level, yet off the ground could have achieved the same without requesting Zoning relief.

Planning Staff visited the site's neighbourhood and note the unfinished deck extension has four (4) fence posts which stand quite taller than the railing, the understanding is that these are intended for mounting lattice as a privacy screen. Although staff can appreciate the usefulness of lattice for enhanced screening, the deck itself is ultimately quite large given the size of the rear yard and also takes up a large segment of usable rear yard (Figure 2). When taken into consideration of the overall neighbourhood and within the immediate surrounding rear yards, the privacy screening may not be enough to mitigate such a reduced proximity between the immediate neighbours to the south.



Figure 2: Unfinished deck extension at 12 Brayden Way

Planning Staff is of the opinion the overall scale of the deck and stairs being considered, is not minor overall and may obstruct drainage operations, privacy, or the enjoyment of rear yards. Although a few trees have been planted along the rear lot line, and as they mature will provide some buffering to adjacent properties, in this case, due to the deck's proximity with the rear lot line, the mitigation provided by buffering will be minimal. It is also noted that some of the trees have been planted in the area that was intended to be the drainage swale.

Please note that there was not a previous minor variance approval relating to deck encroachments into the rear yards. That application was amended and those requests were withdrawn from the Committee of Adjustment's consideration. The subject application is not asking for subsequent relief over what was previously granted. The provisions before the Committee are the standard default regulations found under Section 6 – General Provisions.

The Committee should note that the rear yard swales have been impacted mainly because of landscaping treatments carried out by the owners. The final lot grading approval may require the landscaping to be substantially altered, regardless of the deck extensions. The proposed condition for a revised lot grading plan, (if approved) is meant to address drainage concerns raised by the Public Works Department.

Planning Staff is of the opinion that the application is desirable for the subject land but does not meet the remaining minor variance tests laid out by the Planning Act. The subject application is not consistent with Provincial policies, the Regional Official Plan, and does not conform to the general intent of the Town Official Plan and Zoning By-law.

The authorization of the minor variance, as requested, is expected to cause negative impacts on adjacent uses. Consequently, Planning Staff recommend that application file number A29/2017P **be refused**.

However, Planning Staff are prepared to recommend approval of a scaled back deck extension with a maximum encroachment of 2.75m at the requested height of 1.64m subject to the following conditions:

THAT

- The applicant resubmit a revised final lot grading plan which takes into account the new decking, and any associated hardscaping (e.g. patios) and the loss in permeable surface that the previous grading plan took into consideration to the satisfaction of the Town.
- All necessary building permits are received.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: A29/2017P

August 31, 2017

Address: 12 Brayden Way, Pelham

Owner: Margaret Galt

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard

Building Intake/Plans Examiner

Community Planning & Development

Judy Sheppard

From: Nancy Bozzato
Sent: Tuesday, August 01, 2017 4:52 PM
To: Judy Sheppard; Curtis Thompson
Subject: FW: Varinaces

 <i>Vibrant · Creative · Caring</i>	Nancy Bozzato, Dipl.M.M. <i>Town Clerk</i> Administration Services	e: njbozzato@pelham.ca p: 905.892.2607 x315 pelham.ca	20 Pelham Town Square P.O. Box 400 Fonthill, ON L0S 1E0
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From: William Underwood
Sent: Tuesday, August 01, 2017 3:27 PM
To: Nancy Bozzato
Cc: Sarah Leach
Subject: Varinaces

Hi Nancy,

Fire has no comments for File A28-30/2017P.

Thanks,

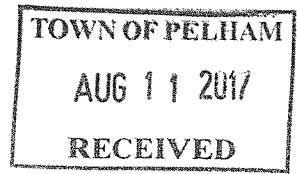
Will

 <i>Vibrant · Creative · Caring</i>	William Underwood <i>Fire Prevention Officer</i> Fire & By-Law Services	e: wunderwood@pelham.ca p: 905.892.2607 x202 c: 905.327.0402 pelham.ca	177 Highway 20 West P.O. Box 323 Fonthill, ON L0S 1E0
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Jan and David Winger
■ Brayden Way
Fonthill, On LOS1E4

2017-08-09

Dear Ms.Bozzato,

Recently we received communication regarding a meeting to be held on September 12,2017. The meeting will include discussion regarding an addition to the existing deck of the new builds by Lucchetta builders on 10, 12, 14 Brayden Way. We have seen each of these backyards and in our opinion the owners have enhanced and beautified their yards at their own expense. The small extension of their decks have not obstructed or detracted from the environment and we see no reason why it should be removed in any of the yards. In our opinion, they have enhanced their yard. These extension are not offensive in any way to any of the surrounding properties.

Sincerely,

Jan and David Winger

Anne C Jenkins & Kathy R Babbitt
PO Box [REDACTED]
Fonthill, Ontario
LOS 1E0

August 14, 2017

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

Re: Files - A28/2017P, A29/2017P, and A30/2017P

We do not support the requests for encroachment relief as detailed in the above listed applications.

Additionally, we would not support similar approval(s) for south lot encroachments from any additional and/or future applicants of the townhomes along Brayden Way.

While a loss of privacy for those neighbours facing Quaker Road would seem to be the primary objection, it is not the only issue of concern and dismay.

Other points of objection and/or contention includes but is not limited to;

- All the townhome properties on Brayden Way were awarded a Committee of Adjustment approval for encroachment in 2015 following an application by the builder.
 - Reference: File A2/2015P: Section 6.35(c) and Section 16.3(g) of the bylaw requires a setback distance of 7.5 metre and permit a 1.5 metre encroachment in the rear yard for unenclosed porches, balconies, steps. The applicant (Lucchetta Construction Ltd) requested relief from the bylaw provisions for an additional 2.6 metres. The Planning Committee granted the applicant.
 - As such, haven't the townhouse owners already benefited by 3.6 metres of encroachment approvals?

- Despite Town of Pelham Council and Committee investment of time and cost to create, maintain, manage and enforce such bylaws, the applicants proceeded with their desire to build onto the existing structure. Therefore, one could conclude that the applicants decided to proceed without an approved building permit and without regard for municipal bylaw, their neighbours and taxpayers.
- Approval these applications will set a clear precedent for other Brayden Way townhome owners.
- The size, location and design of the decks as provided by the builder is generous relative to the individual townhouse footprint.
- Stairs can be built from side of the existing deck without diminishing the existing footprint of the deck and without a need for further encroachment.

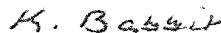
It's bewildering that the townhome owners would not have known the design and size of the deck in advance of their purchase. It's likely the owners were aware of the property boundary & bylaws through initial and subsequent interactions with the builder, lawyers and the contractor who constructed the deck expansions.

Hopefully, our Planning Committee will resolve the situation to the satisfaction of *all* neighbours. It is unfortunate for *all* concerned - and sadly, the outcome of this issue could displace what is ordinarily a welcoming and harmonious neighbourhood.

Sincerely,



Anne Jenkins



Kathy Babbit

cc: John Durley, Councillor Ward 3
Peter Papp, Councillor Ward 3
Nancy Bozzato, Clerk

TOWN OF PELHAM
AUG 16 2017
RECEIVED

Laurence & Philippe Roptus

■ Quaker Rd Welland
Ontario L3C 3H4
■

August 11, 2017

To: Mrs. Nancy J. Bozzato Secretary-Treasurer
Town of Pelham Committee of Adjustment
20 Pelham Town Square L0S 1E0

**Ref: File A29/2017P Margaret Galt Part of Block 13, Plan 59M-406, part 4 on 59R-15691
12 Brayden Way, Pelham**

Dear Mrs. Bozzato,

With respect to the file above referenced, please note that after seeking legal counsel we concluded that it is not in our best interest to support the application for minor variance or permission. To the best of our knowledge a relief has already be granted and another change would have a negative impact on our privacy. Given this, we do not support the relief from the following sections:

6.35 (c) -Yard Encroachments Permitted - seeking 5.5 metre encroachment into a required rear yard whereas 1.5 metres is allowed; and

6.35 (c) – Yard Encroachments Permitted- seeking 1.64 metre encroachment for height whereas 1.3 metres is allowed. Relief is sought to facilitate construction of stairs to a deck to create an additional ingress/egress access.

As we won't be able to attend the September 12, 2017 meeting, we would appreciate to be notified in writing of the decision of the Committee of Adjustment.

Sincerely,

■

Laurence & Philippe Roptus

No. of pages (including cover 1):

Date:	August 27-2017	From:	John and Ursula Deans
To:	Ms. Bozzato		
Fax:	905-892-5055		
Address	20 Pelham Town Square Fonthill, Ontario, L0S1E0 E-mail: NJBozzato@pelham.ca		■ Emily Lane Fonthill, Ontario L0S1E4

Subject	Application for Minor Variance or Permission on Behalf of File A28/2017P, A29/2017P, A30/ 2017P
	10,12 and 14 Brayden Way Fonthill, Ontario

Dear Ms Bozzato

We are in receipt of the Notice of Public Hearing, addressing the applications for minor variances regarding yard encroachments for the recently built Lucchetta homes on Brayden Way and, in particular Units 10, 12 and 14. This is in regards to the meeting planned for Sept 12, 2017 at the Municipal Bldg Council Chambers to address these variances.

We would like to first off state the owners of the 3 properties in question are very co-operative and caring people and certainly are a great addition to the townfolk of Fonthill. I am sure any interaction that the town employees of Fonthill have had would absolutely support this view.

We have observed all three properties and the Owners have done an amazing job. Their extensions to the decks have done nothing but help beautify their properties along with their outstanding landscaping. It is really hard to believe any neighbours objecting to these properties.

We have no objection to the proposal, especially given the care and effort these neighbours have put in to beautify their properties. We hope the town has no objection and approves their applications. They have done an exemplary job and they just add more beauty to the properties of Fonthill.

Thank-you
Yours truly,

Ursula and John Deans

Sarah Leach

From: Nancy Bozzato
Sent: Wednesday, August 30, 2017 4:49 PM
To: Judy Sheppard; Sarah Leach; Curtis Thompson
Subject: 10,12 and 14 Brayden Way

From: Wendy Atkins [<mailto:> [REDACTED]]
Sent: Wednesday, August 30, 2017 4:41 PM
To: Nancy Bozzato
Cc: Wendy Atkins
Subject: Re: 10,12 and 14 Brayden Way

Dear Ms. Bozzato:

I am writing in regards to the town meeting scheduled for September 12th, reference the above.

I have seen the deck extensions and stair installations for the above mentioned units.

The work has been completed in a professional manner and add beauty to the rear of the said units.

The stairs are not only functional, but a necessity as one ages. In order to enjoy the rear outdoor space, it is much more convenient to exit from the deck as apposed to walking around the units. There is also a swale in all rear yards for proper drainage, so if one is barbecuing or requires entry in the rear, this is very dangerous with water in the swales during the rainy season.

Pelham encourages "beautification" and these areas certainly add to the beauty of the complex and demonstrates pride of ownership.

When completed, this complex will be an above average and very desired area, showing off Pelham at its best.

Wendy Atkins

[REDACTED] Brayden Way
[REDACTED]

SUBJECT
FILE A30/2017P
FILE A29/2017P
FILE A28/2017P
PELHAM NIAGARA

ATTENTION:
NJ BOZZATO
TOWN OF PELHAM
COMMITTEE OF ADJUSTMENT

TO: SECRETARY-TREASURER

I am writing in response to the MINOR VARIANCE APPLICATION regarding the above FILES for these three properties on BRAYDEN WAY.

I recently visited the rear yards of these properties. I was very impressed with what I saw.

The applicant owners have skillfully extended their decks and stairs to provide excellent land usage. They have utilized many of the same materials that Lucchetta Homes used in the original construction. The construction blends in with the surroundings and the adjoining structures.

The owners have successfully planted vegetation that shows originality and professionalism. My understanding is that two of the applicants contracted with DeKORTE'S LANDSCAPING LTD to further enhance the rear yard of their properties. TIMBERLINE LANDSCAPING CONTRACTORS provided professional landscaping services for one of the properties.

The encroachments have added significant value to the properties and do not appear to intrude on any of the adjacent side yard neighbours.

Further, these revisions should not affect the rear yard neighbours as there is considerable property distance from their houses. There also is enough efficiently planted foliage to shield these rear neighbours from the deck heights.

I fully support all three requests for these MINOR VARIATIONS.

REGARDS
GORDON MARASCO
EMILY LANE FONTHILL L0S1E4

TOWN OF PELHAM
AUG 31 2017
RECEIVED

Date: Aug 30 2017

Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from some of our neighbours at 10, 12 and 14 Brayden Way.

We are neighbours of theirs at live at the following address:

■ BRAYDEN WAY

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

In conclusion, we would like to submit to the committee that we DO NOT object to the height nor extension and therefore do not object to their request for a variance.

Names: JOHN ALBERTA

Signature: 

■ BRAYDEN WAY.





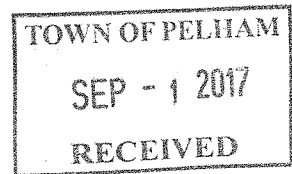








Date: Aug 31, 2017



Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from some of our neighbours at 10, 12 and 14 Brayden Way.

We are neighbours of theirs and live at the following address:



Brayden Way

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

In conclusion, we would like to submit to the committee that we DO NOT object to the height nor the extension and therefore have no objection to their request for a variance.

Names:



Signature:

Brayden


TOWN OF PELHAM
SEP - 1 2017
RECEIVED

Date: August 30th, 2017

Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from some of our neighbours at 10, 12 and 14 Brayden Way.

We are neighbours of theirs at live at the following address:  Brayden Way

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

In conclusion, we would like to submit to the committee that we DO NOT object to the height nor extension and therefore do not object to their request for a variance.

Names: ADRIAN CAYTON

CHRISTINE CAYTON

Signature: 



With respect to the "minor variance" of 10, 12, 14 Brayden Way. I am the town directly beside 14 Brayden Way. I have serious concerns with respect to this. I will address my concerns in summary form.

Water flow

When I purchased this town, I was told that the back yard had a setback in addition to the swale, which is a marshy soft ground. The variances have a huge impact with water flow. We have been here for summer months with large downpours. This water pools and sits and at times does not move with the end result being large quantities of pooling water rising, where the water has no where to go, so it collects and floods the yards. I believe there were several flooded basements just this summer alone. And they are NEW...imagine over time if you will. ALL properties are impacted largely in a rain event, which will also affect winter snowfall, if snowfalls are large OR we get a period of freeze thaw situations. These "variances" can and will affect the standing water issues in all seasons. These towns are quite close together and not set back far enough to do the kinds of things that have gone on with respect to deck expansions, stairs, and huge rocks buried into the yard. This puts ALL surrounding towns in jeopardy. When the yards were done, the grade was set. ***To immediately alter the grade puts all towns at risk.***

Access

These "minor variances" have affected access for the other units. There has been no consideration for the middle units whatsoever, and in fact a more "deal with it" mentality was forced upon the middle units. We were told, by the builder, the back 4 feet was to be an access way, or easement, however, these "minor" variances have essentially blocked anyone from getting through. It appears these folks have concerns for themselves, however no concerns with the surrounding homes. The term "not permanent" has also been floating around with respect to these soft & hard scapes. This is semantics and wordplay because I was under siege for months and months while they had machines and saw cutting rocks and dragging trees and rocks and people through *MY BACK YARD* with not even so much as a warning this was going to happen. Again "deal with it" mentality.

Uniformity

The builder, Award Winning Luchetta Homes, has built these towns with uniformity in mind. They have gone to painstaking lengths to ensure these homes looked calm & peaceful and uniform. That was evident then and also evident now. Unfortunately, the homeowners here seem to have thrown that concept out, and taken a free for all stance. I look to the towns uptown in Fonthill, which are decades old, but still have the appearance of peaceful and high end. Those people didn't take a free for all approach and decades later, they have remained uber classy, and looking the same as they did years and years ago. This will create problems down the road as people try to sell these units.

Hardscapes

The new terms popping up seems to be “not permanent”. Now, I may be wrong, but having an exposed aggregate pad poured, to house a hot tub, and a pergola, a **fire pit**, an in the air runway would not be considered “not permanent”. If I want to go out onto my deck, I have to pick and choose when I may do so because again “deal with it”, I’m doing what I’m doing and I’m gonna run the show here, attitude, I am not being allowed the ability to enjoy my own yard because of the noise and the nonsense of infighting and fighting with the rear neighbours and little gangs of bullies on the street. If I am to use the mentality that it is not permanent, then I guess my house is not permanent because you can come with a dozer and knock it down. Again, wordplay and also bullying. We have completely lost our back yard because of this. There is no time I don’t have to deal with something even if I want to go out and read a book, there is no concern for their surroundings and only concerned with themselves. They also seem to have problems with the behind neighbours and they want to dictate to someone who has been there long before them, again, “deal with it” bullies.

ACCESS

The town towns 12 & 14, have decided in no uncertain terms, NO ONE is going through their towns. These two towns have again, taken it upon themselves, to completely obstruct anyone from passing through and have resorted to replacing this entire area with river rock. Now imagine for a moment, should an emergency happen and firemen or ambulance needed to get through there, is that for real? They are supposed to scale these rocks? Unacceptable and puts everyone at risk. Bullies.

SINGLES

It appears as though these folks would have had this option if they purchased a single home. With a townhome there are certain things you need to accept. Perhaps these folks would be better with a fenced in backyard of their own. Perhaps they have incorrectly purchased a town without knowing what you give up when you purchase one. These are the kinds of things single home owners do. I just have to look at the towns uptown Fonthill and seeing they look the same today as they did when they were first built. Something they may wish to consider.

In closing I would just like to say, I am happy to share my concerns in a public forum and completely prepared to come to the meeting Sept. 12 at 4 p.m. and here the discussion and the rulings.

Sincerely,

Ms. Benko, ■ Brayden Way

Sarah Leach

From: Nancy Bozzato
Sent: Tuesday, September 05, 2017 9:40 AM
To: Judy Sheppard; Sarah Leach; Curtis Thompson
Subject: FW: Notice of Public Hearing

Please add to the comments for the September 12th hearing.

Thank you!

Nan

TOWN OF PELHAM CONFIDENTIALITY NOTICE:

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-----Original Message-----

From: Jeff Hoover [REDACTED]
Sent: Sunday, September 03, 2017 11:15 AM
To: Nancy Bozzato
Cc: Jeff Hoover
Subject: Notice of Public Hearing

Dear Ms. Bozzato,

We recently received a notice of public hearing in regards to 3 applications for minor variance or permission to be held by the Committee of Adjustment for the Town of Pelham on September 12, 2017 @ 4pm. The meeting will include discussion regarding additions to the existing decks for the new builds by Lucchetta Homes for 3 of our neighbours @ 10,12 & 14 Brayden Way. We have had the opportunity to review each of these backyards and the extensions in question in our opinion have enhanced the beauty of these yards. The small extensions and stairs have not only made the existing covered porches accessible but have enhanced the character & appeal of the entire covered porch section. These do not create any obstructions or detract from the environment and we see no reason why they should be removed or altered in any way. These extensions and stairs are not offensive in any way to any of the surrounding properties and we fully support the projects that our neighbours have completed.

Sincerely,

Jeff & Christine Hoover
[REDACTED] Brayden Way

Fonthill, ON, LOS1E4

9,03,2017

September 12, 2017

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

Re: Minor Variance Application A30/2017P (K. Shrier)
14 Brayden Way, Pelham
Block 13, Plan 59M-406, Part 1 of Plan 59R-15803
Roll No. unknown

The subject land is located on the south side of Brayden Way, lying east of Tanner Drive, being Block 13; Plan 59M-406, Part 3 on 59R-15691, and known municipally as 14 Brayden Way in the Town of Pelham.

The subject land is zoned 'Residential Multiple 1-223' (RM1-223) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 6.35 (c) "Yard Encroachments"** to permit a rear yard encroachment of 2.72m for an uncovered deck whereas 1.5m is allowed.
- **Section 6.35 (c) "Yard Encroachments"** to permit the height of the deck encroachment of 1.7m whereas 1.3m is allowed.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The lands are located within the 'Settlement Area' according to the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

No direct policies of the Growth Plan speak to uses such as decks or patios.

Regional Official Plan (Consolidated, August 2014)

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

Policy 11.A.2 states that the Region encourages the development of attractive, well designed residential development that:

- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

Town Official Plan, 2014

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' which permits townhomes.

Pelham Zoning By-law Number 1136 (1987)

The Zoning By-law identifies the subject parcel as 'Residential Multiple 1-223' (RM1-223).

Section 16.3 Regulation for street townhouses:

- g) Minimum Rear Yard 7.5m

Section 6.35 (General Provisions) Yard Encroachments

- c) Unenclosed porches, balconies, steps and patios, covered or uncovered may project into a required yard a maximum distance of 1.5m provided that, in the case of porches, steps or patios, such uses are not more than 1.3m above ground.

- The request is to permit an encroachment of 2.72m into the required rear yard at a height of 1.7m for an uncovered deck with steps.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The variance to permit a larger rear yard encroachment and increase of height for an uncovered porch is minor overall given the relatively small scale of the proposed deck in relation to the scale of the collective rear yards and neighbouring buildings surrounding the use. No negative impacts are anticipated as presented in this request.
2. The variance is desirable for the development or use of the land.	Permitting a larger rear yard uncovered deck height & encroachment is desirable for the site because it improves the rear yard amenity space without negatively affecting neighbours.
3. The variance maintains the general intent and purpose of the Official Plan.	Enlarging the rear yard encroachment for the uncovered deck does not compromise the intent of the Official Plan because the extension will not negatively affect any neighbouring resident's sight lines or sun exposure.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Enlarging the rear yard encroachment for the uncovered deck does not compromise the intent of the Zoning By-law because some spatial separation is maintained between the rear yard lot line and abutting neighbours.

Comments

On August 1st 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

Staff / Agency

- Building Department (August 31, 2017)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (August 28, 2017)
 - Does not support construction due to impact on rear lot swales which affect drainage for all lots on the south side of Brayden Way.



- Fire & By-Law Services Department (August 1, 2017)
 - No comments

Public Comments (summarized below, see appendices for complete comments):
{Not in support}

- Anne Jenkins & Kathy Babbit
 - Loss of privacy for Quaker Road lots.
 - ✓ Subjective in context, select trees have been planted along the rear yards and are expected to help mitigate long term privacy concerns.
 - Relief was previously granted for rear yard encroachments under file A2/2015P.
 - ✓ False, the previous application for encroachments was withdrawn.
 - Stairs can be built from the side of the existing deck without the need for a rear yard encroachment.
 - ✓ Yes, this is an option.
- Laurence & Philippe Roptus
 - Previously granted relief for rear yard encroachments under file A2/2015P.
 - ✓ False, the previous application for encroachments was withdrawn.
- Nancy Benko
 - Concerns about standing water / grading.
 - ✓ These townhouse units have not received final lot grading approval via building permit. A revised final lot grading plan will be required for the subject property as a condition of approval.
 - Concern for access of the “middle unit” because decks have blocked access across rear yards. 12 & 14 Brayden Way have obstructed passage through to their rear yards.
 - ✓ 12 & 14 Brayden Way do not have access easements in favour of their attached, interior unit neighbours. Therefore, there is no duty to maintain an unobstructed 1.5m access easement along the rear lot line. The Reference Plans (59R-15691 and 59R-15803) illustrate how the attached neighbours receive their rear yard access from the other side. (Figure 1)



✓

Figure 1: Comprehensive overlay of both reference plans for subject lands.

{Support}

- Anina Tbeshat
- Adrian & Christine Cayton
- Jan & David Wininger
- Gordon Marasco
- Wendy Atkins
- Jeff & Christine Hoover
- John Nocera
- Ursula & John Deans
 - The deck is in keeping with the character of the neighbourhood, enhances the appeal of the area and does not detract from the surrounding environment.
 - Does not feel the deck / stairs are infringing on privacy, view or services in any way.

Planning Comments

Planning Staff visited the site's neighbourhood and don't foresee any adverse impacts to the neighbourhood as a result from this minor variance. The overall scale of the deck and stairs being considered, as shown on the application's site plan and in the attached photos (Figure 1) is minor overall and will not obstruct drainage operations, privacy, or the enjoyment of rear yards. Further, a couple trees have been planted near the rear lot lines and as they mature, will help buffer neighbouring properties sight lines.



Figure 2: Deck extension at 14 Brayden Way

Please note that there was not a previous minor variance approval relating to deck encroachments into the rear yards. That application was amended and those requests were withdrawn from the Committee of Adjustment's consideration. The subject application is not asking for subsequent relief over what was previously granted. The provisions before the Committee are the standard default regulations found under Section 6 – General Provisions.

The Committee should note that the rear yard swales have been impacted mainly because of landscaping treatments carried out by the owners. The final lot grading approval may require the landscaping to be substantially altered, regardless of the deck extensions. The proposed condition for a revised lot grading plan, (if approved) is meant to address drainage concerns raised by the Public Works Department.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act. The subject application is consistent with Provincial policies, the Regional Official Plan, and

conforms to the general intent of the Town 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 at large. Consequently, Planning Staff recommend that application file number A30/2017P **be approved**, subject to the following conditions:

THAT

- The applicant resubmit a revised final lot grading plan which takes into account the new decking, and any associated hardscaping (e.g. patios) and the loss in permeable surface that the previous grading plan took into consideration to the satisfaction of the Town.
- All necessary building permits are received.

Submitted by,



Curtis Thompson
Planner, BURPI

Reviewed by,

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

File: A30/2017P

August 31, 2017

Address: 14 Brayden Way, Pelham

Owner: Kenneth Robert Shrier & Anita Louise Muscat-Tyler

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Judy Sheppard

From: Nancy Bozzato
Sent: Tuesday, August 01, 2017 4:52 PM
To: Judy Sheppard; Curtis Thompson
Subject: FW: Varinaces

 <i>Vibrant · Creative · Caring</i>	Nancy Bozzato, Dipl.M.M. <i>Town Clerk</i> Administration Services	e: njbozzato@pelham.ca p: 905.892.2607 x315 pelham.ca	20 Pelham Town Square P.O. Box 400 Fonthill, ON L0S 1E0
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From: William Underwood
Sent: Tuesday, August 01, 2017 3:27 PM
To: Nancy Bozzato
Cc: Sarah Leach
Subject: Varinaces

Hi Nancy,

Fire has no comments for File A28-30/2017P.

Thanks,

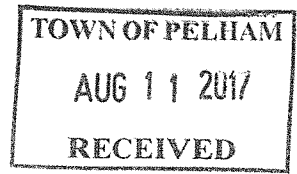
Will

 <i>Vibrant · Creative · Caring</i>	William Underwood <i>Fire Prevention Officer</i> Fire & By-Law Services	e: wunderwood@pelham.ca p: 905.892.2607 x202 c: 905.327.0402 pelham.ca	177 Highway 20 West P.O. Box 323 Fonthill, ON L0S 1E0
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TOWN OF PELHAM CONFIDENTIALITY NOTICE

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Jan and David Winger
■ Brayden Way
Fonthill, On LOS1E4

2017-08-09

Dear Ms.Bozzato,

Recently we received communication regarding a meeting to be held on September 12,2017. The meeting will include discussion regarding an addition to the existing deck of the new builds by Lucchetta builders on 10, 12, 14 Brayden Way. We have seen each of these backyards and in our opinion the owners have enhanced and beautified their yards at their own expense. The small extension of their decks have not obstructed or detracted from the environment and we see no reason why it should be removed in any of the yards. In our opinion, they have enhanced their yard. These extension are not offensive in any way to any of the surrounding properties.

Sincerely,

Jan and David Winger

Anne C Jenkins & Kathy R Babbitt
PO Box [REDACTED]
Fonthill, Ontario
LOS 1E0

August 14, 2017

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

Re: Files - A28/2017P, A29/2017P, and A30/2017P

We do not support the requests for encroachment relief as detailed in the above listed applications.

Additionally, we would not support similar approval(s) for south lot encroachments from any additional and/or future applicants of the townhomes along Brayden Way.

While a loss of privacy for those neighbours facing Quaker Road would seem to be the primary objection, it is not the only issue of concern and dismay.

Other points of objection and/or contention includes but is not limited to;

- All the townhome properties on Brayden Way were awarded a Committee of Adjustment approval for encroachment in 2015 following an application by the builder.
 - Reference: File A2/2015P: Section 6.35(c) and Section 16.3(g) of the bylaw requires a setback distance of 7.5 metre and permit a 1.5 metre encroachment in the rear yard for unenclosed porches, balconies, steps. The applicant (Lucchetta Construction Ltd) requested relief from the bylaw provisions for an additional 2.6 metres. The Planning Committee granted the applicant.
 - As such, haven't the townhouse owners already benefited by 3.6 metres of encroachment approvals?

- Despite Town of Pelham Council and Committee investment of time and cost to create, maintain, manage and enforce such bylaws, the applicants proceeded with their desire to build onto the existing structure. Therefore, one could conclude that the applicants decided to proceed without an approved building permit and without regard for municipal bylaw, their neighbours and taxpayers.
- Approval these applications will set a clear precedent for other Brayden Way townhome owners.
- The size, location and design of the decks as provided by the builder is generous relative to the individual townhouse footprint.
- Stairs can be built from side of the existing deck without diminishing the existing footprint of the deck and without a need for further encroachment.

It's bewildering that the townhome owners would not have known the design and size of the deck in advance of their purchase. It's likely the owners were aware of the property boundary & bylaws through initial and subsequent interactions with the builder, lawyers and the contractor who constructed the deck expansions.

Hopefully, our Planning Committee will resolve the situation to the satisfaction of *all* neighbours. It is unfortunate for *all* concerned - and sadly, the outcome of this issue could displace what is ordinarily a welcoming and harmonious neighbourhood.

Sincerely,

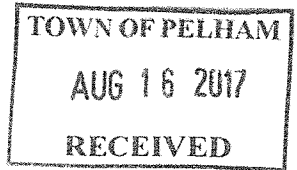


 Anne Jenkins

K. Babbitt

 Kathy Babbitt

cc: John Durley, Councillor Ward 3
 Peter Papp, Councillor Ward 3
 Nancy Bozzato, Clerk



Laurence & Philippe Roptus

Quaker Rd Welland
Ontario L3C 3H4

August 11, 2017

To: Mrs. Nancy J. Bozzato Secretary-Treasurer
Town of Pelham Committee of Adjustment
20 Pelham Town Square L0S 1E0

**Ref: File A30/2017P Kenneth Robert Shrier & Anita Louise Muscat-Tyler
Part of Block 13, Plan 59R-406, part 1 on 59R-15803 14 Brayden Way, Pelham**

Dear Mrs. Bozzato,

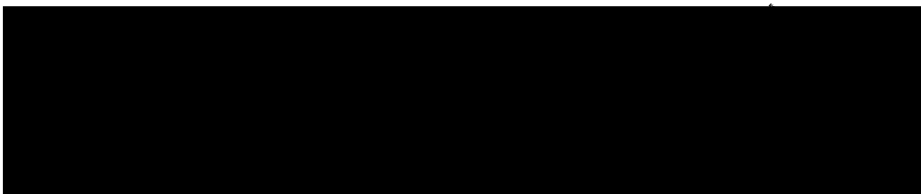
With respect to the file above referenced, please note that after seeking legal counsel we concluded that it is not in our best interest to support the application for minor variance or permission. To the best of our knowledge a relief has already be granted and another change would have a negative impact on our privacy. Given this, we do not support the relief from the following sections:

6.35 (c) -Yard Encroachments Permitted - seeking 2.72 metre encroachment into a required rear yard whereas 1.5 metres is allowed; and

6.35 (c) – Yard Encroachments Permitted- seeking 1.7 metre encroachment for height whereas 1.3 metres is allowed. Relief is sought to facilitate construction of stairs to a deck to create an additional ingress/egress access.

As we won't be able to attend the September 12, 2017 meeting, we would appreciate to be notified in writing of the decision of the Committee of Adjustment.

Sincerely,



Laurence & Philippe Roptus

No. of pages (including cover 1):

Date:	August 27-2017	From:	John and Ursula Deans
To:	Ms. Bozzato		
Fax:	905-892-5055		
Address	20 Pelham Town Square Fonthill, Ontario, L0S1E0 E-mail: NJBozzato@pelham.ca		■ Emily Lane Fonthill, Ontario L0S1E4

Subject	Application for Minor Variance or Permission on Behalf of File A28/2017P, A29/2017P, A30/ 2017P
	10,12 and 14 Brayden Way Fonthill, Ontario

Dear Ms Bozzato

We are in receipt of the Notice of Public Hearing, addressing the applications for minor variances regarding yard encroachments for the recently built Lucchetta homes on Brayden Way and, in particular Units 10, 12 and 14. This is in regards to the meeting planned for Sept 12, 2017 at the Municipal Bldg Council Chambers to address these variances.

We would like to first off state the owners of the 3 properties in question are very co-operative and caring people and certainly are a great addition to the townfolk of Fonthill. I am sure any interaction that the town employees of Fonthill have had would absolutely support this view.

We have observed all three properties and the Owners have done an amazing job. Their extensions to the decks have done nothing but help beautify their properties along with their outstanding landscaping. It is really hard to believe any neighbours objecting to these properties.

We have no objection to the proposal, especially given the care and effort these neighbours have put in to beautify their properties. We hope the town has no objection and approves their applications. They have done an exemplary job and they just add more beauty to the properties of Fonthill.

Thank-you
Yours truly,

Ursula and John Deans

Sarah Leach

From: Nancy Bozzato
Sent: Wednesday, August 30, 2017 4:49 PM
To: Judy Sheppard; Sarah Leach; Curtis Thompson
Subject: 10,12 and 14 Brayden Way

From: Wendy Atkins [<mailto:> ██████████]
Sent: Wednesday, August 30, 2017 4:41 PM
To: Nancy Bozzato
Cc: Wendy Atkins
Subject: Re: 10,12 and 14 Brayden Way

Dear Ms. Bozzato:

I am writing in regards to the town meeting scheduled for September 12th, reference the above.

I have seen the deck extensions and stair installations for the above mentioned units.

The work has been completed in a professional manner and add beauty to the rear of the said units.

The stairs are not only functional, but a necessity as one ages. In order to enjoy the rear outdoor space, it is much more convenient to exit from the deck as apposed to walking around the units. There is also a swale in all rear yards for proper drainage, so if one is barbecuing or requires entry in the rear, this is very dangerous with water in the swales during the rainy season.

Pelham encourages "beautification" and these areas certainly add to the beauty of the complex and demonstrates pride of ownership.

When completed, this complex will be an above average and very desired area, showing off Pelham at its best.

Wendy Atkins

██████████ Brayden Way
██████████

SUBJECT
FILE A30/2017P
FILE A29/2017P
FILE A28/2017P
PELHAM NIAGARA

ATTENTION:
NJ BOZZATO
TOWN OF PELHAM
COMMITTEE OF ADJUSTMENT

TO: SECRETARY-TREASURER

I am writing in response to the MINOR VARIANCE APPLICATION regarding the above FILES for these three properties on BRAYDEN WAY.

I recently visited the rear yards of these properties. I was very impressed with what I saw.

The applicant owners have skillfully extended their decks and stairs to provide excellent land usage. They have utilized many of the same materials that Lucchetta Homes used in the original construction. The construction blends in with the surroundings and the adjoining structures.

The owners have successfully planted vegetation that shows originality and professionalism. My understanding is that two of the applicants contracted with DeKORTE'S LANDSCAPING LTD to further enhance the rear yard of their properties. TIMBERLINE LANDSCAPING CONTRACTORS provided professional landscaping services for one of the properties.

The encroachments have added significant value to the properties and do not appear to intrude on any of the adjacent side yard neighbours.

Further, these revisions should not affect the rear yard neighbours as there is considerable property distance from their houses. There also is enough efficiently planted foliage to shield these rear neighbours from the deck heights.

I fully support all three requests for these MINOR VARIATIONS.

REGARDS
GORDON MARASCO
EMILY LANE FONTHILL L0S1E4

TOWN OF PELHAM
AUG 31 2017
RECEIVED

Date:

Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from our neighbours at 14 Brayden Way.

We are neighbours of theirs at live at the following address:

 Oaker Rd.

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

In conclusion, we would like to submit to the committee that we DO NOT object to the height nor extension and therefore do not object to their request for a variance.

Names: ANINA TBESNAT

Signature: 



TOWN OF PELHAM
AUG 31 2017
RECEIVED

Date: *Aug 30 2017*

Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from some of our neighbours at 10, 12 and 14 Brayden Way.

We are neighbours of theirs at live at the following address:

■ *BRAYDEN WAY*

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

In conclusion, we would like to submit to the committee that we DO NOT object to the height nor extension and therefore do not object to their request for a variance.

Names: *JOHN ALBERTA*

Signature: 

■ *BRAYDEN WAY.*


TOWN OF PELHAM
SEP - 1 2017
RECEIVED

Date: August 30th, 2017

Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from some of our neighbours at 10, 12 and 14 Brayden Way.

We are neighbours of theirs at live at the following address:  Brayden Way

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

In conclusion, we would like to submit to the committee that we DO NOT object to the height nor extension and therefore do not object to their request for a variance.

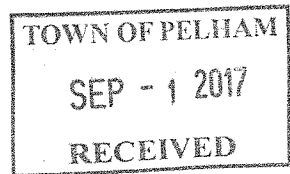
Names: ADRIAN CAYTON

CHRISTINE CAYTON

Signature: 



Date: Aug 31, 2017



Attention: Town of Pelham Planning Committee

To whom it may concern,

I am writing this short note to you as I have become aware of a variance application from some of our neighbours at 10, 12 and 14 Brayden Way.

We are neighbours of theirs and live at the following address:



Brayden Way

We would like the committee to know that we DO NOT have ANY concerns or issue with their request to add an extension to their deck in order to add some stairs, nor with the height of their deck. We feel it is a very minor request. The deck has been built in the same manner as the decks Lucchetta Homes had originally built for them. The decks have been built in a very pleasing manner. Overall the deck and landscaping is visually beautiful and is in keeping with the character of the neighbourhood, and in fact enhances the appeal of the neighbourhood. We also DO NOT feel that their deck and stairs are infringing on our privacy, view or services in any way.

In conclusion, we would like to submit to the committee that we DO NOT object to the height nor the extension and therefore have no objection to their request for a variance.

Names:



Signature:

Brayden

With respect to the "minor variance" of 10, 12, 14 Brayden Way. I am the town directly beside 14 Brayden Way. I have serious concerns with respect to this. I will address my concerns in summary form.

Water flow

When I purchased this town, I was told that the back yard had a setback in addition to the swale, which is a marshy soft ground. The variances have a huge impact with water flow. We have been here for summer months with large downpours. This water pools and sits and at times does not move with the end result being large quantities of pooling water rising, where the water has no where to go, so it collects and floods the yards. I believe there were several flooded basements just this summer alone. And they are NEW...imagine over time if you will. ALL properties are impacted largely in a rain event, which will also affect winter snowfall, if snowfalls are large OR we get a period of freeze thaw situations. These "variances" can and will affect the standing water issues in all seasons. These towns are quite close together and not set back far enough to do the kinds of things that have gone on with respect to deck expansions, stairs, and huge rocks buried into the yard. This puts ALL surrounding towns in jeopardy. When the yards were done, the grade was set. ***To immediately alter the grade puts all towns at risk.***

Access

These "minor variances" have affected access for the other units. There has been no consideration for the middle units whatsoever, and in fact a more "deal with it" mentality was forced upon the middle units. We were told, by the builder, the back 4 feet was to be an access way, or easement, however, these "minor" variances have essentially blocked anyone from getting through. It appears these folks have concerns for themselves, however no concerns with the surrounding homes. The term "not permanent" has also been floating around with respect to these soft & hard scapes. This is semantics and wordplay because I was under siege for months and months while they had machines and saw cutting rocks and dragging trees and rocks and people through *MY BACK YARD* with not even so much as a warning this was going to happen. Again "deal with it" mentality.

Uniformity

The builder, Award Winning Luchetta Homes, has built these towns with uniformity in mind. They have gone to painstaking lengths to ensure these homes looked calm & peaceful and uniform. That was evident then and also evident now. Unfortunately, the homeowners here seem to have thrown that concept out, and taken a free for all stance. I look to the towns uptown in Fonthill, which are decades old, but still have the appearance of peaceful and high end. Those people didn't take a free for all approach and decades later, they have remained uber classy, and looking the same as they did years and years ago. This will create problems down the road as people try to sell these units.

Hardscapes

The new terms popping up seems to be “not permanent”. Now, I may be wrong, but having an exposed aggregate pad poured, to house a hot tub, and a pergola, a **fire pit**, an in the air runway would not be considered “not permanent”. If I want to go out onto my deck, I have to pick and choose when I may do so because again “deal with it”, I’m doing what I’m doing and I’m gonna run the show here, attitude, I am not being allowed the ability to enjoy my own yard because of the noise and the nonsense of infighting and fighting with the rear neighbours and little gangs of bullies on the street. If I am to use the mentality that it is not permanent, then I guess my house is not permanent because you can come with a dozer and knock it down. Again, wordplay and also bullying. We have completely lost our back yard because of this. There is no time I don’t have to deal with something even if I want to go out and read a book, there is no concern for their surroundings and only concerned with themselves. They also seem to have problems with the behind neighbours and they want to dictate to someone who has been there long before them, again, “deal with it” bullies.

ACCESS

The town towns 12 & 14, have decided in no uncertain terms, NO ONE is going through their towns. These two towns have again, taken it upon themselves, to completely obstruct anyone from passing through and have resorted to replacing this entire area with river rock. Now imagine for a moment, should an emergency happen and firemen or ambulance needed to get through there, is that for real? They are supposed to scale these rocks? Unacceptable and puts everyone at risk. Bullies.

SINGLES

It appears as though these folks would have had this option if they purchased a single home. With a townhome there are certain things you need to accept. Perhaps these folks would be better with a fenced in backyard of their own. Perhaps they have incorrectly purchased a town without knowing what you give up when you purchase one. These are the kinds of things single home owners do. I just have to look at the towns uptown Fonthill and seeing they look the same today as they did when they were first built. Something they may wish to consider.

In closing I would just like to say, I am happy to share my concerns in a public forum and completely prepared to come to the meeting Sept. 12 at 4 p.m. and here the discussion and the rulings.

Sincerely,

Ms. Benko, ■ Brayden Way

Sarah Leach

From: Nancy Bozzato
Sent: Tuesday, September 05, 2017 9:40 AM
To: Judy Sheppard; Sarah Leach; Curtis Thompson
Subject: FW: Notice of Public Hearing

Please add to the comments for the September 12th hearing.

Thank you!

Nan

TOWN OF PELHAM CONFIDENTIALITY NOTICE:

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-----Original Message-----

From: Jeff Hoover [REDACTED]
Sent: Sunday, September 03, 2017 11:15 AM
To: Nancy Bozzato
Cc: Jeff Hoover
Subject: Notice of Public Hearing

Dear Ms. Bozzato,

We recently received a notice of public hearing in regards to 3 applications for minor variance or permission to be held by the Committee of Adjustment for the Town of Pelham on September 12, 2017 @ 4pm. The meeting will include discussion regarding additions to the existing decks for the new builds by Lucchetta Homes for 3 of our neighbours @ 10,12 & 14 Brayden Way. We have had the opportunity to review each of these backyards and the extensions in question in our opinion have enhanced the beauty of these yards. The small extensions and stairs have not only made the existing covered porches accessible but have enhanced the character & appeal of the entire covered porch section. These do not create any obstructions or detract from the environment and we see no reason why they should be removed or altered in any way. These extensions and stairs are not offensive in any way to any of the surrounding properties and we fully support the projects that our neighbours have completed.

Sincerely,

Jeff & Christine Hoover
[REDACTED] Brayden Way

Fonthill, ON, L0S1E4

9,03,2017

September 12, 2017

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

**Re: Minor Variance Application A31/2017P (Bokma)
323 Highway 20 West (Regional Road 20), Pelham
Part of Lot 6, Concession 7
Roll No. 2732 020 013 01100**

The subject land is located on the north side of Highway 20 West, lying west of Effingham Street, being Part of Lot 6, Concession 7 and known municipally as 323 Hwy 20 West in the Town of Pelham.

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

- **Section 7.4 c) "Maximum Lot Coverage"** seeking 16% whereas 10% is allowed;
- **Section 7.4 f) "Minimum Side Yard"** seeking 2.5m westerly side yard setback whereas 9m is required; and
- **Section 7.7 c) "Minimum Distance from Dwelling"** seeking 2.5m whereas 3m is required to facilitate the construction of an addition to the dwelling.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

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

Greenbelt Plan, 2017

The subject parcel is designated 'Tender Fruit & Grape Lands' within the Greenbelt Plan's Protected Countryside.

Section 4.5 states that for lands falling within the Protected Countryside, *existing uses* are permitted. Single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force.

Section 4.5.4 states expansions to existing buildings or accessory structures which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:

From the Department of



- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and
- b) The use does not expand into *key natural heritage features* or *key hydrologic features* or their associated *vegetation protection zones*.

The proposed variance demonstrates the above requisites.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Unique Agricultural Area' as part of the Protected Countryside lands in the Greenbelt Plan.

Pelham Official Plan, 2014

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

Town Zoning By-law Number 1136 (1987)

The Town of Pelham Zoning By-law identifies the subject parcel as 'Agricultural' (A).

Section 7.4 Requirements for dwellings

- | | | |
|-------------------------|-----|----------------|
| c) Maximum Lot Coverage | 10% | Request = 16% |
| f) Minimum Side Yard | 9m | Request = 2.5m |

Section 7.7 Requirements for buildings and structures accessory to dwellings

- | | | |
|-----------------------------------|----|----------------|
| c) Minimum Distance from Dwelling | 3m | Request = 2.5m |
|-----------------------------------|----|----------------|

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

Minor Variance Test	Explanation
1. Is the variance minor in nature?	<p>Increasing the maximum overall lot coverage to 16% is minor overall because adequate open space is available onsite for drainage and rear yard amenity area. The Region is also satisfied that the addition will not trigger an increase of sewage flow rate therefore there is no objection to a building permit application from a private sewage systems perspective.</p> <p>Reducing the westerly side yard setback to 2.5m is minor overall because sufficient distance still separates the lot line, providing access to exterior walls and the lot can accommodate drainage.</p> <p>Reducing the minimum distance between the dwelling and accessory building to 2.5m is minor in nature because exterior wall access can still be managed. Also, considering the location of the dwelling near the west lot line, there is not a conceivable reason for this gap to be heavily travelled by residents for access purposes.</p>

From the Department of



<p>2. Is the variance desirable for the development or use of the land?</p>	<p>Increasing the maximum overall lot coverage is desirable for the use of the land because it improves the indoor living space while maintaining adequate outdoor amenity space.</p> <p>Reducing the westerly side yard setback is also desirable for the property because it will facilitate the orderly addition of the dwelling which will be flush with the legally non-complying existing westerly wall. The existing dwelling has not posed any historically negative impacts to the neighbourhood that the Town is aware of.</p> <p>Reducing the minimum distance between the dwelling and accessory building is desirable for the property because it will allow for greater use of the indoor living space while still maintaining adequate outdoor amenity space.</p>
<p>3. Does the variance maintain the general intent and purpose of the Official Plan?</p>	<p>Increasing the overall lot coverage maintains the general intent of the Official Plan because no agricultural land is being impacted in this existing rural residential lot context.</p> <p>The variance to reduce the minimum side yard setback for the proposed addition does not compromise the intent of the Official Plan because rural aesthetics are maintained and no negative impacts should be felt by neighbours as drainage must be contained on site.</p> <p>The variance to reduce the minimum distance between the accessory building and dwelling is appropriate given the site's rural context. Also, considering the expansion does not require the provision of municipal services or disturb any natural heritage features, staff believe the minor variances meet the general intent of the Town Official Plan.</p>
<p>4. Does the variance maintain the general intent and purpose of the Zoning By-law?</p>	<p>Increasing the overall lot coverage maintains the general intent of the Zoning By-law because adequate open space / amenity area remains available and storm water runoff can still be managed onsite.</p> <p>Reducing the westerly side yard setback for the proposed addition to 2.5m from a required 9m maintains the intent of the Zoning By-law because some spatial separation is maintained for drainage purposes / maintenance of the exterior walls. While still providing adequate separation from the adjacent property to the west.</p> <p>Lastly, reducing the minimum distance between the accessory building and the dwelling does not compromise the purpose of the Zoning By-law because sufficient access between the structures is manageable as well as necessary maintenance access to both structure's exterior walls.</p>

On August 9th 2017, a notice was circulated to agencies directly affected by the proposed application



including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (August 30, 2017)
 - No comments.
- Fire Department (August 14, 2017)
 - No comments.
- Building Department (August 31, 2017)
 - All necessary permits are required prior to construction commencing.
- Niagara Region Planning and Development Services (April 5, 2017)
 - {See appendix}

Planning Comments

Planning staff note that the property is 0.12ha in land area, is not farmed and is considered to be a rural residential lot.

The subject land is located near the northwest corner of Highway 20 West at Effingham Street, and is surrounded by the following uses:

- North – Warehouse
- East – Rural residential housing
- South – Rural residential housing
- West – Rural residential housing



Figure 1: 323 Highway 20 West (rear yard looking towards future addition)

The subject land is a reasonable distance away from any neighbours (Figure 1) and the proposed addition would not generally be visible from either of the neighbour's property given various building

orientations and being located to the rear of the existing dwelling. Staff is of the opinion that there is not much conceivable reason for the access way between the structures to be heavily utilized given the immediate lot line adjacent to the existing buildings to the west. Together, reducing the side yard setback, distance between the accessory building and increasing the overall lot coverage is not foreseen to negatively affect any neighbouring properties as adequate spatial separation is maintained through setbacks and storm water runoff shall be contained on-site.

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

The authorization of the minor variance is not expected to generate negative impacts for adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number A31/2017P be **approved**.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: A31/2017P

August 31, 2017

Address: 323 Highway 20.West, Pelham

Owner: Henry & Leona Bokma

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: August 30, 2017
TO: Barb Wiens, Planner
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Matt Sferrazza, Engineering Technologist
RE: File A31/2017P
323 Highway 20 West

Public Works has completed a review of the minor variance application A31/2017P for relief of Pelham Zoning By-Law 1136(1987). The application is made to seek relief from the following sections:

- Maximum Lot Coverage – seeking 16% whereas 10% is allowed
- Minimum Side Yard – seeking 2.5m whereas 9m is required
- Minimum Distance to Dwelling – seeking 2.5m whereas 3m is required.

Relief is sought to facilitate construction of a sunroom.

Public Works has no comments.

Judy Sheppard

From: Sarah Leach
Sent: Monday, August 14, 2017 11:38 AM
To: Judy Sheppard
Subject: FW: File A31/2017P



Sarah Leach
*Administrative Assistant
to the Clerk - Interim*
Administration Services

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

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

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From: William Underwood
Sent: Monday, August 14, 2017 11:38 AM
To: Nancy Bozzato
Cc: Sarah Leach
Subject: File A31/2017P

Hi Nancy,

Fire has no comments for the File A31/2017P – 323 Hwy 20 West

Regards,

Will



William Underwood
Fire Prevention Officer
Fire & By-Law Services

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

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

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April 5, 2017

Henry Bokma
323 Highway 20
Fenwick, ON L0S 1C0

Special Request Inspection Application for Addition
323 Highway 20
Town of Pelham
Our File: R.02.02.06.PSS-17-088

Our Department has inspected the above-mentioned property in regards to the proposed sunroom, to be built on the north side of the dwelling. Upon our inspection, it was noted that the proposed development is subject to a Minor Variance approval from the Town of Pelham and as such, the comments provided here will also be used for that application.

A permit was issued by the Health Department in 1991 for the existing Class 4 sewage system located on the south side of the house. No visible defects were found at the time of our inspection; however, the area available for the leaching bed is very small. Please note that any increases to existing sewage flows for the lot would require an upgrade of the sewage system to meet current Ontario Building Code requirements, but there may not be sufficient area available on-site for this.

Although the proposed changes to the building will result in an increase of living space, there are no additional bedrooms or bathrooms proposed and the existing flow rate would remain unchanged. Therefore, we would have no objections to the building permit application. Please note that if at any time the existing sewage system is found to be defective, it must be replaced in accordance with current Building Code requirements.

These comments are provided specifically to address consideration of on-site sewage systems regulated by the Building Code and do not address any planning applications for this property from a Provincial and Regional planning perspective. Future planning or development applications will require the associated private sewage disposal system fees.

If you have any questions or require any further information, please contact this office at 905-685-4225, extension 3358.

Yours truly,



Tanya Killins
Inspector, Private Sewage Systems (BCIN #36235)

c: Phill Lambert, P.Eng., Associate Director, Infrastructure Planning and Development Engineering
CBO, Town of Pelham, Building Department
Nancy Bozzato, Secretary-Treasurer, Committee of Adjustment/Town Clerk

September 12, 2017

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

**Re: Consent Application B22/2017P (744530 Ontario Inc.)
163 Port Robinson Road, Pelham
Part of Lot 166
Roll No. 2732 030 020 04100**

The subject parcel, shown as Part 2 on the attached sketch, has 7.5m of frontage on the easterly terminus of an unnamed laneway, lying north of Port Robinson Road, being Part of Lot 166 in the Town of Pelham.

Application is made for consent to convey 286.5m² of land (Part 2) for use as a public lane. 1418m² (Part 1), known municipally as 163 Port Robinson Road, is to be retained for future residential development. The proposed site plan depicts a 2-storey residential building consisting of 8-units.

Note: The severance sketch depicts the currently unnamed laneway as 'Lametti Drive', this is incorrect.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

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

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

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

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

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

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

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

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

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

Regional Official Plan (Consolidated August 2015)

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

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

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

Town of Pelham Official Plan (2014)

The subject land is located in the 'East Fonthill Secondary Plan Area' and within the Built Boundary in the Pelham Official Plan. According to Schedule A4 (Urban Structure Plan), the subject land is located within 'Neighbourhood 1' and within the 'Built Boundary'. According to 'Appendix A' (Demonstration Plan) & Schedule A5 (Land Use Plan), the subject land is designated 'EF – Medium Density Residential' with the depiction of a rear lane parallel to Port Robinson Road.

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

Policy B1.7.4.1 states the Demonstration Plans (Appendix A) articulate a response to the policies of this Plan and the associated Urban Design Guidelines. They provide a detailed land use distribution and road pattern. All development within the East Fonthill Secondary Plan Area shall be generally consistent with the Demonstration Plans.

Policy B1.7.4.3 states the Town shall ensure that the following general site development criteria are implemented in all new development:

- i. Buildings shall be street-front oriented and provide direct street access for pedestrians;
- v. Compatibility between different land uses and scales of buildings shall be achieved through appropriate siting, design and landscape treatment;
- xiv. Common vehicular access and circulation including service lanes connecting abutting properties and / or developments shall be provided wherever possible.

Policy B1.7.7.4.2 Development Policies for EF-Medium Density Residential Clause h) states development on the basis of public lanes is encouraged and may be required where developments front onto a collector road.

The proposed consent seeks to create an extension of the rear lane for residential driveway access for Port Robinson Road properties and develop a compact urban form.

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

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

Access to municipal services is available for the subject lands and will be addressed as part of the Site Plan Approval and Agreement process. The site is within walking distance to neighbourhood commercial uses, Downtown and Glynn A. Green Elementary School (10-15 minutes).

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

The subject land is currently zoned 'Agricultural' (A) according to the Zoning By-law. The permitted uses (among others) include:

- a) One single detached dwelling;



- b) Accessory uses;
- c) Home occupations.

It is noted that a Zoning By-law Amendment will be required as a condition of consent to rezone from 'Agricultural' to a site specific 'Residential Multiple 1'.

Agency and Public Comments

On August 1st, 2017, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (August 31, 2017)
 - No comment
- Public Works Department (August 29, 2017)
 - {See conditions}
- Bell Canada (August 15, 2017)
 - No comment

No comments were received from the public.

Planning Staff Comments

The subject application deals with the severance of public laneway. The consent application has been anticipated as the next progression of the property's development along with a subsequent zoning by-law amendment and site plan approval, depending on the submitted proposal.

A pre-consult was held with the owner, applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on May 4th, 2017 to discuss the future development and associated planning applications (e.g. Rezoning, Site Plan Control).

The subject lands are located near the northeast corner of Port Robinson Road at Lametti Drive and are surrounded by:

- North – Single detached residential (under construction)
- East – Single detached residential with small mechanics garage (existing)
- Southeast – medium density townhouses currently subject to an active Draft Plan of Subdivision
- Southwest – Agricultural
- West - Single detached residential (future construction)



Figure 1:

(Left) Looking east from Lametti Drive, unnamed laneway (still to be constructed). Subject lands roughly located at the extent of woodlot.

(Right) Subject lands as viewed from Port Robinson Road.

Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood is currently under significant construction to the north as the River Estates subdivision continues. This area of Port Robinson Road is characterized by many large lot single detached residences scattered intermittently. There is also an active Draft Plan of Subdivision opposite Port Robinson Road known as Saffron Meadows. This neighbouring development will be defined predominantly by townhomes and single detached dwellings along with open space, storm water areas.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The severance will facilitate the conveyance of a public rear laneway for vehicular access to the subject property which removes the need for undesirable driveway aprons fronting Port Robinson Road. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will be developed for an 8 unit apartment building which will be subject to other planning applications, notably a rezoning and site plan approval, at which stage the detailed site development of Part 1 will be considered. It is also noted that the proposed public lane (Part 2) will be developed to facilitate access to the apartment building and will be the developer's responsibility to construct.

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

Planning staff recommend that the consent known as file B22/2017P **be granted** subject to the following condition(s):

THAT the applicant

- Enters into a Development Agreement with the Town for the purposes of constructing the public lane (Part 2).
- Conduct an Archaeological Assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.
- Dedicate the lands shown as Part 2, to the Town of Pelham.

- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

File: B22/2017P

August 31, 2017

Address: Part of lot 166,
163 Port Robinson Rd, Pelham

Owner: 744530 Ontario Inc.,

Authorized Agent: Bev Hodgson

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development

Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Tuesday, August 15, 2017 1:21 PM
To: Sarah Leach
Subject: 905-17-382 - 163 Port Robinson Rd - B22/2017P

Hi Sarah,

Re: File No: B22/2017P

Details:

- Consent Application
- 163 Port Robinson Rd
- Pt Lot 166 Reg Plan 59M434
- Bell File 905-17-382

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no comments with respect to the proposed consent application.

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

Thanks
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



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

September 12, 2017

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

**Re: Consent Application B23/2017P (Trustees of the Fonthill Church)
1 Pancake Lane, Pelham
Part of Lot 1, Concession 8
Roll No. 2732 030 011 01900**

The subject parcel, shown as Part 1 on the attached sketch, has 47.12m of frontage on the north side of Pancake Lane, lying west of Pelham Street, being Part of Lot 1, Concession 8, in the Town of Pelham.

Application is made for consent to convey 4740m² of land (Part 1) to create a new lot for residential development. 8763m² of land (Part 2), known municipally as 1 Pancake Lane, is to be retained for continued institutional use as a church.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of

land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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

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

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

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

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

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

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

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

Regional Official Plan (Consolidated August 2014)

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

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

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

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary'.



Policy A2.2.2 Growth & Settlement Objectives

- To prioritize residential development applications occurring in the Urban Areas, where full municipal services and other community facilities exist.
- To provide for affordable housing.
- To encourage diversity in housing in an effort to accommodate the broadest range of income levels.
- To encourage intensification and redevelopment within the Urban Area specifically in and in proximity to the Downtowns.

Policy A2.3 Urban Character Objectives

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in private development.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads.

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

- Will not cause a traffic hazard as a result of its location;
- Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- Can be serviced with an appropriate water supply and means of sewage disposal;
- Will not have a negative impact on the drainage patterns in the area.
- Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
- Will not have a negative impact on the features / function of any environmentally sensitive feature in the area.

~~While intensification opportunities are encouraged, proponents will be expected to demonstrate, through the provision of detailed site / 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. The subject application seeks to create a new lot for residential development. A subsequent Zoning By-law Amendment and Site Plan Approval will be required planning applications necessary to accommodate such a proposal and prove conformity with the Official Plan.~~

The site is positioned near the northwest corner of Pelham Street and Pancake Lane which are an arterial road and collector road, respectively. Access to municipal services is available for the subject lands and will be addressed as part of the Site Plan Approval and Agreement process, along with

landscaping and drainage. The property is about a 10 minute walk to Glynn A Green Elementary School and a 15 minute walk to Downtown Fonthill and other neighbourhood commercial uses.

Any future development of the subject lands that is not consistent with the current zoning will require additional planning applications and it is at that time that the future development of the lands will be evaluated. At this time, the creation of the lot by means of consent is consistent with the Official Plan policies.

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

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

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

The consent to sever application, if granted, will be conditional upon a site-specific zoning by-law amendment (or a minor variance) being approved to include site-specific provisions that address any zoning deficiencies of the remnant parcel (Part 2).

Comments

On August 1st, 2017, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

Staff / Agency

- Building Department (August 31, 2017)
 - No comments.
- Public Works Department (August 29, 2017)
 - {See attached}
 - No comments for this application, however, some of the conditions that will be required at the Zoning By-law Amendment stage will be a:
 - Traffic Impact Study;
 - Functional Servicing Brief;
 - Site servicing and a new entrance permit etc.
- Bell Canada (August 15, 2017)
 - No comments.
- Niagara Peninsula Conservation Authority (August 9, 2017)
 - (See attached)
 - The proposed severance as well as any future development of Part 1 will not have any negative impact on the Significant Woodland.
 - No objections.

Public Comments (summarized below, see appendices for complete comments):

- John Abbott
 - Concern over the number of proposed apartment buildings on the west side of



Pelham Street and the impact on traffic congestion. Urges Council to install traffic calming devices and replace the pedestrian traffic light with a full service traffic light.

- ✓ Only one additional (12 unit) apartment building has been approved on the west side of Pelham Street (1298 Pelham Street). No other applications have been submitted in the area besides the subject application which seeks to sever a new lot for residential development.
 - ✓ It should be noted that a Zoning By-law Amendment will be required in order to pursue any form of residential development beyond what is currently permitted under the *Institutional (I)* zone.
 - ✓ Traffic calming and intersection matters would be revisited as part of Council's review of a future Zoning By-law Amendment application which would also be accompanied with a traffic impact study.
- Edward D. Russell
 - Objects and has concern that this consent to sever application is premature in the absence of related planning applications such as a site plan and / or rezoning.
 - ✓ It is common practice for applicants to commence the severance component of a development prior to applying for any zoning amendments.
 - ✓ The applicants have indicated to the Town their intention to eventually apply for a site-specific Zoning By-law Amendment which would be required to accommodate a residential apartment building. This application is also a public process which will determine the compatibility and impacts of future land use planning options and allow for public feedback.
 - The application does not address multiple issues under the Planning Act, or explain how such a development could conform to the provisions of the Official Plan, particularly the need to be respectful of, and compatible with the neighbourhood.
 - ✓ The current application is only to permit the lot creation which is consistent with the Official Plan. Future uses will be subject to future planning applications which will be evaluated at that time.

Such a development will create an unacceptable intrusion into a stable, largely single detached residential neighbourhood.

- It is unknown what the requested Zoning By-law Amendment will be, or if the applicant will even pursue a rezoning. The existing *Institutional (I)* zone does have a range of permitted uses, and the proposed lot complies with the minimum lot frontage and lot area.
- Also, the neighbourhood has a variety of land uses near this intersection, notably; apartment buildings, a funeral home, office commercial uses opposite the street, along with low density residential uses.

The application does not address the suitability for the proposed use in terms of access, transportation impacts, lighting, shadows and storm water runoff.

- A Site Plan Approval would determine and address these matters.
- Real Bergevin
 - Concern regarding whether the proposed structure is not consistent with the community character.
 - ✓ This consent to sever application deals with the creation of a new lot and is not dealing with the future building. Other planning applications will evaluate future development.

Planning Staff Comments

The subject application deals with the severance of the open, undeveloped lands east of the Glad Tidings Church and existing single detached dwelling which are all known municipally as 1 Pancake Lane.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on May 4th, 2017 to discuss the future development applications and associated studies (e.g. Rezoning, Site Plan Control, archaeological assessment etc.).

The subject lands are located near the northwest corner of Pelham Street and Pancake Lane and are surrounded by:

- North – Woodlands and single detached residential
- East – 2-storey apartment and single detached residential
- South – Office building, 2-storey apartment and single detached residential
- West - Single detached residential



Figure 1: Subject lands (Part 1) as viewed from Pancake Lane.

Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood has fairly diverse land uses around the Pelham Street and Pancake Lane junction, these include; low & medium density residential, woodlands, office commercial and a funeral home. The subject lands are also quite large for an *urban area* geography and underutilized, particularly the open area to the east.

Staff would like to note that some of the concerns raised by neighbouring residents is principally associated with the imminent Zoning By-law Amendment application which would deal with the actual proposed land use, density and building provisions which determine the mass, scale and orientation of the building(s). The rezoning process is a statutory public process via the Planning Act which requires a formal Public Meeting, before Council's decision and also includes a 120m notice of hearing by mail to neighbourhood residents. It is at the future rezoning stage that it would be appropriate to address these concerns of the public.

The applicants should note that a Record of Site Condition may be required prior to development proceeding depending on the future land use proposed.

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

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

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

THAT the applicant

- Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.
- Rezone the remnant lands of Part 2 to an appropriate site specific *Institutional* zone to address any zoning deficiencies. This could also be addressed through a minor variance application.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

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

File: B23/2017P

August 31, 2017

Address: Part of lot 1, Concession 8
1 Pancake Lane, Pelham

Owner: Trustees of the Fonthill Church

Authorized Agent: Ruth Victor and Associates

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development

Judy Sheppard

From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: Wednesday, August 09, 2017 2:58 PM
To: Nancy Bozzato; Judy Sheppard; Sarah Leach
Subject: B23/2017P

Good Afternoon,

NPCA staff have reviewed the above noted file and would not that while there is a Significant Woodland in the North West corner of this property, the proposed consent will not have any negative impact to this feature. Further, future development of Part 1 will not be impacted by this feature. As such, NPCA staff offer no objections to this proposal.

Sarah

Sarah Mastroianni
Watershed Planner

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

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Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Tuesday, August 15, 2017 1:18 PM
To: Sarah Leach
Subject: 905-17-380 - 1 Pancake Lane - B23/2017P

Hi Sarah,

Re: File No: B23/2017P

Details:

- Consent Application
- 1 Pancake Lane
- Part Lot 1 Conc 8
- Bell File 905-17-380

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no comments with respect to the proposed consent application.

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

Thanks
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



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

Judy Sheppard

From: Nancy Bozzato
Sent: Monday, August 14, 2017 9:50 AM
To: Judy Sheppard; Curtis Thompson; Barbara Wiens; Andrea Clemencio
Subject: FW: File B23/2017P

Dear Judy

Below is correspondence for the next C of A hearing regarding the proposed severance on Pancake Lane.

Thank you,
Nan



TOWN OF PELHAM CONFIDENTIALITY NOTICE:

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send it to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

From: John Abbott [REDACTED]
Sent: Thursday, August 10, 2017 8:27 AM
To: Nancy Bozzato
Cc: Gary Accursi
Subject: File B23/2017P

Dear Ms. Bozzato,

This note pertains to file B23/2017P regarding Part Lot 1, Concession 8, 1 Pancake Lane, Pelham.

I have no objection specifically to the construction of a four storey apartment building on the subject parcel. However, there are already two apartment buildings, located on the west side of the Pelham/Pancake intersection. My understanding is that two more apartments are planned in the future for the west side of this intersection. All five apartment buildings will exit onto Pancake Lane.

Pancake Lane has become a major thoroughfare connecting Pelham and Haist streets. The traffic is heavy and fast. That part of Pancake Lane has become a most unpleasant, and somewhat dangerous, street for pedestrians. With the advent of yet more apartments the traffic will get worse !

My serious objection regards the downgrading of Pancake Lane and the associated traffic. I strongly urge Council to install traffic calming devices such as speed bumps on that section of Pancake Lane between Pelham and Haist. In

addition, I suggest that the pedestrian light at the corner of Pelham and Pancake Lane be replaced by a traffic light; the pedestrian light is simply confusing and does not allow traffic to safely exit from Pancake turning left onto Pelham.

Would you please be good enough to bring these concerns to Council and the Committee of Adjustment. I intend to attend the Committee of Adjustment meeting on September 12th.

Sincerely,

John Abbott
█ Pickwick Place
Fonthill, ON
L0S 1E0

Judy Sheppard

From: Nancy Bozzato
Sent: Thursday, August 17, 2017 10:54 AM
To: Judy Sheppard; Curtis Thompson
Subject: FW: File B23/2017P Objection



TOWN OF PELHAM CONFIDENTIALITY NOTICE:

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send it to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

From: Real Bergevin [REDACTED]
Sent: Thursday, August 17, 2017 10:53 AM
To: Nancy Bozzato
Cc: Anne Ricci
Subject: File B23/2017P Objection

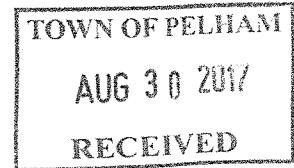
Hello, again, Nancy.

I'd like to advise that my wife and I have serious concerns with the application. Among these is that we feel that the proposed structure is not consistent with the character of the community. We have engaged Quartek Group to assist us in the formation and presentation of our objection.

Thank you in advance,

Real Bergevin.

THE OFFICE
OF EDWARD
D. RUSSELL
ARCHITECT
INC.



August 30, 2017

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

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

Dear Ms. Bozzato:

RE: Application for Consent File: B23/2017P on behalf of the Trustees of the Fonthill Church

This letter serves as my response to and notice of objection to the subject application on behalf of the trustees of the Fonthill Church.

I am the owner and representative of lands adjacent to the property affected by this application on two sides. The properties are respectively located at 1306 Pelham Street and 1310 Pelham Street. I am objecting to this application for numerous reasons and I am reserving my rights to submit further objections in due course once further particulars regarding this application are made available or once the staff report regarding this application is made available.

There is a very limited amount of information that has been made available for this application. In respect to the stated purpose of the application, it is my understanding that the consent is to allow the creation of a new lot to construct a 4-storey apartment building on a portion of the property that is currently owned by the church. Presumably in order to allow any such development, a rezoning will be required for the property. There may also be the need for minor variances. None of this information has been provided and no draft site plan or concept plan has been filed with the application that might inform myself as an immediate neighbor, or the larger neighbourhood, in respect to the potential impacts of such a development. Accordingly, this application, in the absence of providing more detailed information and in the absence of related applications coming forward is premature.

RUSSELL ASSOCIATES – ARCHITECTURE & PLANNING

12761 Sodom Road
449 Franklin Street
edr@therussellgroupinc.com

Niagara Falls, Ontario L2G 0V1 Tel (905) 295-2777 Fax (905) 295-7303
Buffalo, New York 14202 Tel (716) 881-3697 Fax (716) 881-3698

The application does not speak to nor address multiple issues under the Planning Act. The application does not sufficiently explain or address how such a development could conform with the provisions of the Official Plan many of which policies speak to the need for development opportunities to be respectful of, compatible with, and designed to be integrated within the community or neighbourhood where they are proposed. Such as development will create an unacceptable intrusion into a stable, largely single family residential neighbourhood. The development will impact adversely on my properties which consist of low density residential uses.

The proposed application does not address the suitability for the purposes for which it is intended as an apartment building. Details such as access, transportation impacts, lighting, shadowing and overlook as well as water run-off have not been addressed and these are all necessary considerations for any meaningful consideration of this application. A proposed consent, if allowed, will result in overdevelopment of the subject property and does not represent good land use planning.

I will not be available to speak to the Committee on September 12, 2017 as a result of a long-standing commitment for another matter. However, please accept this correspondence as my Notice of Objection to this proposal.

Please consider this letter as my written request to the Secretary Treasurer to be notified of the decision of the Committee of Adjustment.

Yours very truly,



Edward D. Russell

September 12, 2017

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

**Re: Consent Application B24/2017P (Giampaolo Investments Ltd.)
62 Bacon Lane, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 02300**

The subject parcel, shown as Part 1 on the attached sketch, has 20.05m of frontage on the south side of Bacon Lane, lying east of Marylea Street, being Part of Lot 177, in the Town of Pelham.

Application is made for consent to convey 738m² of land (Part 1) to create a new lot for single detached residential development. 971m² of land (Part 7), is to be retained subject to an existing holding provision applied to the current zoning pending future development plans to the south.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

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

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

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

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

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

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

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

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

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

The proposal is submitted as part of several concurrent consent applications which would facilitate the construction of six individual single detached houses on a vacant plot of land. This provides for improved efficiencies in land use and infrastructure capacities.

The proposal sets lands to the south (Part 7) aside for future development purposes. This maneuver makes more efficient use of the overall land because it will dedicate surplus land to the south for future development. Otherwise, at best, if included for the proposed lots known as Parts 1 – 6, it would be part of very deep rear yards, particularly for an urban area. If merged with abutting lands to the south, Part 7 would help facilitate symmetrically productive residential building lots fronting a future road as part of a future plan of subdivision.

Regional Official Plan (Consolidated August 2014)

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

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

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



Pelham Official Plan (2014)

The local Official Plan designated the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads.

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

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

Access to municipal services is available for the subject lands and will be addressed as part of the Development Agreement process, along with landscaping and drainage. The site is positioned in between Pelham Street and Line Avenue on the south side of Bacon Lane. The property is about a 5 minute walk to neighbourhood commercial uses on Pelham Street.

The existing holding provision on Part 7 addresses policy f) and g) by setting aside that land for future development intentions to the south, pending the adoption of a forthcoming Secondary Plan for Lot 177.

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

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

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

The previous consent to sever applications (B2/2006 – B7/2006) were conditional upon Part 7 being rezoned to affix a holding (H) provision on the lands as well as to rezone the eastern most lot to correct minimum lot frontage and lot area deficiencies. From a zoning perspective, the proposal complies with the previously applied holding condition, lot frontage and lot area requirements as a result of By-law No. 2764 (2006).

Agency and Public Comments

On August 1st, 2017, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:



- Building Department (August 31, 2017)
 - No comments.
- Public Works Department (August 30, 2017)
 - {See conditions}
 - It has been noted that the lots were serviced previously for six (6) single detached dwellings, for both water and sanitary by means of a development agreement following previous consent applications.
 - Inspection of the existing curb stops has shown that five (5) were acceptable and one (1) will require alterations.
- Bell Canada (August 15, 2017)
 - No comments.

No comments were received from the public.

Planning Staff Comments

The subject application deals with the severance of one single detached residential lot at 62 Bacon Lane, however, five (5) other consent applications were submitted concurrently and seek an identical request. Pelham's Committee of Adjustment had previously considered and approved the current severance applications which were originally applied for under files B2/2006 – B7/2006. However, the development agreement was never completed, the lots were not properly registered and the consents were never finalized. The previous developer began construction without having finalized the consents and without obtaining building permits. The Town took action at that time and partially constructed dwellings were removed and the lands have remained idle since. The current owner is seeking to create what was initially approved in 2006.

A pre-consult was held with the applicant(s) of the property and staff from the Town on May 10th, 2017 to discuss the site's history and future development.

The subject lands are located near the southwest corner of Pelham Street and Welland Road and are surrounded by:

- North –Single detached residential
- East – Single detached residential
- South – Open space, Significant Woodlands
- West - Single detached residential

Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood is dominated by single detached houses with some open space, wooded areas and neighbourhood commercial uses around the corner. There are various applications in the surrounding area; a single detached house was recently severed opposite Bacon Lane as well as mixed use development and future subdivisions to the southwest.



Figure 1: Subject lands (Part 1-6) as viewed from Bacon Lane.

Planning staff reviewed the submitted Planning Justification Report prepared by Upper Canada Consultants and concur, in general, with its content and recommendation.

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

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

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

THAT the applicant

- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
- Provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- Enters into a Development Agreement with the Town to include:
 - The burying of hydro;
 - Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

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



File: B24/2017P

August 31, 2017

Address: Part of lot 177

62 Bacon Lane, Pelham

Owner: Giampaola Investments Limited

Authorized Agent: Upper Canada Consultants

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development

DATE: August 30, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B24/2017P
62 Bacon Lane

We have completed the review of the consent application B24/2017P related to the consent to convey 738 square metres of land (Part 1) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

It is noted that this application was reviewed concurrently with Committee of Adjustment applications; B25/2017P, B26/2017P, B27/2017P, B28/2017P, B29/2017P.

It has been noted by Public Works that:

- The subject property was previously serviced for six (6) single detached dwellings, for both water and sanitary, by means of a development agreement from a previous conveyance application
- Inspection of the existing curb stops has showed that five (5) of the existing curb stops were acceptable and one curb stop will require alterations.

Public Works has the following suggested conditions:

- That the applicant submitted a comprehensive lot grading plan and drainage plan for the proposed lot to demonstrate that drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- Both written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- The owner enters into a Development Agreement with the Town to include:
 - The burying of hydro for the proposed lots
 - To address any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services

Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Tuesday, August 15, 2017 1:19 PM
To: Sarah Leach
Subject: 905-17-381 - 62 Bacon Lane - B24-B29/2017P

Hi Sarah,

Re: File No: B24-B29/2017P

Details:

- Consent Application
- 62 Bacon Lane
- Pt Lot 177 Plan 59R13374
- Bell File 905-17-381

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no comments with respect to the proposed consent application.

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

Thanks
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



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

September 12, 2017

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

**Re: Consent Application B25/2017P (Giampaolo Investments Ltd.)
62 Bacon Lane, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 02300**

The subject parcel, shown as Part 2 on the attached sketch, has 19.05m of frontage on the south side of Bacon Lane, lying east of Marylea Street, being Part of Lot 177, in the Town of Pelham.

Application is made for consent to convey 701m² of land (Part 2) to create a new lot for single detached residential development. 971m² of land (Part 7), is to be retained subject to an existing holding provision applied to the current zoning pending future development plans to the south.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

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

From the Department of

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

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

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

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

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

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

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

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

The proposal is submitted as part of several concurrent consent applications which would facilitate the construction of six individual single detached houses on a vacant plot of land. This provides for improved efficiencies in land use and infrastructure capacities.

The proposal sets lands to the south (Part 7) aside for future development purposes. This maneuver makes more efficient use of the overall land because it will dedicate surplus land to the south for future development. Otherwise, at best, if included for the proposed lots known as Parts 1 – 6, it would be part of very deep rear yards, particularly for an urban area. If merged with abutting lands to the south, Part 7 would help facilitate symmetrically productive residential building lots fronting a future road as part of a future plan of subdivision.

Regional Official Plan (Consolidated August 2014)

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

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

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



Pelham Official Plan (2014)

The local Official Plan designated the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads.

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

- b) Will not cause a traffic hazard as a result of its location;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
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- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
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Access to municipal services is available for the subject lands and will be addressed as part of the Development Agreement process, along with landscaping and drainage. The site is positioned in between Pelham Street and Line Avenue on the south side of Bacon Lane. The property is about a 5 minute walk to neighbourhood commercial uses on Pelham Street.

The existing holding provision on Part 7 addresses policy f) and g) by setting aside that land for future development intentions to the south, pending the adoption of a forthcoming Secondary Plan for Lot 177.

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

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

The previous consent to sever applications (B2/2006 – B7/2006) were conditional upon Part 7 being rezoned to affix a holding (H) provision on the lands as well as to rezone the eastern most lot to correct minimum lot frontage and lot area deficiencies. From a zoning perspective, the proposal complies with the previously applied holding condition, lot frontage and lot area requirements as a result of By-law No. 2764 (2006).

Agency and Public Comments

On August 1st, 2017, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:



- Building Department (August 31, 2017)
 - No comments.
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 - {See conditions}
 - It has been noted that the lots were serviced previously for six (6) single detached dwellings, for both water and sanitary by means of a development agreement following previous consent applications.
 - Inspection of the existing curb stops has shown that five (5) were acceptable and one (1) will require alterations.
- Bell Canada (August 15, 2017)
 - No comments.

No comments were received from the public.

Planning Staff Comments

The subject application deals with the severance of one single detached residential lot at 62 Bacon Lane, however, five (5) other consent applications were submitted concurrently and seek an identical request. Pelham's Committee of Adjustment had previously considered and approved the current severance applications which were originally applied for under files B2/2006 – B7/2006. However, the development agreement was never completed, the lots were not properly registered and the consents were never finalized. The previous developer began construction without having finalized the consents and without obtaining building permits. The Town took action at that time and partially constructed dwellings were removed and the lands have remained idle since. The current owner is seeking to create what was initially approved in 2006.

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The subject lands are located near the southwest corner of Pelham Street and Welland Road and are surrounded by:

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Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood is dominated by single detached houses with some open space, wooded areas and neighbourhood commercial uses around the corner. There are various applications in the surrounding area; a single detached house was recently severed opposite Bacon Lane as well as mixed use development and future subdivisions to the southwest.



Figure 1: Subject lands (Part 1-6) as viewed from Bacon Lane.

Planning staff reviewed the submitted Planning Justification Report prepared by Upper Canada Consultants and concur, in general, with its content and recommendation.

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

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

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

THAT the applicant

- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
- Provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- Enters into a Development Agreement with the Town to include:
 - The burying of hydro;
 - Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

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



File: B25/2017P

August 31, 2017

Address: Part of lot 177

62 Bacon Lane, Pelham

Owner: Giampaola Investments Limited

Authorized Agent: Upper Canada Consultants

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development

DATE: August 30, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B25/2017P
62 Bacon Lane

We have completed the review of the consent application B25/2017P related to the consent to convey 701 square metres of land (Part 2) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

It is noted that this application was reviewed concurrently with Committee of Adjustment applications; B24/2017P, B26/2017P, B27/2017P, B28/2017P, B29/2017P.

It has been noted by Public Works that:

- The subject property was previously serviced for six (6) single detached dwellings, for both water and sanitary, by means of a development agreement from a previous conveyance application
- Inspection of the existing curb stops has showed that five (5) of the existing curb stops were acceptable and one curb stop will require alterations.

Public Works has the following suggested conditions:

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- Both written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- The owner enters into a Development Agreement with the Town to include:
 - The burying of hydro for the proposed lots
 - To address any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services

Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Tuesday, August 15, 2017 1:19 PM
To: Sarah Leach
Subject: 905-17-381 - 62 Bacon Lane - B24-B29/2017P

Hi Sarah,

Re: File No: B24-B29/2017P

Details:

- Consent Application
- 62 Bacon Lane
- Pt Lot 177 Plan 59R13374
- Bell File 905-17-381

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no comments with respect to the proposed consent application.

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

Thanks
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



140 Bayfield St. FL 2
Barrie, ON, L4M 3B1
P: 705-722-2636
F: 705-722-2263
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jacqueline.moyle@bell.ca

September 12, 2017

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

**Re: Consent Application B26/2017P (Giampaolo Investments Ltd.)
62 Bacon Lane, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 02300**

The subject parcel, shown as Part 3 on the attached sketch, has 19.05m of frontage on the south side of Bacon Lane, lying east of Marylea Street, being Part of Lot 177, in the Town of Pelham.

Application is made for consent to convey 701m² of land (Part 3) to create a new lot for single detached residential development. 971m² of land (Part 7), is to be retained subject to an existing holding provision applied to the current zoning pending future development plans to the south.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

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

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

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

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

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- Integrate climate change considerations into planning and managing growth.

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The proposal sets lands to the south (Part 7) aside for future development purposes. This maneuver makes more efficient use of the overall land because it will dedicate surplus land to the south for future development. Otherwise, at best, if included for the proposed lots known as Parts 1 – 6, it would be part of very deep rear yards, particularly for an urban area. If merged with abutting lands to the south, Part 7 would help facilitate symmetrically productive residential building lots fronting a future road as part of a future plan of subdivision.

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

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



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The local Official Plan designated the subject land as 'Urban Living Area / Built Boundary'.

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

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 - No comments.

No comments were received from the public.

Planning Staff Comments

The subject application deals with the severance of one single detached residential lot at 62 Bacon Lane, however, five (5) other consent applications were submitted concurrently and seek an identical request. Pelham's Committee of Adjustment had previously considered and approved the current severance applications which were originally applied for under files B2/2006 – B7/2006. However, the development agreement was never completed, the lots were not properly registered and the consents were never finalized. The previous developer began construction without having finalized the consents and without obtaining building permits. The Town took action at that time and partially constructed dwellings were removed and the lands have remained idle since. The current owner is seeking to create what was initially approved in 2006.

A pre-consult was held with the applicant(s) of the property and staff from the Town on May 10th, 2017 to discuss the site's history and future development.

The subject lands are located near the southwest corner of Pelham Street and Welland Road and are surrounded by:

- North –Single detached residential
- East – Single detached residential
- South – Open space, Significant Woodlands
- West - Single detached residential

Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood is dominated by single detached houses with some open space, wooded areas and neighbourhood commercial uses around the corner. There are various applications in the surrounding area; a single detached house was recently severed opposite Bacon Lane as well as mixed use development and future subdivisions to the southwest.



Figure 1: Subject lands (Part 1-6) as viewed from Bacon Lane.

Planning staff reviewed the submitted Planning Justification Report prepared by Upper Canada Consultants and concur, in general, with its content and recommendation.

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

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

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

THAT the applicant

- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
- Provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- Enters into a Development Agreement with the Town to include:
 - The burying of hydro;
 - Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

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



File: B26/2017P

August 31, 2017

Address: Part of lot 177

62 Bacon Lane, Pelham

Owner: Giampaola Investments Limited

Authorized Agent: Upper Canada Consultants

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development

DATE: August 30, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B26/2017P
62 Bacon Lane

We have completed the review of the consent application B26/2017P related to the consent to convey 701 square metres of land (Part 3) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

It is noted that this application was reviewed concurrently with Committee of Adjustment applications; B24/2017P, B25/2017P, B27/2017P, B28/2017P, B29/2017P.

It has been noted by Public Works that:

- The subject property was previously serviced for six (6) single detached dwellings, for both water and sanitary, by means of a development agreement from a previous conveyance application
- Inspection of the existing curb stops has showed that five (5) of the existing curb stops were acceptable and one curb stop will require alterations.

Public Works has the following suggested conditions:

- That the applicant submitted a comprehensive lot grading plan and drainage plan for the proposed lot to demonstrate that drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- Both written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- The owner enters into a Development Agreement with the Town to include:
 - The burying of hydro for the proposed lots
 - To address any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services

Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Tuesday, August 15, 2017 1:19 PM
To: Sarah Leach
Subject: 905-17-381 - 62 Bacon Lane - B24-B29/2017P

Hi Sarah,

Re: File No: B24-B29/2017P

Details:

- Consent Application
- 62 Bacon Lane
- Pt Lot 177 Plan 59R13374
- Bell File 905-17-381

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no comments with respect to the proposed consent application.

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

Thanks
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



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

September 12, 2017

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

**Re: Consent Application B27/2017P (Giampaolo Investments Ltd.)
62 Bacon Lane, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 02300**

The subject parcel, shown as Part 4 on the attached sketch, has 19.05m of frontage on the south side of Bacon Lane, lying east of Marylea Street, being Part of Lot 177, in the Town of Pelham.

Application is made for consent to convey 701m² of land (Part 4) to create a new lot for single detached residential development. 971m² of land (Part 7), is to be retained subject to an existing holding provision applied to the current zoning pending future development plans to the south.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

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

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

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

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

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

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

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

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

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

The proposal is submitted as part of several concurrent consent applications which would facilitate the construction of six individual single detached houses on a vacant plot of land. This provides for improved efficiencies in land use and infrastructure capacities.

The proposal sets lands to the south (Part 7) aside for future development purposes. This maneuver makes more efficient use of the overall land because it will dedicate surplus land to the south for future development. Otherwise, at best, if included for the proposed lots known as Parts 1 – 6, it would be part of very deep rear yards, particularly for an urban area. If merged with abutting lands to the south, Part 7 would help facilitate symmetrically productive residential building lots fronting a future road as part of a future plan of subdivision.

Regional Official Plan (Consolidated August 2014)

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

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

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



Pelham Official Plan (2014)

The local Official Plan designated the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads.

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

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

Access to municipal services is available for the subject lands and will be addressed as part of the Development Agreement process, along with landscaping and drainage. The site is positioned in between Pelham Street and Line Avenue on the south side of Bacon Lane. The property is about a 5 minute walk to neighbourhood commercial uses on Pelham Street.

The existing holding provision on Part 7 addresses policy f) and g) by setting aside that land for future development intentions to the south, pending the adoption of a forthcoming Secondary Plan for Lot 177.

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

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

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

The previous consent to sever applications (B2/2006 – B7/2006) were conditional upon Part 7 being rezoned to affix a holding (H) provision on the lands as well as to rezone the eastern most lot to correct minimum lot frontage and lot area deficiencies. From a zoning perspective, the proposal complies with the previously applied holding condition, lot frontage and lot area requirements as a result of By-law No. 2764 (2006).

Agency and Public Comments

On August 1st, 2017, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:



- Building Department (August 31, 2017)
 - No comments.
- Public Works Department (August 30, 2017)
 - {See conditions}
 - It has been noted that the lots were serviced previously for six (6) single detached dwellings, for both water and sanitary by means of a development agreement following previous consent applications.
 - Inspection of the existing curb stops has shown that five (5) were acceptable and one (1) will require alterations.
- Bell Canada (August 15, 2017)
 - No comments.

No comments were received from the public.

Planning Staff Comments

The subject application deals with the severance of one single detached residential lot at 62 Bacon Lane, however, five (5) other consent applications were submitted concurrently and seek an identical request. Pelham's Committee of Adjustment had previously considered and approved the current severance applications which were originally applied for under files B2/2006 – B7/2006. However, the development agreement was never completed, the lots were not properly registered and the consents were never finalized. The previous developer began construction without having finalized the consents and without obtaining building permits. The Town took action at that time and partially constructed dwellings were removed and the lands have remained idle since. The current owner is seeking to create what was initially approved in 2006.

A pre-consult was held with the applicant(s) of the property and staff from the Town on May 10th, 2017 to discuss the site's history and future development.

The subject lands are located near the southwest corner of Pelham Street and Welland Road and are surrounded by:

- North –Single detached residential
- East – Single detached residential
- South – Open space, Significant Woodlands
- West - Single detached residential

Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood is dominated by single detached houses with some open space, wooded areas and neighbourhood commercial uses around the corner. There are various applications in the surrounding area; a single detached house was recently severed opposite Bacon Lane as well as mixed use development and future subdivisions to the southwest.



Figure 1: Subject lands (Part 1-6) as viewed from Bacon Lane.

Planning staff reviewed the submitted Planning Justification Report prepared by Upper Canada Consultants and concur, in general, with its content and recommendation.

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

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

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

THAT the applicant

- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
- Provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- Enters into a Development Agreement with the Town to include:
 - The burying of hydro;
 - Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
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- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

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



File: B27/2017P

August 31, 2017

Address: Part of lot 177

62 Bacon Lane, Pelham

Owner: Giampaola Investments Limited

Authorized Agent: Upper Canada Consultants

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development

DATE: August 30, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B27/2017P
62 Bacon Lane

We have completed the review of the consent application B27/2017P related to the consent to convey 701 square metres of land (Part 4) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

It is noted that this application was reviewed concurrently with Committee of Adjustment applications; B24/2017P, B25/2017P, B26/2017P, B28/2017P, B29/2017P.

It has been noted by Public Works that:

- The subject property was previously serviced for six (6) single detached dwellings, for both water and sanitary, by means of a development agreement from a previous conveyance application
- Inspection of the existing curb stops has showed that five (5) of the existing curb stops were acceptable and one curb stop will require alterations.

Public Works has the following suggested conditions:

- That the applicant submitted a comprehensive lot grading plan and drainage plan for the proposed lot to demonstrate that drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- Both written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- The owner enters into a Development Agreement with the Town to include:
 - The burying of hydro for the proposed lots
 - To address any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services

From the Department of



Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Tuesday, August 15, 2017 1:19 PM
To: Sarah Leach
Subject: 905-17-381 - 62 Bacon Lane - B24-B29/2017P

Hi Sarah,

Re: File No: B24-B29/2017P

Details:

- Consent Application
- 62 Bacon Lane
- Pt Lot 177 Plan 59R13374
- Bell File 905-17-381

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no comments with respect to the proposed consent application.

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

Thanks
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



140 Bayfield St. FL 2
Barrie, ON, L4M 3B1
P: 705-722-2636
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jacqueline.moyle@bell.ca

September 12, 2017

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

**Re: Consent Application B28/2017P (Giampaolo Investments Ltd.)
62 Bacon Lane, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 02300**

The subject parcel, shown as Part 5 on the attached sketch, has 19.05m of frontage on the south side of Bacon Lane, lying east of Marylea Street, being Part of Lot 177, in the Town of Pelham.

Application is made for consent to convey 701m² of land (Part 5) to create a new lot for single detached residential development. 971m² of land (Part 7), is to be retained subject to an existing holding provision applied to the current zoning pending future development plans to the south.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

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

From the Department of

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

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

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

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

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
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- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

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 - ii. have existing municipal water / wastewater systems; and
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The proposal is submitted as part of several concurrent consent applications which would facilitate the construction of six individual single detached houses on a vacant plot of land. This provides for improved efficiencies in land use and infrastructure capacities.

The proposal sets lands to the south (Part 7) aside for future development purposes. This maneuver makes more efficient use of the overall land because it will dedicate surplus land to the south for future development. Otherwise, at best, if included for the proposed lots known as Parts 1 – 6, it would be part of very deep rear yards, particularly for an urban area. If merged with abutting lands to the south, Part 7 would help facilitate symmetrically productive residential building lots fronting a future road as part of a future plan of subdivision.

Regional Official Plan (Consolidated August 2014)

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

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

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



Pelham Official Plan (2014)

The local Official Plan designated the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads.

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- b) Will not cause a traffic hazard as a result of its location;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
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- 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;
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Access to municipal services is available for the subject lands and will be addressed as part of the Development Agreement process, along with landscaping and drainage. The site is positioned in between Pelham Street and Line Avenue on the south side of Bacon Lane. The property is about a 5 minute walk to neighbourhood commercial uses on Pelham Street.

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Agency and Public Comments

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Planning Staff Comments

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- North –Single detached residential
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Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood is dominated by single detached houses with some open space, wooded areas and neighbourhood commercial uses around the corner. There are various applications in the surrounding area; a single detached house was recently severed opposite Bacon Lane as well as mixed use development and future subdivisions to the southwest.



Figure 1: Subject lands (Part 1-6) as viewed from Bacon Lane.

Planning staff reviewed the submitted Planning Justification Report prepared by Upper Canada Consultants and concur, in general, with its content and recommendation.

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

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

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

THAT the applicant

- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
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Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

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



File: B28/2017P

August 31, 2017

Address: Part of lot 177

62 Bacon Lane, Pelham

Owner: Giampaola Investments Limited

Authorized Agent: Upper Canada Consultants

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development

DATE: August 30, 2017
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CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B28/2017P
62 Bacon Lane

We have completed the review of the consent application B28/2017P related to the consent to convey 701 square metres of land (Part 5) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

It is noted that this application was reviewed concurrently with Committee of Adjustment applications; B24/2017P, B25/2017P, B26/2017P, B27/2017P, B29/2017P.

It has been noted by Public Works that:

- The subject property was previously serviced for six (6) single detached dwellings, for both water and sanitary, by means of a development agreement from a previous conveyance application
- Inspection of the existing curb stops has showed that five (5) of the existing curb stops were acceptable and one curb stop will require alterations.

Public Works has the following suggested conditions:

- That the applicant submitted a comprehensive lot grading plan and drainage plan for the proposed lot to demonstrate that drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- Both written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- The owner enters into a Development Agreement with the Town to include:
 - The burying of hydro for the proposed lots
 - To address any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services

Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Tuesday, August 15, 2017 1:19 PM
To: Sarah Leach
Subject: 905-17-381 - 62 Bacon Lane - B24-B29/2017P

Hi Sarah,

Re: File No: B24-B29/2017P

Details:

- Consent Application
- 62 Bacon Lane
- Pt Lot 177 Plan 59R13374
- Bell File 905-17-381

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no comments with respect to the proposed consent application.

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

Thanks
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



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

September 12, 2017

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

**Re: Consent Application B29/2017P (Giampaolo Investments Ltd.)
62 Bacon Lane, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 02300**

The subject parcel, shown as Part 6 on the attached sketch, has 17.02m of frontage on the south side of Bacon Lane, lying east of Marylea Street, being Part of Lot 177, in the Town of Pelham.

Application is made for consent to convey 626m² of land (Part 6) to create a new lot for single detached residential development. 971m² of land (Part 7), is to be retained subject to an existing holding provision applied to the current zoning pending future development plans to the south.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

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

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

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

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

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

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

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

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

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

The proposal is submitted as part of several concurrent consent applications which would facilitate the construction of six individual single detached houses on a vacant plot of land. This provides for improved efficiencies in land use and infrastructure capacities.

The proposal sets lands to the south (Part 7) aside for future development purposes. This maneuver makes more efficient use of the overall land because it will dedicate surplus land to the south for future development. Otherwise, at best, if included for the proposed lots known as Parts 1 – 6, it would be part of very deep rear yards, particularly for an urban area. If merged with abutting lands to the south, Part 7 would help facilitate symmetrically productive residential building lots fronting a future road as part of a future plan of subdivision.

Regional Official Plan (Consolidated August 2014)

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

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

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



Pelham Official Plan (2014)

The local Official Plan designated the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads.

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

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

Access to municipal services is available for the subject lands and will be addressed as part of the Development Agreement process, along with landscaping and drainage. The site is positioned in between Pelham Street and Line Avenue on the south side of Bacon Lane. The property is about a 5 minute walk to neighbourhood commercial uses on Pelham Street.

The existing holding provision on Part 7 addresses policy f) and g) by setting aside that land for future development intentions to the south, pending the adoption of a forthcoming Secondary Plan for Lot 177.

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

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

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

The previous consent to sever applications (B2/2006 – B7/2006) were conditional upon Part 7 being rezoned to affix a holding (H) provision on the lands as well as to rezone the eastern most lot to correct minimum lot frontage and lot area deficiencies. From a zoning perspective, the proposal complies with the previously applied holding condition, lot frontage and lot area requirements as a result of By-law No. 2764 (2006).

Agency and Public Comments

On August 1st, 2017, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:



- Building Department (August 31, 2017)
 - No comments.
- Public Works Department (August 30, 2017)
 - {See conditions}
 - It has been noted that the lots were serviced previously for six (6) single detached dwellings, for both water and sanitary by means of a development agreement following previous consent applications.
 - Inspection of the existing curb stops has shown that five (5) were acceptable and one (1) will require alterations.
- Bell Canada (August 15, 2017)
 - No comments.

No comments were received from the public.

Planning Staff Comments

The subject application deals with the severance of one single detached residential lot at 62 Bacon Lane, however, five (5) other consent applications were submitted concurrently and seek an identical request. Pelham's Committee of Adjustment had previously considered and approved the current severance applications which were originally applied for under files B2/2006 – B7/2006. However, the development agreement was never completed, the lots were not properly registered and the consents were never finalized. The previous developer began construction without having finalized the consents and without obtaining building permits. The Town took action at that time and partially constructed dwellings were removed and the lands have remained idle since. The current owner is seeking to create what was initially approved in 2006.

A pre-consult was held with the applicant(s) of the property and staff from the Town on May 10th, 2017 to discuss the site's history and future development.

The subject lands are located near the southwest corner of Pelham Street and Welland Road and are surrounded by:

- North –Single detached residential
- East – Single detached residential
- South – Open space, Significant Woodlands
- West - Single detached residential

Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood is dominated by single detached houses with some open space, wooded areas and neighbourhood commercial uses around the corner. There are various applications in the surrounding area; a single detached house was recently severed opposite Bacon Lane as well as mixed use development and future subdivisions to the southwest.



Figure 1: Subject lands (Part 1-6) as viewed from Bacon Lane.

Planning staff reviewed the submitted Planning Justification Report prepared by Upper Canada Consultants and concur, in general, with its content and recommendation.

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

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

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

THAT the applicant

- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
- Provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- Enters into a Development Agreement with the Town to include:
 - The burying of hydro;
 - Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

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



File: B29/2017P

August 31, 2017

Address: Part of lot 177

62 Bacon Lane, Pelham

Owner: Giampaola Investments Limited

Authorized Agent: Upper Canada Consultants

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Phillips
Building Intake/Plans Examiner
Community Planning & Development

DATE: August 30, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B29/2017P
62 Bacon Lane

We have completed the review of the consent application B29/2017P related to the consent to convey 626 square metres of land (Part 6) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

It is noted that this application was reviewed concurrently with Committee of Adjustment applications; B24/2017P, B25/2017P, B26/2017P, B27/2017P, B28/2017P.

It has been noted by Public Works that:

- The subject property was previously serviced for six (6) single detached dwellings, for both water and sanitary, by means of a development agreement from a previous conveyance application
- Inspection of the existing curb stops has showed that five (5) of the existing curb stops were acceptable and one curb stop will require alterations.

Public Works has the following suggested conditions:

- That the applicant submitted a comprehensive lot grading plan and drainage plan for the proposed lot to demonstrate that drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- Both written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use.
- The owner enters into a Development Agreement with the Town to include:
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 - To address any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services

Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Tuesday, August 15, 2017 1:19 PM
To: Sarah Leach
Subject: 905-17-381 - 62 Bacon Lane - B24-B29/2017P

Hi Sarah,

Re: File No: B24-B29/2017P

Details:

- Consent Application
- 62 Bacon Lane
- Pt Lot 177 Plan 59R13374
- Bell File 905-17-381

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no comments with respect to the proposed consent application.

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

Thanks
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way



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

Meeting #: CoA-08/2017
Date: Tuesday, August 1, 2017
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
 20 Pelham Town Square, Fonthill

Members Present Wayne Lockey
 Brian DiMartile
 John Klassen

Members Absent James Federico
 Donald Cook

Staff Present Nancy Bozzato
 Judy Sheppard

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

Noting that a quorum was present, Chair Wayne Lockey called the meeting to order at approximately 4:04 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

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

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

4. **Requests for Withdrawal or Adjournment**

There were no requests for withdrawal or adjournment received.

5. **Applications for Minor Variance**

- 5.1 **File A26/2017P - Edward Morley**

Purpose of Application:

The subject land is zoned Residential "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the following sections:

6.1(c) - Maximum Height - seeking 4.6 metres whereas 3.7 metres is allowed.

6.1(d) - Lot Coverage - seeking 11.5% whereas 10% is required.

Relief is sought to facilitate construction of a detached garage.

Representation:

Edward Morley, registered owner, appeared on behalf of the application.

Correspondence Received:

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department - Engineering
4. Town of Pelham Fire and By-law Services Department

Applicant Comments

The owner, Mr. Morley, had no comments.

Public Comments

There were no comments received from the public.

Members Comments

The Members had no comments.

Moved By Brian DiMartile

Seconded By John Klassen

Application for relief of the following:

Section 6.1(c) – Maximum Height – seeking 4.6 metres whereas 3.7 metres is allowed; and

Section 6.1(d) – Lot Coverage – seeking 11.5% whereas 10% is required, is hereby: GRANTED.

The above decision is based on the following reasons:

1. **The variance is minor in nature in that no negative impacts are anticipated by the community because a large hedge row acts to buffer the lots.**
2. **The general purpose and intent of the Zoning By-Law is**

maintained in that it fits the urban context and ample open space is available on the site therefore, no adverse impacts from the neighbours are anticipated.

3. The intent of the Official Plan is maintained in that no negative impacts will be created for any natural heritage feature or neighbouring properties.

4. The proposal is desirable for the appropriate development and/or use of the land in that it will allow the owner to install a car hoist and improve storage potential and it will also offer reasonable flexibility for the design.

5. This application is granted without prejudice to any other application in the Town of Pelham.

6. No objections were received from commenting agencies or abutting property owners.

7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That, prior to issuance of a building permit, the applicant must submit an updated drawing indicating that no downspouts associated with the proposed garage will be directed towards neighbouring property lines as to allow the remaining sodded area of the property to absorb this added run-off prior to entering the swale and storm system of the Tanner Estates subdivision, to the satisfaction of the Director of Public Works - Engineering.

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

Carried

5.2 File A27/2017P - Costiano Developments

Purpose of Application:

The subject land is zoned Residential R1-185 in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from Section 185(k) exemptions which states that there shall be no buildings or structures including decks permitted within 15 metres of the rear lot line. Relief is sought to permit a rear yard setback distance of 11.5 metres to accommodate a rear deck.

Representation:

Jon Whyte, Mountainview Homes, authorized agent, appeared on behalf of the application.

Correspondence Received:

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department - Engineering
4. Town of Pelham Fire and By-law Services Department
5. NPCA Comments

Comments:

The agent, Mr. Whyte, had no comments.

Public Comments

There were no comments received from the public.

Members Comments

The Members had no comments.

Moved By John Klassen**Seconded By Brian DiMartile**

Application for relief of Section 185(k) exemptions which states that there shall be no buildings or structures including decks permitted within 15 metres of the rear lot line, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that no negative impacts are anticipated by the community because a large hedge row acts to buffer the lots.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that it fits the urban context and ample open space is available on the site therefore, no adverse impacts from the neighbours are anticipated.**
- 3. The intent of the Official Plan is maintained in that no negative impacts will be created for any natural heritage feature or neighbouring properties.**
- 4. The proposal is desirable for the appropriate development and/or**

use of the land in that it will allow the owner to install a car hoist and improve storage potential and it will also offer reasonable flexibility for the design.

5. This application is granted without prejudice to any other application in the Town of Pelham.

6. No objections were received from commenting agencies or abutting property owners.

7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That, prior to issuance of a building permit, the applicant must submit an updated drawing indicating that no downspouts associated with the proposed garage will be directed towards neighbouring property lines as to allow the remaining sodded area of the property to absorb this added run-off prior to entering the swale and storm system of the Tanner Estates subdivision, to the satisfaction of the Director of Public Works - Engineering.

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

Carried

6. Minutes for Approval

7.1 Committee of Adjustment Hearing Minutes - June 6, 2017

Moved By John Klassen

Seconded By Wayne Lockey

That the minutes of the June 6, 2017, Committee of Adjustment Hearing be approved.

Carried

7. Adjournment

Moved By Brian DiMartile

Seconded By John Klassen

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for September 12, 2017 at 4:00 pm.

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato