

Committee of Adjustment **AGENDA**

Committee of Adjustment Hearing 2/2015

Tuesday, May 05, 2015

Start time 4:00 PM

Town of Pelham Municipal Building - Council Chambers

AGENDA

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**
3. **Disclosure of Pecuniary Interest and General Nature Thereof**
4. **Requests for Withdrawal or Adjournment**
5. **Applications for Minor Variance**
 - 5.1. **File A2/2015P - U. Lucchetta Construction Ltd.**

Agent: Rob Lucchetta

Background:

Town of Pelham Planning Report

Appendices:

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

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

Agent: Stephen Kaiser

Background:

Town of Pelham Planning Report

Appendices:

- Niagara Region Planning & Development Services
- Niagara Peninsula Conservation Authority
- Town of Pelham Public Works & Utilities
- Town of Pelham Building Division

6. **Minutes for Approval**

6.1 **Committee of Adjustment Hearing 1/2015 (2015/04/08)**

7. **Adjournment**

Issue Summary Report

5.1. File A2/2015P - U. Lucchetta Construction Ltd.

#20150415001

Meeting : Committee of Adjustment Hearing 2/2015

Meeting Date : 2015/05/05 16:00

Meeting Type : Committee of Adjustment Hearing

Background

Town of Pelham Planning Report

Appendices:

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



April 30, 2015

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A2/2015P (U. Lucchetta Construction Ltd.)
Block 13, RP 59M-406, Pelham, ON
Roll No. 273203001904800**

The subject application is for a minor variance from Section 16.3(f) to permit an interior side yard setback of 1.5 metres (4.92 feet) whereas 3 metres (9.84 feet) is required. Relief is requested to facilitate the construction of street townhouse dwellings (refer to Appendix 1). The effective purpose of the minor variance application is to reduce the side yard setback by 1.5 metres (4.92 feet).

The subject parcel is located on the south side of Brayden Way, lying east of Homestead Boulevard, being Block 13, RP 59M-406 in the Town of Pelham.

According to the Provincial Policy Statement (PPS) 2014, Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Policy 1.1.3.2 states that land use patterns within settlement areas shall efficiently use land and resources and shall be appropriate for, and efficiently use, the infrastructure that is planned or available.

The Greenbelt Plan, 2005, designates the subject parcel as 'Settlement Areas Outside of the Greenbelt'. As such, the policies of the Greenbelt Plan do not apply to the subject parcel.

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

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

The Town of Pelham's Zoning By-law No. 1136, (1987), as amended, identifies the subject parcel as 'Residential Multiple 1 – Exception 223'. The permitted uses in the 'RM1-223' zone include: triplex

From the Department of



dwelling; semi-detached dwellings; duplex dwellings; street and block townhouse dwellings; and uses, buildings and structures accessory to the foregoing permitted uses.

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

| Minor Variance Test | Explanation |
|--|---|
| 1. The variance is minor in nature. | <p>Planning Staff are of the opinion that the variance is considered minor because the interior side yard setbacks for the proposed street townhouse dwellings will be slightly adjusted from the Zoning By-law requirement to accommodate infill development.</p> <p>Planning Staff are of the opinion that there shall not be a negative impact on adjacent properties, as there will be sufficient amenity space provided around each of the street townhouse blocks. This will provide sufficient space for future maintenance, and preserve privacy between adjacent properties.</p> |
| 2. The variance is desirable for the development or use of the land. | <p>The variance is considered desirable for the use of the land in that the interior side yard setbacks will maintain the amenity area of the proposed street townhouse blocks and will allow for the original intent of the building design.</p> <p>The variance will not negatively impact existing properties, as the exterior and rear yard setbacks will be maintained.</p> |
| 3. The variance maintains the general intent and purpose of the Zoning By-law. | <p>The variance maintains the general intent and purpose of the Zoning By-law as the reduction in the interior side yard setback is minor in nature and is of an appropriate scale. The proposed use is also permitted in the 'Residential Multiple 1 – Exception 223' zone.</p> |
| 4. The variance maintains the general intent and purpose of the Official Plan. | <p>The variance maintains the general intent and purpose of the Official Plan as the use is permitted in the 'Urban Living Area/Built Boundary' designation.</p> |

On April 13th, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building and Fire) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- The Niagara Peninsula Conservation Authority (NPCA) has no objections or concerns with the application (refer to Appendix 3).
- The Department of Public Works has no objection to the application provided that any adjusted lot lines do not compromise the following requirements:
 - Storm, sanitary and water services shall front on respectively serviced properties;
 - Water services shall not be located under driveways;



- Minimum acceptable horizontal and vertical separation of the water service and the sewer lateral shall be maintained; and
- Verification of these servicing requirements, and respective costs to verify or correct shall be the responsibility of the developer (refer to Appendix 4).

Planning Staff are of the opinion that a reduction of the interior side yard setbacks will not compromise the requirements identified by the Department of Public Works, as these matters were addressed in the executed Site Plan Agreement.

- The Building Department has no objection to the application (refer to Appendix 5).

Additionally, two comments have been received from the public:

- Laurence & Philippe Roptus: Not in approval of the proposal due to the removal of mature trees and a loss of privacy in the rear yard (refer to Appendix 6).
- Danny Kasunic: Not in approval of the proposal due to a loss of privacy, a possible reduction in property value, and health and safety concerns (refer to Appendix 7).

Landscaping and privacy concerns between the subject parcel and adjacent properties have been addressed through the executed Site Plan Agreement.

The approved Site Plan requires an appropriate landscape buffer between the subject parcel and adjacent properties. The proposed landscape buffer shall address privacy concerns between landowners. The approved Site Plan will also ensure that the proposed development is planned and built in a manner that does not jeopardize the health and safety of residents.

Planning Staff cannot provide comments regarding any potential impacts (if any) on the property value of adjacent lots.

Finally, it is important to note that any comments regarding the proposed rear decks do not apply to this minor variance application, as they were received prior to the revision of this application. The purpose of this minor variance application is to reduce the interior side yard setbacks for the proposed street townhouse dwellings.

Planning Staff are of the opinion that the application meets the tests required to permit a minor variance and it is consistent with Provincial policies and Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File No. A2/2015P be approved.

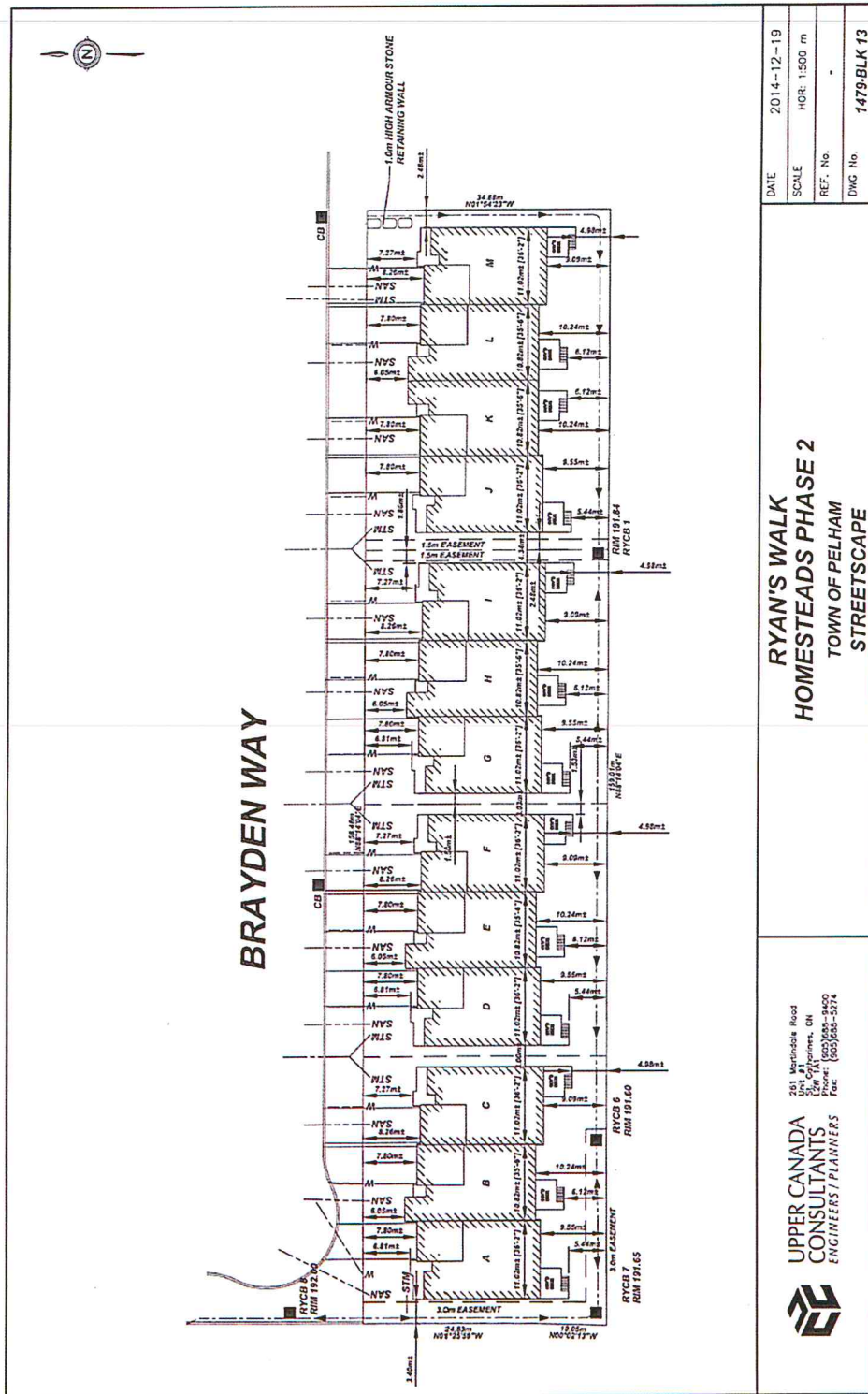
Submitted by,



Andrew Gameiro
Planner



Appendix 1: Submitted Site Drawing



| | |
|----------|--------------|
| DATE | 2014-12-19 |
| SCALE | HOR: 1:500 m |
| REF. No. | - |
| DWG No. | 1479-BLK 13 |

**RYAN'S WALK
HOMESTEADS PHASE 2
TOWN OF PELHAM
STREETSCAPE**

UPPER CANADA
CONSULTANTS
ENGINEERS/PLANNERS

261 Watfordale Road
5th Floor
Scarborough, ON
M1S 4T7
Project: (505)048-5400
Fax: (505)048-5274





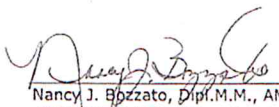



From the Department of



**Community Planning
& Development**

Appendix 2: Public Notice

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|--|---|
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| vibrant • creative • caring www.pelham.ca | |
| In the matter of the Planning Act, R.S.O. 1990, as amended And in the matter of an application for minor variance or permission on behalf of: | |
| <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p>*REVISED* NOTICE OF PUBLIC HEARING</p> </div> | WHAT: FILE A2/2015P WHO: U. LUCCHETTA CONSTRUCTION LTD. Block 13, RP 59M-406, Pelham |
| | WHEN: *TUESDAY, MAY 5th, 2015 at 4:00 p.m.* |
| | WHERE: Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario |
| | Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above. |
| | <p>DESCRIPTION & LOCATION OF SUBJECT LANDS: The subject land is located on the south side of Brayden Way, lying east of Homestead Boulevard, being Block 13, RP 59M-406 in the Town of Pelham. The subject land is depicted on the Key Map below and is shown on the sketch accompanying this notice.</p> <p>NATURE & EXTENT OF RELIEF / PERMISSION APPLIED FOR: The subject land is zoned Residential Multiple 1 RM1-233 in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is requesting relief of Section 16.3(f) to allow an interior side yard setback of 1.5 metres whereas 3 metres is required to facilitate the construction of street townhouse dwellings. <i>*REVISED</i></p> |
| <p><i>*Key Map not to scale</i></p> | |
| Information  | <p>WHAT IS THIS? This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, approvals or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing.</p> |
| HAVE YOUR SAY  | <p>YOUR INPUT IS ENCOURAGED! WE ARE LISTENING! <i>The Committee would appreciate receiving your written comments regarding this application by April 23rd, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i></p> <p>The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.</p> |
|  | <p>NEED MORE INFORMATION? CONTACT US! TOWN OF PELHAM COMMITTEE OF ADJUSTMENT 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: NJBozzato@pelham.ca</p> |
| <p>Dated this 13th day of April, 2015</p> <div style="text-align: right;">  Nancy J. Bozzato, Dipf.M.M., AMCT Town Clerk / Secretary-Treasurer </div> | |
| Legal Notice  | <p>IMPORTANT INFORMATION! If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal.</p> |
| Town of Pelham Committee of Adjustment | |



Appendix 3: Niagara Peninsula Conservation Authority Comments

Andrew Gameiro

From: Jordan Mammoliti
Sent: April-02-15 9:39 AM
To: Andrew Gameiro
Subject: FW: Minor Variance for 2, 4 and 6 Brayden Way

Hi Andrew,

Here is the response from the NPCA on the Lucchetta application. No comments necessary!

Thanks,

Jordan



Jordan Mammoliti, B.A.
Deputy Clerk
Administration Services

e: jmammoliti@pelham.ca
p: 905.892.2607 x320
pelham.ca

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

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 this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

From: Sarah Mastroianni [<mailto:smastroianni@npca.ca>]
Sent: April 2, 2015 9:38 AM
To: Jordan Mammoliti
Subject: RE: Minor Variance for 2, 4 and 6 Brayden Way

Hi Jordan,

The NPCA has no concerns with this application.

Thanks for checking!

Have a great weekend!!

Sarah Mastroianni
Planning Approvals Analyst
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario L3C 3W2
Phone: 905 788 3135 (ext. 249)
Fax: 905 788 1121



Appendix 4: Department of Public Works Comments

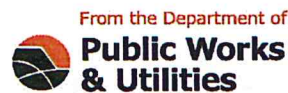


DATE: April 29, 2015
TO: Nancy J. Bozzato
CC:
FROM: Andrea Clemencio
RE: Committee Of Adjustment, File A2 2015P
U. Lucchetta Construction Ltd.
Brayden Way: Side Yard Setback Relief Comments - REVISED

We have completed the review of the proposed relief related to a reduction of the interior side yard setback, to allow for the construction of street townhouse dwellings.

As Brayden Way has services installed to lot lines already, it is imperative that any adjusted lot lines that may result from this variance do not compromise the following requirements:

- Storm, sanitary and water services shall front only on respectively serviced properties;
- Water services shall not be located under driveways;
- Minimum acceptable horizontal and vertical separation of the water service and the sewer lateral shall be maintained; and
- Verification of these servicing requirements, and respective costs to verify or correct shall be the responsibility of the developer.



20 Pelham Town Square P.O Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca



Appendix 5: Building Department Comments



Date April 27, 2015
To Nancy Bozzato
Town Clerk
From Mike Zimmer CBO
RE: File No A2/2015P and A3/2015P

I have reviewed the proposed Minor Variances
I do not have any issues with these applications

Mike Zimmer
CBO



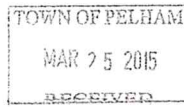
20 Pelham Town Square P.O Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca



20 Pelham Town Square P.O Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca

Appendix 6: Laurence & Philippe Roptus Comments

Laurence & Philippe Roptus
Quaker Rd Welland Ontario



March 22, 2015

Town of Pelham
Committee of Adjustment
Secretary-Treasurer
Ref: File A2/2015P U.Luchetta Construction LTD.

Dear Sirs and Madams,

Further to your invitation to provide the Town with our opinion concerning the project above referenced, please note our current concerns:

At this stage a number of elements remain unclear or not approached by the builder ("Luchetta").

First, the land use for the new development had many trees that were removed. We don't know if those trees will be replaced by other mature trees. Clearly we don't know how Luchetta will maintain the green aspect of this part of the Town.

Second, the rear elevation of the townhouse (deck) shown on the draft project appears to be pretty high and will limit our privacy. The new owners will have a permanent view from their deck to our full backyard even though we currently have a fence. Is the builder ready to plan mature trees to offset this major inconvenience? At this stage we don't have any information on that field and it is our major concern.

We have decided two years ago to live in this area for the balance between "the country lifestyle" and "a low pace city activity". Parks, trails and in a general manner trees are the main components of Pelham and its lifestyle.

Kindest Regards,

Laurence & Philippe Roptus



Appendix 7: Danny Kasunic Comments

Andrew Gameiro

From: Nancy Bozzato
Sent: March-25-15 7:45 AM
To: Andrew Gameiro; Julie Hannah; Terrance Glover; Jordan Mammoliti
Subject: Fw: Written Comments for File A2/2015P

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Danny Kasunic [REDACTED]
Sent: Tuesday, March 24, 2015 10:44 PM
To: Nancy Bozzato
Subject: Written Comments for File A2/2015P

Dear Ms. Bozzato,

This email is in response to the notice I received in the mail regarding the permission applied for by Lucchetta Construction Ltd. (proposed work to be done on Block 13, RP 59M-406, Pelham, File A2/2015P off Brayden Way).

I formally object to the relief(s) applied for by the applicant (Luchetta Construction Ltd.). My wife and I both feel that having the proposed deck height changed to 1.8m on top of having the additional encroachment of 2.6m is in violation of the current By-law provisions, and will infringe on our privacy. We feel that these dimensions have been established for a reason, and crowding the property behind our house with three rear neighbors who can see into our backyard (where most people have only one rear neighbor) is way too much to handle. Also we feel that by crowding in the amount of townhouses proposed (violating the side yard setback of 3m) will devalue our property substantially versus that of a single home. Lastly, having the townhouses that close together could pose a health and safety concern (in the event of fire it could spread much easier from one building to another).

Basically, all we are asking for is that Luchetta Construction Ltd. give us the same respect and courtesy that we have given all our neighbors by following the building provisions outlined by the Town of Pelham.

Sincerely,

Danny Kasunic
[REDACTED] Quaker Road
Welland, Ontario

Home Phone Number: [REDACTED]

Issue Summary Report

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

#20150415003

Meeting : Committee of Adjustment Hearing 2/2015

Meeting Date : 2015/05/05 16:00

Meeting Type : Committee of Adjustment Hearing

Background

Town of Pelham Planning Report

Appendices:

- Niagara Region Planning & Development Services
- Niagara Peninsula Conservation Authority
- Town of Pelham Public Works & Utilities
- Town of Pelham Building Division



April 30, 2015

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

Dear Mrs. Bozzato:

**Re: Minor Variance Application A3/2015P (Sandra, Karey & Jacquelyn Warden)
226 Pancake Lane, Pelham, ON
Part Lot 4, Concession 9, Part 5 RP 59R3656, Part 1 RP 59R14061
Roll No. 273203001203500**

The subject application is for a minor variance from Section 7.4(f) to permit a minimum side yard setback of 3.05 metres (10 feet) whereas 9 metres (29.52 feet) is required. Relief is requested to facilitate the construction of a new dwelling (refer to Appendix 1). The effective purpose of the minor variance application is to reduce the side yard setback requirement by 5.95 metres (19.52 feet).

The subject parcel is located on the south side of Pancake Lane, lying west of Haist Street, being Part Lot 4, Concession 9, Part 5 RP-59R3656, Part 1 RP-59R14061 and known municipally as 226 Pancake Lane in the Town of Pelham.

According to the Provincial Policy Statement (PPS) 2014, Policy 1.1.4.1 states that rural areas should build upon the rural character, leveraging rural amenities and assets. Policy 1.1.4.1 also states that rural areas should encourage the conservation and redevelopment of existing rural housing stock on rural lands.

The Greenbelt Plan, 2005, designates the subject parcel as 'Specialty Crop Area' in the 'Protected Countryside'. Policy 3.1.2.1 states that a full range of agricultural, agriculture-related and secondary uses are supported and permitted on 'Specialty Crop Area' lands. Policy 4.5.2 states that 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.

The Regional Official Plan, Consolidated, August 2014, designates the subject parcel as 'Protected Countryside' and 'Unique Agricultural Area'. Policy 5.B.6 states that single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

The Town's Official Plan, 2014, designates the subject parcel as 'Specialty Agricultural' and 'Greenbelt Natural Heritage Overlay'. The permitted uses in the 'Specialty Agricultural' designation include: agricultural uses; single detached dwellings; accessory residential uses on farm properties (subject to Policy B2.1.3.5); and forestry and other resource management uses. The permitted uses in the 'Greenbelt Natural Heritage Overlay' are those of the underlying land use designation.



The Town of Pelham's Zoning By-law No. 1136 (1987), as amended, identifies the subject parcel as 'Agricultural (A)'. The permitted uses in the 'A' zone include: agricultural uses including greenhouses; one single detached dwelling on one lot; uses, buildings and structures accessory to the foregoing permitted uses; and forestry and conservation uses.

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

| Minor Variance Test | Explanation |
|--|---|
| 1. The variance is minor in nature. | <p>Given the location of the subject property and the size of adjacent lots, Planning Staff are of the opinion that the variance is considered minor. The side yard setback requirement will be adjusted to accommodate the development of a dwelling that is oriented to the street.</p> <p>Planning Staff are of the opinion that there shall not be a negative impact on adjacent properties, as there will be sufficient amenity space provided around the proposed dwelling. This will provide sufficient space for future maintenance and preserve privacy between adjacent properties.</p> |
| 2. The variance is desirable for the development or use of the land. | <p>The variance is considered desirable for the use of the land in that the side yard setbacks will maintain the amenity area of the proposed dwelling and shall not increase shadowing onto adjacent properties.</p> <p>Planning Staff are of the opinion that the variance will maintain the rural, agricultural character of the area.</p> |
| 3. The variance maintains the general intent and purpose of the Zoning By-law. | <p>The variance maintains the general intent and purpose of the Zoning By-law as the reduction in the side yard setback is minor in nature and is of an appropriate scale. The proposed use is also permitted within the 'Agricultural (A)' zone.</p> |
| 4. The variance maintains the general intent and purpose of the Official Plan. | <p>The variance maintains the general intent and purpose of the Official Plan as the use is permitted in the 'Specialty Agricultural' and 'Greenbelt Natural Heritage Overlay' designations.</p> |

On April 16th, 2015, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works and Utilities, Building, Fire) and all assessed property owners within 60 metres of the property's boundaries (refer to Appendix 2).

To date, the following comments have been received:

- The Niagara Region Development Services comments, dated April 23, 2015, noted that there are no objections to the minor variance application provided that a detailed sewage system design is submitted for their review and approval, and which meets the requirements of the Ontario Building Code (refer to Appendix 3).
- The Niagara Peninsula Conservation Authority (NPCA) has no objection to the application (refer to Appendix 4).



- The Department of Public Works comments, dated April 23, 2015, noted that the proposed side yard setback reduction could pose a significant risk with lot grading and drainage. As such, it is recommended that a condition be added to the pending approval requiring the submission of a Grading and Drainage Plan for the subject property (including consideration of adjacent properties) that satisfies the Department of Public Works and Utilities (refer to Appendix 5).
- The Building Department has no objection to the application (refer to Appendix 6).

No comments were received from the public.

Planning Staff are of the opinion that the application meets the tests required to permit a minor variance and it is consistent with Provincial policies and Regional Official Plan, and complies with the general purpose and intent of the Town's Official Plan and Zoning By-law. The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community as a whole. Consequently, Planning Staff recommend that Application File No. A3/2015P be approved subject to the following conditions:

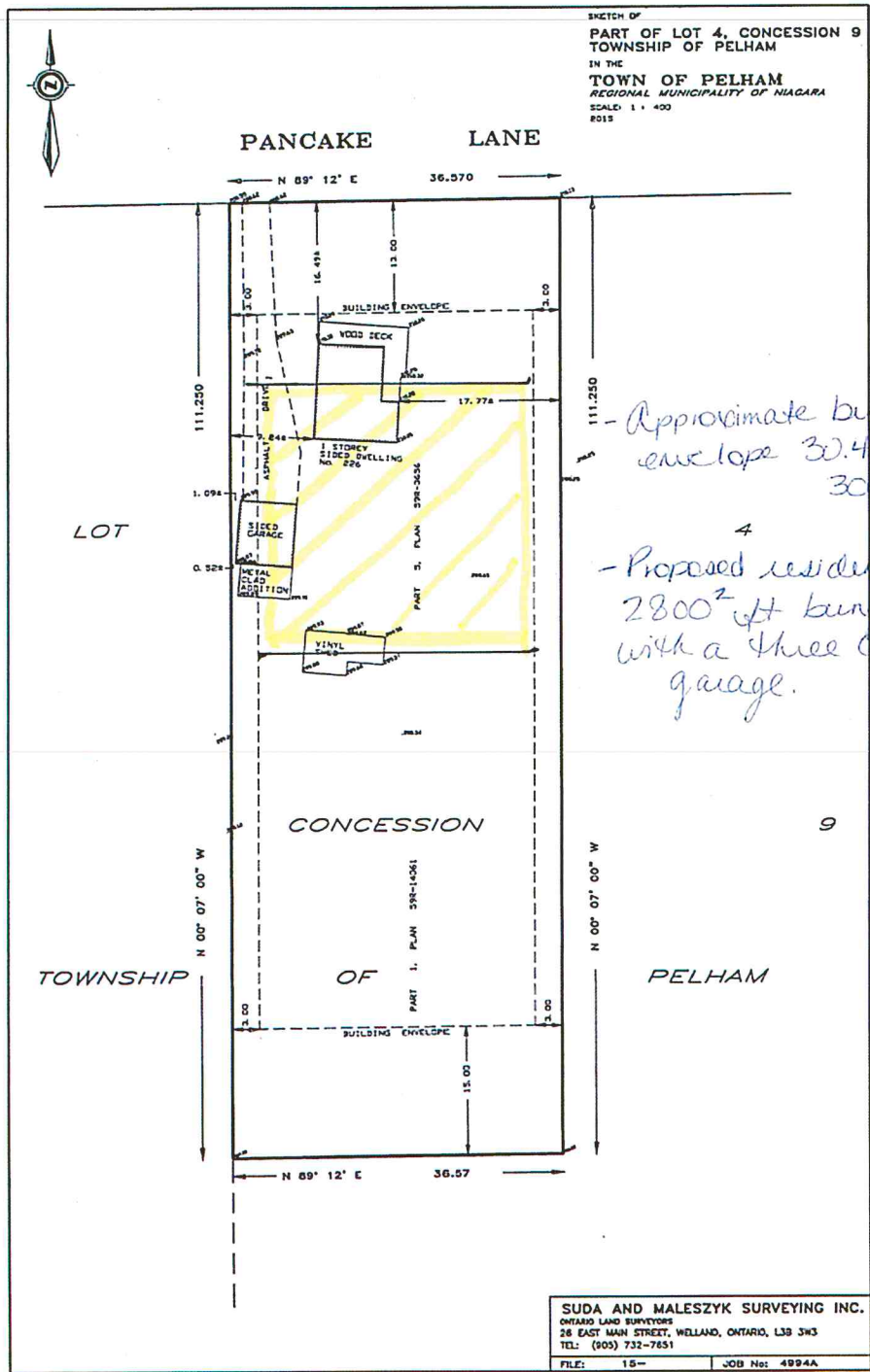
1. That a detailed sewage system design is submitted for review and approval by Niagara Region Development Services; and
2. That a Grading and Drainage Plan be submitted for review and approval by the Director of Public Works.

Submitted by,






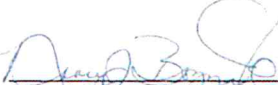



Andrew Gameiro
Planner

Appendix 1: Submitted Site Drawing



Appendix 2: Public Notice

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|  | |
| In the matter of the Planning Act, R.S.O. 1990, as amended And in the matter of an application for minor variance or permission on behalf of: | |
| <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> NOTICE OF PUBLIC HEARING </div> | WHAT: FILE A3/2015P WHO: SANDRA WARDEN, KAREY WARDEN & JACQUELYN WARDEN Part Lot 4, Concession 9, Part 5 RP 59R3656, Part 1 RP 59R14061, 226 Pancake Lane, Pelham |
| | WHEN: TUESDAY, MAY 5TH, 2015 at 4:00 p.m. |
| | WHERE: Town of Pelham Municipal Building, Council Chambers 20 Pelham Town Square, Fonthill, Ontario |
| | Pursuant to Section 45(5) of the Planning Act, Notice is hereby given that an application for minor variance or permission will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above. |
| | DESCRIPTION & LOCATION OF SUBJECT LANDS: The subject land is located on the south side of Pancake Lane, lying west of Haist Street, being Part Lot 4, Concession 9, Part 5 RP 59R3656, Part 1 RP 59R14061 and known municipally as 226 Pancake Lane in the Town of Pelham. The subject land is depicted on the Key Map below and is shown on the sketch accompanying this notice. |
| | NATURE & EXTENT OF RELIEF / PERMISSION APPLIED FOR: The subject land is zoned Agricultural A in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is requesting relief of Section 7.4(f) to allow a minimum side yard setback of 3.05 metres whereas 9 metres is required. The applicant is requesting relief for both the east and west side yard setbacks to allow for the construction of a new dwelling and will be demolishing all existing buildings on the site. |
| |  |
| | <i>*Key Map not to scale</i> |
| Information  | WHAT IS THIS? This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, approvals or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing. |
|  | YOUR INPUT IS ENCOURAGED! WE ARE LISTENING! <i>The Committee would appreciate receiving your written comments regarding this application by April 27th, 2015. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.</i> |
| | The applicant or the authorized agent of the applicant MUST be present at the hearing. Take notice that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings. |
|  | NEED MORE INFORMATION? CONTACT US! TOWN OF PELHAM COMMITTEE OF ADJUSTMENT 20 Pelham Town Square, P. O. Box 400 Fonthill, Ontario L0S 1E0 (905) 892-2607, ext. 315 Fax: (905) 892-5055 Toll Free: 1-866-271-0391 E-Mail: NJBozzato@pelham.ca |
| |  Nancy J. Bozzato, Dipl.M.M., AMCT Town Clerk / Secretary-Treasurer |
| | Dated this 16 th day of April, 2015 |
| Legal Notice  | IMPORTANT INFORMATION! If you wish to be notified of the decision of the Committee of Adjustment (Committee) in respect of this application, you must submit a written request to the Secretary-Treasurer at the address indicated above. This will also entitle you to be advised of a possible Ontario Municipal Board (OMB) Hearing. Even if you are the successful party, you should request a copy of the decision since the Committee decision may be appealed to the OMB by the applicant or another member of the public. If a person or public body that files an appeal of a decision of the Committee in respect of the proposed application does not make written submissions to the Committee before it gives or refuses to give a provisional consent or relief, the OMB may dismiss the appeal. |
| Town of Pelham Committee of Adjustment | |

Appendix 3: Niagara Region Development Services Comments

Andrew Gameiro

From: Nancy Bozzato
Sent: April-23-15 1:17 PM
To: Andrew Gameiro; Julie Hannah
Subject: FW: Septic Comments for Minor Variance (226 Pancake Lane)



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

e: njbozzato@pelham.ca
p: 905.892.2607 x315
pelham.ca

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE:

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: Killins, Tanya [<mailto:tanya.killins@niagararegion.ca>]
Sent: Thursday, April 23, 2015 10:48 AM
To: Nancy Bozzato
Cc: Foebel, Wesley
Subject: Septic Comments for Minor Variance (226 Pancake Lane)

RE: A3/2015P
226 Pancake Lane, Pelham

Our Department has inspected the site and reviewed the minor variance application for the proposed development on this lot. We have no objections to the reduced side yard setback, however, there are concerns with the amount of usable land available on this lot for the proposed new dwelling and garage. The new dwelling would require a new sewage system, but due to the existing slopes along the east and south sides of the lot, there may not be enough land available for this.

Therefore, we would have no objections to the minor variance application provided that a detailed sewage system design is submitted for our review and approval, and which meets the requirements of the Ontario Building Code.

Tanya Calligan (Killins)
Private Sewage System Inspector
Planning & Development Services
Niagara Region
Phone: 905-685-4225 ext. 3358 Toll-free: 1-800-263-7215
Fax: 905-687-8056
www.niagararegion.ca



Appendix 4: Niagara Peninsula Conservation Authority Comments



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

April 24, 2015

File No. MPR 3.11

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

BY EMAIL ONLY

Attn: Nancy Bozzato, Secretary-Treasurer

Subject: A3/2015P
226 Pancake Lane, Pelham

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted application and offers the following for your information.

This application has been made to allow a minimum sideyard setback of 3.05 metres where 9 metres is required.

NPCA Regulations:

NPCA staff have reviewed the "Slope Stability Assessment" completed by Amec Foster Wheeler, dated April 7, 2015 and offer no objection to the report's conclusion that development will not have an impact on the slope.

Niagara Region Natural Heritage Comments:

In addition to commenting on proposals with respect to the Conservation Authority's regulations noted above, this agency has entered into a Memorandum of Understanding (MOU) with the Region of Niagara. In accordance with this MOU, the Conservation Authority has a responsibility to review and provide comments on planning applications as they relate to the Natural Environment on the Region's behalf. As such, the following comments pertain to the Core Natural Heritage System Policies within the Regional Policy Plan.

The Region of Niagara's Core Natural Heritage Map has identified the adjacent lands to the west and south as an Environmental Conservation Area (ECA) due to the presence of a significant woodlot. Due to the location of the property within the Greenbelt Natural Heritage System, these ECA features have been classified as Environmental Protection Areas (EPA). In accordance with Regional Policy 7.B.1.11, development is not permitted within an EPA and may be permitted adjacent to (within 120 metres) an EPA if it has been demonstrated that there will be no negative impact on the Core Natural Heritage system or adjacent lands. The subject application is for the reduction in minimum side yard setback to allow for the construction of a new dwelling. The sketch provided indicates that the proposed dwelling will not extend closer to the features than the existing dwelling and garage. As such, the NPCA is satisfied that there will be no significant negative impact on the Core Natural Heritage System as a result of the subject application.

From the Department of



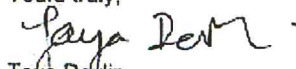
**Community Planning
& Development**

Conclusion:

The NPCA notes that the purpose of the application is to allow a reduction in the side yard setback to permit the construction of a new dwelling which will not extend closer to the identified features than the existing structures on site (to be demolished). As such, the NPCA has no objection to the subject application.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,



Taya Dawlin

Planning Approvals Analyst (ext. 262)

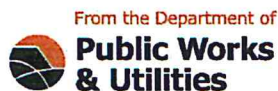
Appendix 5: Department of Public Works Comments



DATE: April 23, 2015
TO: Nancy J. Bozzato
CC:
FROM: Andrea Clemencio
RE: Committee Of Adjustment, File A3 2015P
Sandra Warden, Karey Warden and Jacquelyn Warden
226 Pancake Lane

We have completed the review of the proposed relief related to a reduction of the side yard setback to allow for the construction of a dwelling.

As the proposed side yard setback reduction of this magnitude could pose significant risk with lot grading and drainage, we recommend a condition be added to the pending approval requiring *submission of a Grading and Drainage Plan for the property, including consideration of adjacent properties, that satisfies the Department of Public Works and Utilities.*



20 Pelham Town Square P.O. Box 400 · Fonthill, ON L0S 1E0 p: 905.892.2607 f: 905.892.5055
pelham.ca



Appendix 6: Building Department Comments



Date April 27, 2015
To Nancy Bozzato
Town Clerk
From Mike Zimmer CBO
RE: File No A2/2015P and A3/2015P

I have reviewed the proposed Minor Variances
I do not have any issues with these applications

Mike Zimmer
CBO



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