

## Committee of Adjustment AGENDA

CoA-05/2017

May 2, 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 A14/2017P - Andrea Noreen Stubblings 1
    1. Town of Pelham Planning Report
    2. Town of Pelham Fire Department
    3. Town of Pelham Building Department
    4. NPCA Comments
    5. Town of Pelham Public Works
  - 5.2 File A15/2017P - Todd Dube and Sheri Sykes 10
    1. Town of Pelham Planning Report
    2. Town of Pelham Fire Department
    3. Town of Pelham Building Department
    4. Town of Pelham Public Works

<b>5.3</b>	<b>File A16/2017P - Daniel and Stephanie Tasich</b>	<b>18</b>
	1. Town of Pelham Planning Report	
	2. Town of Pelham Fire Department	
	3. Town of Pelham Public Works Department	
	4. Town of Pelham Building Department	
	5. NPCA Comments	
	6. Comments - Esther and Robert Hougham	
<b>5.4</b>	<b>File A17/2017P - Lonny and Kathleen Demers</b>	<b>36</b>
	1. Town of Pelham Planning Report	
	2. Town of Pelham Fire Department	
	3. Town of Pelham Public Works	
	4. Town of Pelham Building Department	
	5. Niagara Region Comments	
<b>5.5</b>	<b>File A18/2017P - Bastiaan and Margaretha Brouwer</b>	<b>43</b>
	1. Town of Pelham Planning Report	
	2. Town of Pelham Fire Department	
	3. Town of Pelham Building Department	
	4. NPCA Comments	
	5. Niagara Region Comments	
	6. Town of Pelham Public Works Department	
<b>5.6</b>	<b>File A19/2017P - Jack and Kathryn Benes</b>	<b>52</b>
	1. Town of Pelham Planning Report	
	2. Town of Pelham Fire Department	
	3. Town of Pelham Building Department	
	4. NPCA Comments	
	5. Town of Pelham Public Works Department	

**6. Applications for Consent**

None

**7. Minutes for Approval**

61

Minutes, April 4, 2017

**8. Adjournment**

May 2, 2017

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

**Re: Minor Variance Application A14/2017P (Stubblings)**  
**1 Linden Avenue, Pelham**  
**Lot 22 NP699, Plan 25**  
**Roll No. 2732 020 002 01700**

---

The subject land is located on the north side of Linden Avenue, lying west of Pelham Street, being Lot 22 in NP699, Plan 25 and known municipally as 1 Linden Avenue in the Town of Pelham.

The subject land is zoned 'Residential 2' (R2) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 6.1 c) "Max Accessory Building Height"** to allow a maximum accessory building height of 5.8m whereas 3.7m is allowed to construct a 1.5 storey detached garage.

### **Applicable Planning Policies**

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

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

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

#### Growth Plan for the Greater Golden Horseshoe 2005

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. No direct policies of the Growth Plan speak to uses such as accessory buildings.

#### Niagara 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.

#### Pelham Official Plan, 2014

The Town Official Plan designates the subject land as 'Urban Living Area' / Built Boundary. Policy A2.3.2

Urban Character Objectives are to respect and enhance the character of existing residential neighbourhoods and ensure that all applications for development are physically compatible with scale of the surrounding neighbourhood.

Town Zoning By-law Number 1136 (1987)

The Zoning By-law identifies the subject parcel as 'Residential 2' (R2).

Section 6.1 Requirements for buildings and structures accessory to dwellings

c) Maximum Building Height	3.7m
Request:	5.8m

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 proposed accessory building height of 5.8m is minor given the urban context and scale, orientation and distance from the street which helps it appear secondary to the primary dwelling. The neighbourhood context is defined by many 2-storey homes on small to larger sized lots. No negative impacts are anticipated by the adjacent neighbors. The elevation plans illustrate that the proposed accessory building will be well designed and will complement the residential neighbourhood.
2. The variance is desirable for the appropriate development or use of the land.	The variance request will allow for appropriate storage of personal belongings without causing undue hardships on the neighbours which are reasonably spaced by maintaining the required side yard setbacks.
3. The variance maintains the general intent and purpose of the Official Plan.	The Official Plan does not speak to buildings accessory to residential dwellings but does encourage uses which are compatible with the neighbourhood character. There is some vegetation to buffer the adjacent neighbour to the east, from the requested increase in building height. The accessory building is not foreseen to compromise the objective of the Official Plan.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The size of the proposed accessory building's height at 5.8m is appropriate given the situational context while still standing smaller in scale to the principle dwelling. Plenty of open space is available on the site. The added height will not adversely impact the residential nature of the lot or the surrounding natural areas of the Niagara Escarpment. Therefore the variance maintains the intent of the Zoning By-law.

On April 7<sup>th</sup> 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Fire Department (April 10, 2017)
  - No comments.
- Public Works Department (April 13, 2017)
  - No comments.
- Building Department (April 24, 2017)



- All necessary permits are required prior to construction commencing.
- Niagara Peninsula Conservation Authority (April 27, 2017)
  - No objections.

No comments were received from the public.

### Planning Comments

Planning staff note that the property is 778m<sup>2</sup> in land area and is located in an older neighbourhood of Fonthill. The property is bounded by single detached dwellings to the west, south, and east. The immediate north is owned by the Nature Conservancy of Canada, further north is a multi-residential building, and further west is the Niagara Escarpment.

The property falls outside of the 'Regulation Lands' but is captured by the Natural Environments Screening area of the Niagara Peninsula Conservation Authority (NPCA).

It is noted that the proposed 1.5 storey garage is intended to have a loft space for additional storage and potentially utilize the roof for solar energy capture. The increase in height would prove for easier sun exposure with competing structures and trees (Figure 1).

Figure 1: (Left) View of rear yard from Short Hills land, (Right) View from Linden Ave



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 A14/2017P be **approved**.

Submitted by,

Curtis Thompson

Planner, B.URPI

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

## Judy Sheppard

---

**From:** William Underwood  
**Sent:** Monday, April 10, 2017 3:58 PM  
**To:** Nancy Bozzato  
**Cc:** Judy Sheppard  
**Subject:** By-law Variances

Hi Nancy,

Fire has no comments for Files A14-A19/2017P.

Thanks,

Will



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

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

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

### 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

**File:** A14/2017P

April 24, 2017

**Address:** 1 Linden Ave, Pelham

**Owner:** Andrea Noreen Stubbings

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Phillips

Building Intake/Plans Examiner

Community Planning & Development



## Judy Sheppard

---

**From:** Sarah Mastroianni <smastroianni@npca.ca>  
**Sent:** Thursday, April 27, 2017 12:09 PM  
**To:** Judy Sheppard  
**Cc:** Curtis Thompson  
**Subject:** RE: Town of Pelham, CofA - May 2nd Hearing  
**Attachments:** NPCA General Plan Review Response.pdf

Hi Judy,

 The following are the NPCA's comments.

**A14/2017 1 Linden Ave** No objections to this file

**A16/2017 998 Haist Street** No objections to the variance of the height of the proposed shed. However, the garage is located very close to the watercourse at the rear of the lot which is a regulated feature by the NPCA. Prior to the issuance of a building permit for this building, a Permit from the NPCA is required.

**A18/2017 1046 Staines.** See attached

**A19/2017 12 Peachtree PK.** No objections to this proposal.

Thank you.

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



April 12, 2017

Our File No.: PLMV201700394

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Application for Minor Variance, (A-18/2017)**  
1046 Staines Street Pelham ON L0S1C0

---

Further to our review of the above noted application, we offer the following for your information.

This application has been made to permit the reduction of a side yard setback to accommodate a proposed addition to the rear of the existing dwelling.

**NPCA Comments:**

The subject property is traversed by a tributary to Coyle Creek. As such, development of this property would be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06). Any works proposed within 15m of this watercourse requires a Work Permit from this office prior to the commencement of the works on site.

**Region of Niagara Core Natural Heritage Policies:**

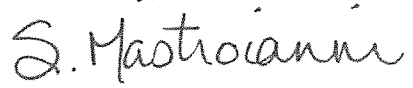
The subject lands fall within a Highly Vulnerable Aquifer (HVA). In accordance with Regional Policy, development shall not have any significant negative impact to the groundwater. NPCA staff understand that the proposed addition does not trigger the need to upgrade the existing septic system. As such, this proposal does not intensify the use such that impacts to the groundwater must be reviewed. NPCA staff have no concerns with this proposal having any impact to the HVA in the area.

**Conclusion:**

In light of the above, the NPCA offers no objections to the approval of this application. Please be aware that due to the proximity of the proposed addition to the tributary of Coyle Creek traversing the property, a Work Permit will be required to be obtained from this office prior to the issuance of a building permit from the Town of Pelham.

I trust the above is sufficient. If you have any further questions, please feel free to call me.

Yours truly,

A handwritten signature in cursive script that reads "S. Mastroianni".

Sarah Mastroianni,  
Watershed Planner  
(905) 788-3135, ext. 249

---

## **Memorandum**

### **Public Works Department - Engineering**

DATE: April 13, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matt Sferrazza, Engineering Technologist  
RE: File A14/2017P  
1 Linden Avenue

---

Public Works has completed a review of the minor variance application A14/2017P seeking relief to allow a height of 5.8m whereas 3.7m is allowed, to construct a 1.5 storey garage.

Public Works has no comments.

May 2, 2017

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

**Re: Minor Variance Application A15/2017P (Dube.Sykes)**  
**319 Canboro Road, Pelham**  
**Concession 8, Part of Lot 6**  
**Roll No. 2732 020 013 04700**

The subject land is located on the north side of Canboro Road, lying west of Effingham Street, being Part of Lot 6, Concession 8 and known municipally as 319 Canboro Road in the Town of Pelham.

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

- **Section 7.7 a) "Max Accessory Lot Coverage"** to allow 5.5% lot coverage for accessory structures whereas 1% is permitted;
- **Section 7.7 b) "Minimum Side & Rear Yard"** to allow a 2.44m easterly side yard setback whereas 3m is required for the accessory building;
- **Section 7.7 d) "Max Accessory Building Height"** to allow a maximum accessory building height of 4.31m whereas 3.7m is allowed.

### **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, 2005

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

Policy 4.5.3 states outside of settlement areas, expansions to existing buildings which bring the use more into conformity with this Plan, are permitted subject to a demonstration of the following:

- a. Notwithstanding section 4.2.2.6, new municipal services are not required; and
- b. The use does not expand into key natural heritage features and key hydrological features.

The proposed variance meets both requirements listed above.

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 7.7 Requirements for buildings and structures accessory to dwellings

a) Maximum Lot Coverage	1%	Request = 5.5%
b) Minimum Side Yard & Rear Yard	3m	Request = 2.44m
d) Maximum Building Height	3.7m	Request = 4.31

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>a) The proposed accessory lot coverage of 5.5% is a response to the challenge of meeting the 1% requirement in 'Agricultural' zones for smaller rural residential lots. Despite the small parcel size, the variance can be accommodated with minimal impact.</p> <p>b) Reducing the easterly side yard setback to 2.44m is minor overall because sufficient distance still separates the lot line, providing access to exterior walls and the lot can accommodate drainage.</p> <p>c) Increasing the accessory building height to 4.31m is minor given the rural context and the structure is oriented in a way and scale which ensures it appears secondary to the primary dwelling being located in the rear yard. No negative impacts are anticipated by the adjacent neighbors as good distance buffers the surrounding uses from a slightly taller structure.</p>
2. The variance is desirable for the development or use of the land.	<p>a) The proposed accessory lot coverage of 5.5% is desirable for the use of the land given the small size of the rural lot makes siting an accessory residential structure challenging with rigid specifications, the relief will offer some more flexibility in terms of property usage and thus, desirability.</p> <p>b) Reducing the required minimum side to 2.44m is desirable for the subject land because it will provide greater flexibility and better use of the existing rear yard amenity space for the applicant by avoiding a more central placement of the proposed garage.</p>

From the Department of



	<p>c) The variance request to increase the accessory building height is desirable for the property because it will allow for appropriate storage of personal belongings. The adjacent dwelling to the east is buffered by their only driveway which leaves a larger gap between the buildings.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>a) The proposed accessory lot coverages maintain the general intent of the Official Plan in that no negative impacts will be created for any natural heritage feature or neighbouring properties.</p> <p>b) The variance to reduce the minimum side yard setback for the proposed accessory building 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>c) The proposed use of a building accessory to a single detached house is permitted in the 'Specialty Agricultural' designation of the Official Plan and the policy does permit uses which are compatible with agriculture. The increase in accessory building height will not compromise the objective of the Official Plan.</p> <p>The variance is appropriate given the site's rural context and meets the general intent of the Town Official Plan policies.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>a) Increasing the maximum accessory building lot coverage maintains the general intent of the Zoning By-law in that adequate open space remains and will not bother the existing septic field and storm water runoff will be required to be contained on the property as per Town standards.</p> <p>b) Reducing the easterly side yard setback for the proposed accessory building to 2.44m from a required 3m maintains the intent of the Zoning By-law because some spatial separation is maintained for drainage purposes / maintenance of the exterior walls and an existing buffer on the adjacent lot (driveway) provides sufficient distance to the nearest house which should not be impacted by allowing relief from these Zoning setbacks. The proposed setback is more in keeping with the intent of the Zoning By-law because the existing easterly side yard setback was less than 2m.</p> <p>c) The size of the proposed accessory building's height to 4.31m is appropriate given the rural context and still ensures that the dwelling is maintained as the main use of the land. Ample amount of open space is available on the site, thus the increased lot coverage and height will not adversely impact the rural residential nature of the lot or the surrounding countryside. The variances maintain the intent of the Zoning By-law with respect to accessory building massing, siting and lot coverage.</p>



On April 7<sup>th</sup> 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (April 13, 2017)
  - {See conditions}
- Fire Department (April 10, 2017)
  - No comments
- Building Department (April 24, 2017)
  - All necessary permits are required prior to construction commencing.

### Planning Comments

Planning staff note that the property is 0.21ha (0.51ac) in land area, is not farmed and is considered to be a rural residential lot.

The subject land is surrounded by several residential dwellings to the west, south and east that make up the hamlet of Ridgeville. Agricultural land is found directly to the north.

Town staff note that there was an existing garage located in the same general location of the proposed accessory building. No demolition permit was obtained for this removal. Also, there is a shipping container placed near the eastern lot line (Figure 1). No permit has been issued for this structure and it is not known whether it is temporary, as it was not illustrated on the submitted site plan. As the shipping container was not shown on the site plan, it is considered temporary and was not a factor in the calculation of the proposed lot coverage. If the shipping container is to remain, a building permit will be required for it along with a potential minor variance application for a greater increase in lot coverage.

Figure 1: 319 Canboro Rd



The subject land is a reasonable distance away from any neighbours and the proposed accessory building would be secondary in massing and orientation located to the rear of the existing residences. Therefore, increasing the allowable accessory building lot coverage, reducing the side yard setback and increasing the height will not negatively affect any neighbouring properties as significant open amenity area remains for the owners and the easterly site yard buffer is enlarged compared with the existing setback of the previous garage. Reasonable spatial separation is maintained through setbacks and storm water runoff shall be contained on-site.

The property falls outside of the regulation and screening areas of the Niagara Peninsula Conservation Authority.



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 A15/2017P be **approved**, subject to the following conditions:

**THAT** the applicant

- Submit a comprehensive overall lot grading & drainage plan to demonstrate that drainage neither relies nor negatively impacts neighbouring properties. This is to pay close attention to the east lot line and is to include any side yard swales and consideration for the impact the reduced side yard setback will have on the effectiveness of these swales, to the satisfaction of the Director of Public Works.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

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

## Judy Sheppard

---

**From:** William Underwood  
**Sent:** Monday, April 10, 2017 3:58 PM  
**To:** Nancy Bozzato  
**Cc:** Judy Sheppard  
**Subject:** By-law Variances

Hi Nancy,

Fire has no comments for Files A14-A19/2017P.

Thanks,

Will



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

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

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

### 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

**File:** A15/2017P

April 24, 2017

**Address:** 319 Canboro Rd., Pelham

**Owner:** Todd Dube and Sheri Sykes

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Phillips

Building Intake/Plans Examiner

Community Planning & Development

---

## **Memorandum**

### **Public Works Department - Engineering**

DATE: April 13, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matt Sferrazza, Engineering Technologist  
RE: File A15/2017P  
319 Canboro Road

---

Public Works has completed a review of the minor variance application A15/2017P seeking relief from the following:

- To allow for 5.5% of lot coverage whereas 1% is allowed for accessory buildings, and provided the overall lot coverage does not exceed 10%.
- Minimum side yard & rear yard, requesting 2.44m from the east lot line, whereas 3m is required.
- Maximum building height, requesting 4.31m height whereas 3.7m is allowed.

Public Works has the following comments;

- That the applicant submit a comprehensive overall lot grading and drainage plan to demonstrate that drainage neither relies nor negatively impacts neighbouring properties. This is to pay close attention to the east property line and is to include any side yard swales and consideration for the impact the reduced side yard setback will have on the effectiveness of these swales, to the satisfaction of the Director of Public Works & Utilities.

May 2, 2017

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

**Re: Minor Variance Application A16/2017P (Tasich)  
998 Haist Street, Pelham  
Part of Lot 3, Concession 10  
Roll No. 2732 030 012 08600**

The subject land is located on the west side of Haist Street, lying south of Welland Road, being Part of Lot 3, Concession 10 and known municipally as 998 Haist Street in the Town of Pelham.

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 6.1 c) "Max Accessory Building Height"** to allow a maximum accessory building height of 5.4m whereas 3.7m is allowed to construct a 1.5 storey accessory building.

### **Applicable Planning Policies**

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

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

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

#### Growth Plan for the Greater Golden Horseshoe 2005

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. No direct policies of the Growth Plan speak to uses such as accessory buildings.

#### Niagara 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.

Pelham Official Plan, 2014

The Town Official Plan designates the subject land as 'Urban Living Area' / Built Boundary. Policy A2.3.2 Urban Character Objectives are to respect and enhance the character of existing residential neighbourhoods and ensure that all applications for development are physically compatible with scale of the surrounding neighbourhood.

Town Zoning By-law Number 1136 (1987)

The Zoning By-law identifies the subject parcel as 'Residential 1' (R1).

Section 6.1 Requirements for buildings and structures accessory to dwellings

c) Maximum Building Height	3.7m
Request:	5.4m

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 proposed accessory building height of 5.4m is minor given the urban context and scale, orientation and distance from the street which helps it appear secondary to the primary dwelling. The residential neighbourhood houses range from some 1-storey up to as much as 2.5 storey builds on small to larger sized lots. No negative impacts are anticipated by the adjacent neighbors or the users of the Steve Bauer Trail behind the lots.
2. The variance is desirable for the appropriate development or use of the land.	The variance request will allow for appropriate storage of personal belongings using a smaller building footprint without causing any adverse impacts on the surrounding neighbourhood. The required side yard setbacks are upheld to provide spatial separation, meet drainage needs and provide building access. The alternative of an increase in height to permit a small loft would be to expand the footprint of the structure to yield a similar amount of space. A larger building footprint can cause implications such as reducing the rear yard amenity space, exceeding the Zoning By-law's maximum lot coverage and increasing the amount of impermeable surface which impacts storm water runoff.  It is noted that the accessory building is well designed and will fit into the residential context and is complimentary to the existing dwelling.
3. The variance maintains the general intent and purpose of the Official Plan.	The Official Plan does not speak to buildings accessory to residential dwellings but does encourage uses which are compatible with the neighbourhood character. (Figure 1) There is some light vegetation scattered around the rear of the lands which buffer the neighbours of the Steve Bauer Trail and users of the trail itself. (Figure 1 & 2)

	 <p data-bbox="646 636 1284 667">Figure 1: <i>Development site as viewed from Haist St</i></p> <p data-bbox="646 697 1433 758">The accessory building is not foreseen to compromise the objective of the Official Plan.</p>
<p data-bbox="250 764 574 888">4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p data-bbox="646 764 1433 1016">The size of the proposed accessory building's height at 5.4m is appropriate given the situational context while still standing smaller in scale to the principle dwelling and subordinate to the majority of the neighbourhood houses. Plenty of open space is available on the site. The added height will not adversely impact the residential nature of the lot or the open space areas to the west (Steve Bauer Trail). Therefore the variance maintains the intent of the Zoning By-law.</p>

On April 7<sup>th</sup> 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Fire Department (April 10, 2017)
  - No comments.
- Public Works Department (April 20, 2017)
  - No comments.
- Building Department (April 24, 2017)
  - All necessary permits are required prior to construction commencing.
- Niagara Peninsula Conservation Authority (April 27, 2017)
  - No objections to the variance of the height of the proposed shed.
  - However, the garage is located very close to the watercourse at the rear of the lot which is a regulated feature by the NPCA. Prior to building permit issuance, an NPCA permit is required.

Public correspondence received (one) summarized below:

- Comment - The proposed building will be used as a workshop and not a shed.
  - ✓ Accessory buildings are defined as uses incidental, subordinate and exclusively devoted to the main use of the lot. Where permitted, accessory buildings shall not include any occupation for gain/profit conducted within the structure, or used for

human habitation except as in the By-law is specifically permitted. The use of the accessory building as a workshop or shed is accessory to the main dwelling.

- Comment -  $\pm 500\text{ft}^2$  is open-ended and resembles a small house.
  - ✓ Plus or minus ( $\pm$ ) prefixes are typical on site plans. The applicants are still bound by the R1 zone lot coverage which caps the accessory buildings at 10% of the lot area and the overall lot coverage cannot exceed 30%, unless amended (Figure 2). The size, scale and mass of the building is such that it will be subordinate to and accessory to the existing dwelling.

Figure 2: View from 1000 Haist Street



- Comment – The visual impact of a 5.4m shed will affect the ambiance and natural environment of the walking trail.
  - ✓ The proposed shed height of 5.4m is shorter than the majority of houses backing onto the Steve Bauer Trail (SBT). Planning staff visited the site and walked the Steve Bauer Trail to help understand the potential visual impact from the trail's perspective (Figure 3). About 40m away, near the SBT entrance at Welland Ave, several of the 2-storey houses which back onto the SBT are on smaller lots and have walkout basements given the grade difference from the road-trail. As a pedestrian, these homes resemble a 3-storey building mass and sit roughly 8-9m from the path. The proposed 1.5 storey shed also sits 8-9m from the path. Trees are scattered around the SBT which help to mitigate the hardscaping caused by buildings.

Figure 3: View from Steve Bauer Trail



From the Department of





## Planning Comments

Planning staff note that the property is 1856m<sup>2</sup> in land area and is located in a south Fonthill residential neighbourhood of different eras. The property is bounded by single detached houses to the north, east and south. The immediate west is Town owned property for the Steve Bauer Trail, further west is more single detached houses.

The western limits of the subject property fall inside the 'Regulation Lands' of the Niagara Peninsula Conservation Authority (NPCA). The accessory building meets the geographical confines of the Zoning By-law and only seeks relief from building height.

It is noted that the proposed 1.5 storey accessory building is intended to have a loft space for additional storage. The increase in height would have the added benefit of limiting the building footprint to accomplish the same storage goals which leaves available more rear yard open space. The applicant is advised that a building permit is required for the construction of the accessory building.

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 A16/2017P be **approved** subject to the following:

**THAT** the applicant

- Obtain the appropriate permit from the NPCA prior to applying for a Town building permit.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

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

## Judy Sheppard

---

**From:** William Underwood  
**Sent:** Monday, April 10, 2017 3:58 PM  
**To:** Nancy Bozzato  
**Cc:** Judy Sheppard  
**Subject:** By-law Variances

Hi Nancy,

Fire has no comments for Files A14-A19/2017P.

Thanks,

Will



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

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

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

### 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

---

## Memorandum

### Public Works Department - Engineering

**DATE:** April 20, 2017  
**TO:** Julie Hannah, Planner  
**CC:** Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities  
**FROM:** Tolga Aydin, Engineering Technologist  
**RE:** File A16/2017P  
998 Haist Street

---

Public Works has completed a review of the minor variance application A16/2017P for relief of Pelham Zoning By-Law 1136(1987) section 6.1(c) – ‘Maximum Height’ – requesting a maximum height of 5.4 meters whereas 3.7 meters is required to facilitate construction of an accessory storage building.

Public Works has no comments.

**File:** A16/2017P

April 24, 2017

**Address:** 319 Canboro Rd., Pelham

**Owner:** Todd Dube and Sheri Sykes

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Phillips

Building Intake/Plans Examiner

Community Planning & Development

## Judy Sheppard

---

**From:** Sarah Mastroianni <smastroianni@npca.ca>  
**Sent:** Thursday, April 27, 2017 12:09 PM  
**To:** Judy Sheppard  
**Cc:** Curtis Thompson  
**Subject:** RE: Town of Pelham, CofA - May 2nd Hearing  
**Attachments:** NPCA General Plan Review Response.pdf

Hi Judy,

Since I only received this package recently, I do not have time to write formal correspondence for each file. The following are the NPCA's comments.

**A14/2017 1 Linden Ave** No objections to this file

**A16/2017 998 Haist Street** No objections to the variance of the height of the proposed shed. However, the garage is located very close to the watercourse at the rear of the lot which is a regulated feature by the NPCA. Prior to the issuance of a building permit for this building, a Permit from the NPCA is required.

**A18/2017 1046 Staines.** See attached

**A19/2017 12 Peachtree PK.** No objections to this proposal.

Thank you.

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

---

**From:** Judy Sheppard [<mailto:JSheppard@pelham.ca>]  
**Sent:** Tuesday, April 25, 2017 10:51 AM  
**To:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Cc:** Curtis Thompson <[CThompson@pelham.ca](mailto:CThompson@pelham.ca)>  
**Subject:** Town of Pelham, CofA - May 2nd Hearing

Hi Sara,

Sorry for the oversight and the late notice but would you please review the attached 4 files for Minor Variances and provide your comments.

Thanks for your help and cooperation,

Judy Sheppard



April 12, 2017

Our File No.: PLMV201700394

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Application for Minor Variance, (A-18/2017)**  
1046 Staines Street Pelham ON L0S1C0

---

Further to our review of the above noted application, we offer the following for your information.

This application has been made to permit the reduction of a side yard setback to accommodate a proposed addition to the rear of the existing dwelling.

**NPCA Comments:**

The subject property is traversed by a tributary to Coyle Creek. As such, development of this property would be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06). Any works proposed within 15m of this watercourse requires a Work Permit from this office prior to the commencement of the works on site.

**Region of Niagara Core Natural Heritage Policies:**

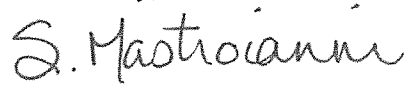
The subject lands fall within a Highly Vulnerable Aquifer (HVA). In accordance with Regional Policy, development shall not have any significant negative impact to the groundwater. NPCA staff understand that the proposed addition does not trigger the need to upgrade the existing septic system. As such, this proposal does not intensify the use such that impacts to the groundwater must be reviewed. NPCA staff have no concerns with this proposal having any impact to the HVA in the area.

**Conclusion:**

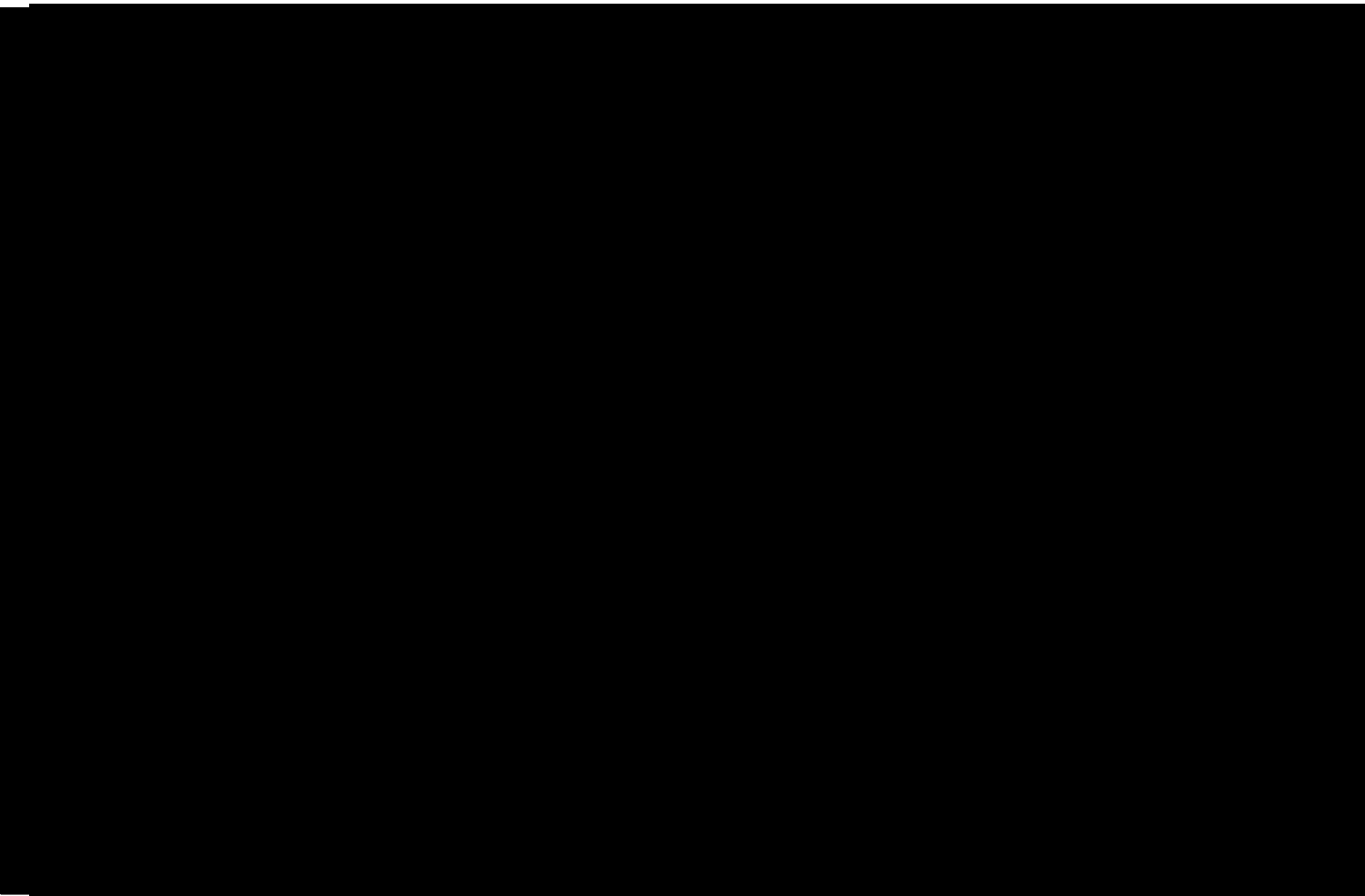
In light of the above, the NPCA offers no objections to the approval of this application. Please be aware that due to the proximity of the proposed addition to the tributary of Coyle Creek traversing the property, a Work Permit will be required to be obtained from this office prior to the issuance of a building permit from the Town of Pelham.

I trust the above is sufficient. If you have any further questions, please feel free to call me.

Yours truly,

A handwritten signature in cursive script that reads "S. Mastroianni".

Sarah Mastroianni,  
Watershed Planner  
(905) 788-3135, ext. 249



**From:** Esther hougham [mailto: [REDACTED]]  
**Sent:** Thursday, April 20, 2017 11:07 AM  
**To:** Nancy Bozzato  
**Subject:** File A16/2017P Tasich Property 998 Haist Street

Dear Ms. Bozzato,

As an introduction, we are the owners of [REDACTED] Haist Street, (Robert and Esther Hougham), three year owners of this property but Pelham residents for over 24 years. We apologize for the lateness of this email, but we returned to Canada just two days ago after wintering in Florida.

We are in receipt of the variance request of Daniel and Stephanie Tasich, our immediate neighbors to the south, 998 Haist Street, Pelham.

We have several concerns regarding this proposed "Storage Shed."

Overview:

To begin with, the schematic for the proposal shows our house as a one story residence, which it is not. Our home is a totally rebuilt (2014), two storey, four bedroom, five bathroom, four car garage with a living space of over 3700 sq. ft.



In addition to the house renovation, the landscaping has been completely redone at considerable expense to provide an exceptional, secluded back yard environment. We have enclosed four photographs to give you an idea of the extent of improvement. The property has been professionally designed for our long term retirement.

Our Concerns:

Storage shed? Mr. Tasich told me last November that this structure would be a workshop. We need specifics on its use?

Size? Plus or minus 500 sq. ft. leaves the size question unanswered.

500 sq. ft. is really a small house and more than twice the size of any backyard structure along the walking trail between Edward St.

and Harold

Black Park. Why the Tasichs would like a 5.4 meter

height for a storage shed is beyond me. The visual impact of this size will greatly affect the ambiance of this ravine nature trail.

There are also no specifics in terms of construction or outside appearance. The proposed location puts the "shed" less than 18 feet from our pool deck. For your information, it would be behind and ABOVE the cedar trees you see in the photograph. There is a small tasteful shed in that location currently on 998 Haist.

To re-iterate, the use of this proposed building should be questioned by the town of Pelham and I certainly see no reason for its height. We would be most interested in what kind of access there will be to this rather large building from their house and or driveway?

SUMMARY:

In conclusion, we feel that this structure will detract from the impact of this natural environment and in the long term jeopardize the value of this house. Having lived in a rural environment for 20 years, this is the type of structure that should be on several acres of land and not in a beautiful residential area such as this.

Yours Sincerely,  
Esther and Robert Hougham











May 2, 2017

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

**Re: Minor Variance Application A17/2017P (Demers)  
Part of Lot 4, Concession 11, RP; 59R-12345, Part 1 Sumbler Rd  
Roll No. 2732 020 013 15500**

The subject land is located on the north side of Sumbler Road, lying east of Effingham Street, being Part of Lot 4, Concession 11, RP; 59R-12345, Part 1 Sumbler Road with no assigned municipal address 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 7.7 d) "Max Accessory Building Height"** to allow a maximum accessory building height of 4.3m whereas 3.7m is allowed. The variance is requested to facilitate the construction of a detached garage.

### **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, 2005

The subject land is not located within the Greenbelt Plan area.

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

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

#### Pelham Official Plan, 2014

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

of the property is also designated 'Environmental Protection Two' (EP2). Features within the EP2 designation represent Environmental Conservation Areas such as the Significant Woodlands.

The dwelling and buildings accessory are permitted uses subject to compliance with the Zoning By-law. The minor variance application requests relief from height, not any horizontal matters such as lot coverage or setbacks.

Town Zoning By-law Number 1136 (1987)

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

Section 7.7 Requirements for buildings and structures accessory to dwellings

d) Maximum Building Height	3.7m
Request:	4.3m

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 proposed accessory building height of 4.3m is minor given the rural context and scale, orientation and distance from the street which helps it appear secondary to the surrounding dwellings. No negative impacts are anticipated by the adjacent neighbors. It is also noted that the accessory building will be located to the rear of the dwelling minimizing the impact of its height.
2. The variance is desirable for the appropriate development or use of the land.	The variance will allow for improved storage and use of the owner's property without causing any adverse impacts to the neighbours who are significantly buffered by a heavy woodlot and setback distances.
3. The variance maintains the general intent and purpose of the Official Plan.	The Official Plan does not speak to buildings accessory to residential dwellings but does permit uses which are compatible with the agricultural character. The increase in accessory building height will not compromise the objective of the Official Plan
4. The variance maintains the general intent and purpose of the Zoning By-law.	The size of the proposed accessory building's height at 4.3m is appropriate given the rural context and mature woodlot encompassing the structure. Plenty of open space is available on the site. The added height will not adversely impact the rural residential nature of the lot or the surrounding countryside. Therefore the variance maintains the intent of the Zoning By-law with respect to accessory building massing and siting.

On April 7<sup>th</sup> 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:





- Fire Department (April 10, 2017)
  - No comments
- Public Works Department (April 10, 2017)
  - No comments.
- Building Department (April 24, 2017)
  - An accessory building must be subordinate and exclusively devoted to a main use or building and located on the same lot therewith.
  - The main use construction permit must be issued prior to the application for the accessory building.
- Niagara Region Planning and Development Services (April 19, 2017)
  - Provided the location of the proposed garage will be on the east side of the house and there will be no living area / plumbing included within it, we would have no objections.

No comments were received from the public.

### Planning Comments

Planning staff note that the property is currently vacant, is 4.95ha in area and is not farmed. The property consists primarily of a woodlot and is surrounded by agricultural land uses and smaller rural residential lots.

It is noted that a building permit has not been issued for a residential dwelling on the subject land at the time of this writing. Accessory buildings are not permitted on vacant lots without a principle use / structure present according to Zoning By-law 1136 (1987). Niagara Region Private Sewage Systems staff commented on this application stating a septic permit application was submitted to their department which relates to a proposed dwelling and garage. The approval of this minor variance does not grant permission to erect a garage without having a principle dwelling. The building permits for a house should be issued first, followed by the permit for the garage in order to comply with the Zoning By-law.

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 A17/2017P be **approved** subject to the following conditions:

**THAT** the applicant

- Obtain a building permit for the dwelling first, followed by the garage.

Submitted by,



Curtis Thompson  
Planner, BURPI

Reviewed by,

Barb Wiens, MCIP, RPP  
Director, Community  
Development

Planning &



## Judy Sheppard

---

**From:** William Underwood  
**Sent:** Monday, April 10, 2017 3:58 PM  
**To:** Nancy Bozzato  
**Cc:** Judy Sheppard  
**Subject:** By-law Variances

Hi Nancy,

Fire has no comments for Files A14-A19/2017P.

Thanks,

Will



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

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

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

### 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

---

## Memorandum

### Public Works Department - Engineering

**DATE:** April 10, 2017  
**TO:** Julie Hannah, Planner  
**CC:** Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities  
**FROM:** Tolga Aydin, Engineering Technologist  
**RE:** File A17/2017P  
Lot 4, Concession 11, RP 59R-12346 Sumbler Road

---

Public Works has completed a review of the minor variance application A17/2017P for relief of Pelham Zoning By-Law 1136(1987) section 7.7(d) – ‘Maximum Building Height’ – requesting a maximum height of 4.3 meters whereas 3.7 meters is required to facilitate construction of a detached garage.

Public Works has no comments.

**File:** A17/2017P

April 24, 2017

**Address:** 59R-12345 Sumbler Road, Pelham

**Owner:** Lonny Denis Demers and Kathleen Louise Demers

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- An accessory building must be subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.
- The main use construction permit must be issued prior to the application for the accessory building.

Belinda Phillips  
Building Intake/Plans Examiner  
Community Planning & Development

April 19, 2017

**Via Email Only**

Our File: MV-17-013

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

Dear Ms. Bozzato:

**Re: Application for Minor Variance**  
**Applicant: Lonny & Kathleen Demers**  
**Location: Sumbler Road, Part Lot 4, Concession 11**  
**Town File: A17/2017P**

Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the Town in its consideration of this application.

**Private Sewage System Review**

According to the plan submitted, the application is to permit the construction of a detached garage with requested relief regarding building height. A septic permit application was also submitted to our department, which shows the proposed garage to be located on the east side of the proposed dwelling. The septic system is to be located to the west of the house.

Therefore, provided the location of the proposed garage will be on the east side of the house and there will be no living area or plumbing included within it, we would have no objections to the minor variance application.

Yours truly,



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

cc: Carmen Vetrone, Development Approvals Technician

May 2, 2017

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

**Re: Minor Variance Application A18/2017P (Brouwer)**  
**1046 Staines Street, Pelham**  
**Part of Lot 4, Concession 10, RP; 59R-11597 Parts 1-2**  
**Roll No. 2732 030 012 10700**

---

The subject land is located on the southwest corner of Welland Road and Staines Street, being Part of Lot 4, Concession 10, and municipally known as 1046 Staines Street 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(g) "Minimum Side Yard"** to permit an interior side yard setback of 2.5m, whereas 9m is required to accommodate an addition to the existing 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).

Policy 1.1.4.1 (d) states development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

#### Greenbelt Plan, 2005

The subject parcel is not located within the Greenbelt Plan Area.

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

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

#### Pelham Official Plan, 2014

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

It is noted that, despite being zoned and designated as an agricultural area, the subject property is small for the area and is considered to be a rural residential lot.

Town Zoning By-law Number 1136 (1987)

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

Section 7.4 Regulation for dwellings permitted in the Agricultural zone  
 f) Minimum Side Yard 9m 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. The variance is minor in nature.	Permitting a reduced side yard setback of 2.5m is minor overall because storm water runoff would still be managed on-site and adequate separation between dwelling units is maintained. Further, the proposed addition is to lineup with the existing south wall of the house which has not appeared to pose any neighbourly conflicts. The proposed building setback will also be flush with the existing southernmost wall of the dwelling which has not resulted in an adverse impact.
2. The variance is desirable for the development or use of the land.	The proposed addition to the house increases the livable floor space and actually leaves more practical rear yard amenity space for the residents and therefore is desirable for the development and use of the land.
3. The variance maintains the general intent and purpose of the Official Plan.	Reducing the side yard setback maintains the intent of the Official Plan because it will not detract from the primary role of the agricultural area to protect land suitable for agricultural production. The existing property is considered a small rural residential lot with a tributary dividing the parcel.  The side yard reduction will not obstruct any of the purposes or intentions of the Official Plan and therefore no adverse impact is anticipated.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed side yard setback is less than what is required by By-law, but still maintains a satisfactory setback as the Zoning By-law was intended to do while maintaining a more usable amenity area in the rear yard versus an alternatively located addition in the centre of the lot.

On April 7<sup>th</sup> 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Fire Department (April 10, 2017)
  - No comments.
- Niagara Region – Planning & Development Services, Private Sewage Systems (April 19, 2017)



- {See appendix}
- No objection to the reduced side yard setback, but Private Sewage System staff will need to review the proposed house plan(s) to verify that there will be no increase in current sewage flows.
- Building Department (April 24, 2017)
  - All necessary permits are required prior to construction commencing.
- Public Works Department (April 13, 2017)
  - No comments.
- Niagara Peninsula Conservation Authority (April 12, 2017)
  - {See appendix & conditions}
  - The Coyle Creek tributary traverses the subject land; therefore, development of this property is subject to the Authority's Regulation of Development, Interference with Wetlands and Alteration to Shoreline and Watercourses (O. Reg. 155/06). Any works proposed within 15m of this watercourse requires a Work Permit from this office prior to the commencement of the works on site.
  - The proposed addition does not trigger the need to upgrade the existing septic system, and therefore, have no concerns with the impact to the Highly Vulnerable Aquifer.
  - No objections.

## Planning Comments

Planning staff note that the subject land is designated 'Good General Agriculture' and considered high importance with respect to the agricultural potential. However, the property is 0.427ha and too small in size (to be farmed) and is considered to be an existing rural residential lot with the Coyle Creek tributary cutting through the centre.

In order to comply with the Zoning By-law, the addition would have to be more centrally located on the lot which leaves not only a less practical rear yard amenity area, but may also encroach upon the Coyle Creek tributary and/or the septic system area.

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 complies with 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 on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A18/2017P **be approved**, subject to the following conditions:

**THAT** the applicant

- Obtain an NPCA Work Permit prior to the issuance of a building permit.
- Circulate the building permit plans to Niagara Region Private Sewage Systems staff to ensure no increase of sewage flows to their satisfaction.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development





## Judy Sheppard

---

**From:** William Underwood  
**Sent:** Monday, April 10, 2017 3:58 PM  
**To:** Nancy Bozzato  
**Cc:** Judy Sheppard  
**Subject:** By-law Variances

Hi Nancy,

Fire has no comments for Files A14-A19/2017P.

Thanks,

Will



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

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

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

### 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

**File:** A18/2017P

April 24, 2017

**Address:** 1046 Staines St., Pelham

**Owner:** Bastiaan and Margaretha Brouwer

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Phillips

Building Intake/Plans Examiner

Community Planning & Development

April 12, 2017

Our File No.: PLMV201700394

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Application for Minor Variance, (A-18/2017)**  
1046 Staines Street Pelham ON L0S1C0

---

Further to our review of the above noted application, we offer the following for your information.

This application has been made to permit the reduction of a side yard setback to accommodate a proposed addition to the rear of the existing dwelling.

**NPCA Comments:**

The subject property is traversed by a tributary to Coyle Creek. As such, development of this property would be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (**O. Reg. 155/06**). Any works proposed within 15m of this watercourse requires a Work Permit from this office prior to the commencement of the works on site.

**Region of Niagara Core Natural Heritage Policies:**


The subject lands fall within a Highly Vulnerable Aquifer (HVA). In accordance with Regional Policy, development shall not have any significant negative impact to the groundwater. NPCA staff understand that the proposed addition does not trigger the need to upgrade the existing septic system. As such, this proposal does not intensify the use such that impacts to the groundwater must be reviewed. NPCA staff have no concerns with this proposal having any impact to the HVA in the area.

**Conclusion:**

In light of the above, the NPCA offers no objections to the approval of this application. Please be aware that due to the proximity of the proposed addition to the tributary of Coyle Creek traversing the property, a Work Permit will be required to be obtained from this office prior to the issuance of a building permit from the Town of Pelham.

I trust the above is sufficient. If you have any further questions, please feel free to call me.

Yours truly,

A handwritten signature in black ink that reads "S. Mastroianni". The signature is written in a cursive, flowing style.

Sarah Mastroianni,  
Watershed Planner  
(905) 788-3135, ext. 249

:

April 19, 2017

**Via Email Only**

Our File: MV-17-012

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

Dear Ms. Bozzato:

Re: **Application for Minor Variance**  
Applicant: **Bastiaan & Margaretha Brouwer**  
Location: **1046 Staines Street, Pelham**  
Town File: **A17/2017P**

Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the Town in its consideration of this application.

#### **Private Sewage System Review**

Private Sewage System staff have inspected the property and reviewed the application to construct an addition on the west side of the dwelling. The application is proposing a minimum side yard of 2.5 metres, whereas 9 metres is required. A permit was issued by our department in 2015 for the sewage system servicing the existing 4 bedroom dwelling. The system is located on the north side of the dwelling and there is a drilled well water supply located on the south side. At the time of our inspection, no visible defects were noted and there appears to be sufficient land available for any future replacement sewage system installation as may be required.

In order to approve of the proposed addition with the continued use of the existing sewage system, we will need to review the proposed house plans to verify that there will be no increase in current sewage flows. Should the proposed changes result in a flow rate increase, the sewage system would need to be upgraded accordingly, and a permit is required from our Department for this.

Therefore, although we would have no objection to the minor variance for a reduction in side yard setbacks, the house plans will need to be submitted for our review prior to any building permits being issued.

Sincerely,

Yours truly,



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

cc: Carmen Vetrone, Development Approvals Technician

---

## **Memorandum**

### **Public Works Department - Engineering**

DATE: April 13, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matt Sferrazza, Engineering Technologist  
RE: File A18/2017P  
1046 Staines Street

---

Public Works has completed a review of the minor variance application A18/2017P seeking relief from Minimum Side Yard Setback to allow a side yard of 2.5m whereas 9m is required for the construction of an addition to the existing dwelling.

Public Works has no comments.

May 2, 2017

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

**Re: Minor Variance Application A19/2017P (Miroslav & Benes)**  
**12 Peachtree Park, Pelham**  
**Plan 26, Lot 9, NP 718**  
**Roll No. 2732 020 001 10600**

The subject land is located on the north side of Peachtree Park, being Lot 9, Plan 26, NP 718 and known municipally as 12 Peachtree Park in the Town of Pelham.

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Relief is requested from:

- **Section 13.2(g) "Minimum Rear Yard"** to permit a rear yard setback of 5.2m whereas 7.5m is required, to facilitate the construction of a (wheelchair accessible) kitchen addition to the dwelling.

### **Applicable Planning Policies**

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

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

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

#### Growth Plan for the Greater Golden Horseshoe, 2005

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

1.2.2 Guiding Principles for the Greater Golden Horseshoe (GGH) is based on the following principles:

- Build compact, vibrant and complete communities.
- Plan and manage growth to support a strong and competitive economy.
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The proposed addition to the kitchen will better utilize the awkwardly shaped rear yard and leave the largest side yard to the west as the prime open amenity area.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Urban Area'.

The subject lot is part of an older, closed loop development, with wide-shallow lots.

Town Official Plan, 2014

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

Policy A2.3.2 Urban Character Objectives are to respect and enhance the character of existing residential neighbourhoods and ensure that all applications for development are physically compatible with scale of the surrounding neighbourhood.

Town Zoning By-law Number 1136 (1987)

Section 13.2 Regulations for dwellings permitted in the R2 zone

g) Minimum Rear Yard 7.5m Request- 5.2m

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.	A reduced rear yard setback of 5.2m is minor overall considering the most northern part of the existing dwelling is 2.92m from the rear lot line. The impact of an addition, directly beside this existing room setback further would be less impactful in scale and proximity.
2. The variance is desirable for the development or use of the land.	Reducing the rear yard setback is desirable for the development of the land because it will provide a more flexible building footprint and allow the owners to construct an accessible kitchen and not detract from their main amenity area, located in the side yard.
3. The variance maintains the general intent and purpose of the Official Plan.	Reducing the rear yard setback maintains the objective of the Official Plan because it will facilitate the appropriate incremental development of an existing house; sustain adequate drainage between lots while still leaving adequate outdoor amenity area in the primary western side yard.
4. The variance maintains the general intent and purpose of the Zoning By-law.	Reducing the rear yard setback does not conflict with the general intent of the Zoning By-law because it will uphold some buffer space between the proposed addition and new townhouse development underway to the north while also sustaining drainage swales and the largest outdoor amenity space.

On April 7, 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:





- Fire Department (April 10, 2017)
  - No comments.
- Public Works Department (April 13, 2017)
  - No comments.
- Building Department (April 24, 2017)
  - All necessary permits are required prior to construction commencing.
- Niagara Peninsula Conservation Authority (April 27, 2017)
  - No objections.

No public comments were received.

### Planning Comments

Based on the site plan submitted with the application, the proposed addition is setback further from the rear lot line (5.2m) than the existing north wall of the house (2.92m). The existing wall was legalized through a previous Minor Variance (A-31/93) but it did not account for any future additions beyond the current footprint. Despite the addition being setback even further from the rear lot line, it is still within the required rear yard setback of 7.5m which is the subject of this application. The proposed addition has not prompted any public dismay, concern from various Town staff or agencies, and appears to position the property in a favourable setup by leaving the largest outdoor amenity area, in this case being the western side yard, accessible as an open space.

The applicants have also expressed that the current house layout is not conducive to a wheelchair accessible kitchen retrofit. Part of the desire to expand the kitchen is to not only improve the living space, but to allow for full, unobstructed accessibility by the owners.

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 complies with the general intent of the Pelham 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 A19/2017P **be approved.**

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

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

## Judy Sheppard

---

**From:** William Underwood  
**Sent:** Monday, April 10, 2017 3:58 PM  
**To:** Nancy Bozzato  
**Cc:** Judy Sheppard  
**Subject:** By-law Variances

Hi Nancy,

Fire has no comments for Files A14-A19/2017P.

Thanks,

Will



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

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

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

### 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

**File:** A19/2017P

April 24, 2017

**Address:** 12 Peachtree Park, Pelham

**Owner:** Jack Miroslav and Kathryn Ann Benes

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Phillips

Building Intake/Plans Examiner

Community Planning & Development

## Judy Sheppard

---

**From:** Sarah Mastroianni <smastroianni@npca.ca>  
**Sent:** Thursday, April 27, 2017 12:09 PM  
**To:** Judy Sheppard  
**Cc:** Curtis Thompson  
**Subject:** RE: Town of Pelham, CofA - May 2nd Hearing  
**Attachments:** NPCA General Plan Review Response.pdf

Hi Judy,

Since I only received this package recently, I do not have time to write formal correspondence for each file. The following are the NPCA's comments.

**A14/2017 1 Linden Ave** No objections to this file

**A16/2017 998 Haist Street** No objections to the variance of the height of the proposed shed. However, the garage is located very close to the watercourse at the rear of the lot which is a regulated feature by the NPCA. Prior to the issuance of a building permit for this building, a Permit from the NPCA is required.

**A18/2017 1046 Staines.** See attached

**A19/2017 12 Peachtree PK.** No objections to this proposal.

Thank you.

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

---

**From:** Judy Sheppard [<mailto:JSheppard@pelham.ca>]  
**Sent:** Tuesday, April 25, 2017 10:51 AM  
**To:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Cc:** Curtis Thompson <[CThompson@pelham.ca](mailto:CThompson@pelham.ca)>  
**Subject:** Town of Pelham, CofA - May 2nd Hearing

Hi Sara,

Sorry for the oversight and the late notice but would you please review the attached 4 files for Minor Variances and provide your comments.

Thanks for your help and cooperation,

Judy Sheppard



April 12, 2017

Our File No.: PLMV201700394

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Application for Minor Variance, (A-18/2017)**  
1046 Staines Street Pelham ON L0S1C0

---

Further to our review of the above noted application, we offer the following for your information.

This application has been made to permit the reduction of a side yard setback to accommodate a proposed addition to the rear of the existing dwelling.

**NPCA Comments:**

The subject property is traversed by a tributary to Coyle Creek. As such, development of this property would be subject to the Authority's Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06). Any works proposed within 15m of this watercourse requires a Work Permit from this office prior to the commencement of the works on site.

**Region of Niagara Core Natural Heritage Policies:**

The subject lands fall within a Highly Vulnerable Aquifer (HVA). In accordance with Regional Policy, development shall not have any significant negative impact to the groundwater. NPCA staff understand that the proposed addition does not trigger the need to upgrade the existing septic system. As such, this proposal does not intensify the use such that impacts to the groundwater must be reviewed. NPCA staff have no concerns with this proposal having any impact to the HVA in the area.

**Conclusion:**

In light of the above, the NPCA offers no objections to the approval of this application. Please be aware that due to the proximity of the proposed addition to the tributary of Coyle Creek traversing the property, a Work Permit will be required to be obtained from this office prior to the issuance of a building permit from the Town of Pelham.

I trust the above is sufficient. If you have any further questions, please feel free to call me.

Yours truly,

A handwritten signature in cursive script that reads "S. Mastroianni".

Sarah Mastroianni,  
Watershed Planner  
(905) 788-3135, ext. 249

---

## **Memorandum**

### **Public Works Department - Engineering**

DATE: April 13, 2017  
TO: Julie Hannah, Planner  
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities  
FROM: Matt Sferrazza, Engineering Technologist  
RE: File A19/2017P  
12 Peachtree Park

---

Public Works has completed a review of the minor variance application A19/2017P seeking relief from Minimum Rear Yard to allow a minimum rear yard setback of 5.2m whereas 7.5m is required to permit construction of an addition to the existing dwelling.

Public Works has no comments.

**Meeting #:** CoA-04/2017  
**Date:** Tuesday, April 4, 2017  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present Wayne Locky  
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 Locky called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

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 A7/2017P - Antonio and Rosetta Nuziato**



**Purpose of the Application:**

The subject land is zoned Agricultural "A" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of section 7.7(d) to increase the permitted height from 3.7 metres to mid-point of pitched roof to 5.2 metres to mid-point of pitched roof. The variance is requested to facilitate construction of a detached accessory garage to be used for storage.

**Representation:**

Antonio Nuziato, Owner Applicant, appeared on behalf of this application.

**Correspondence Received:**

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

**Comments:**

No comments were offered by the agent.

No comments were received from the public.

The Members had no comments.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application for relief from section 17.7(d) to increase the permitted height from 3.7 metres to mid-point of pitched roof to 5.2 metres to mid-point of pitched roof to facilitate construction of a detached accessory garage, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the rural context and scale, orientation and distance from the street.**
- 2. The general purpose and intent of the Zoning By-Law is maintained given the rural context while still standing smaller in scale to the principle dwelling and plenty of open space is available on the site.**
- 3. The intent of the Official Plan is maintained in that it permits uses which are compatible with the agricultural character.**
- 4. The proposal is desirable for the appropriate development and/or use of the land and will allow for appropriate storage of personal belongings.**

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.

Carried

## 5.2 File A8/2017P - Hummel Properties Inc.

### Purpose of the Application:

The subject land is zoned Agricultural "A" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the following Zoning By-law provisions in Section 7.4 to facilitate construction of a residential dwelling:

1. Relief from Section 7.4(d) to permit a minimum front yard setback of 6 metres whereas 13 metres is required;
2. Relief from Section 7.4(f) to permit a minimum side yard setback of 1.2 metres whereas 9 metres is required.

### Representation:

Brent Larocque, Hummel Properties Inc., Owner Applicant and Sarah Premi, Authorized Agent, appeared on behalf of this application.

### Correspondence Received:

1. Town of Pelham Planner
2. Town of Pelham Public Works and Utilities
3. Town of Pelham Building Intake/Plans Examiner
4. Town of Pelham Public Works Department
5. Town of Pelham Fire & By-law Services Department
6. Town of Pelham Fire Department - Revised

### Agent's comments:

Sarah Premi advised they are seeking two variances for land that has already been established in that a single family can be established on the property. She also commented that they are entitled to a building permit as per the current Zoning By-law however, they are asking for permission to position a structure more properly on the lot to construct two single

family homes, and they we are not proposing townhouses. Ms. Premi stated that Planning staff are recommending townhouses however, they are looking at what might be permitted here which conflicts with the zoning by-law but she feels their request conforms to the zoning bylaw. Ms. Premi stated that this is absolutely desirable and they are looking to place the structures in a better place than if the minor variance is not granted.

Mr. Larocque commented on the existing homes and their relationship to the minor variance setback and he provided a handout of the site plan to the members. Mr. Laocque advised that they took into consideration what they are currently allowed to build and, due to the positioning, decided to apply for a minor variance in order to have the buildings placed in a better position on the lot. During the pre-consult meeting, staff advised that an official Plan amendment should be sought however, Mr. Laocque thought this would be costly. Mr. Laocque provided handouts of previous decisions of the Committee of Adjustment's decisions where Mr. Laocque felt that similar decisions were granted. Mr. Laocque commented that to file for the minor variance would be more speedy and more economical for his company. He commented that Provincial Policy statement acknowledges this is a settlement area and that the dimensions are allowable and Mr. Laocque feels the idea of a townhouse is not realistic.

#### **Public Comments:**

There were no comments received from the Public.

#### **Members Comments:**

Member Klassen commented that this is one acre of land and if Mr. Larocque didn't ask for the minor variance, he could still build the house on this lot therefore, inquired as to what is the future plan for the other lots once this minor variance is granted.

Member DiMartile commented that he agrees with Planning Staff that a plan of sub-division would have been appropriate for this application. Member DiMartile advised that the examples that Mr. Larocque provided from previous minutes will be disregarded because the Committee has to deal with each application individually;

Ms. Premi commented that she has no knowledge of any plans for the future of this lot other than they wish to build a single family home.

The Clerk, Ms. Bozzato, commented that a pre-consultation meeting was held with the applicant and staff from the Town on January 23rd, 2017 to discuss the development. The applicant was advised by staff at the time that the proposal as presented (via minor variance application), would not be supported because it does not meet all the tests of a minor variance under the Planning Act. Principally the intent of the Official Plan is not in conformity because the built form permitted in the EF-Medium Density Residential designation includes townhouses and small apartments etc. Single detached residential dwellings can only be considered in the EF-Medium Density designation if they do not constitute more than 15% of the total dwellings units within a plan of subdivision. Also, because of the Port Robinson Road frontage, vehicle access is required off a rear laneway. The laneway could alternatively have been accommodated via a consent to sever application, if not through a plan of subdivision. In addition, given the absence of a plan of how the whole of the lands would be developed in the future, the development of a single detached dwelling is premature at this time. The applicant was advised that this application could only be supported if it was accompanied with an official plan amendment to address those key policies (Policy B1.7.7.4.1 and B1.7.7.4.2 h). The applicant has not made an application to amend the Pelham Official Plan. Planning staff is of the opinion that the application does not meet all four minor variance tests laid out by the Planning Act. The subject application is not consistent with Provincial Policies, the Regional Official Plan and conflicts with the general intent of the Town Official Plan policies and Zoning By-law. Consequently, Planning Staff recommend that Application File Number A8.2017P be refused.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from the following Zoning By-law provisions in Section 7.4 to facilitate construction of a residential dwelling:**

- 1. Relief from Section 7.4(d) to permit a minimum front yard setback of 6 metres whereas 13 metres is required;**
- 2. Relief from Section 7.4(f) to permit a minimum side yard setback of 1.2 metres whereas 9 metres is required, is hereby:**

**REFUSED**

**The above decision is based on the following reasons:**

- 1. The general purpose and intent of the Zoning By-Law is not maintained in that the 13m setback in the 'A' Zone is appropriate for lands in the rural agricultural area. The subject lands are now in an area that is urbanizing and as a result, the 13m setback is not appropriate for an urban environment; and reducing the side yard**

setback does not maintain the general purpose for similar reasons; in that it would be more suitable to amend the Zoning By-law with urban/site-specific regulations that reflect urban built-form standards.

2. The intent of the Official Plan is not maintained in that low density, single-detached dwellings are not a permitted use within the EF-Medium Density residential designation. Unless, they are part of a draft plan of subdivision, at which point only 15% of the land area could be considered for single detached use, otherwise this conflicts with the East Fonthill Secondary Plan. Reducing the side yard setback does not maintain the objective of the Official Plan in that it would incongruously facilitate the construction of a single detached dwelling in an area of the East Fonthill Secondary Plan which is intended for medium density residential uses.

3. The proposal is not desirable for the appropriate development and/or use of the land in that it would obstruct much of the frontage for medium density residential use and reducing the side yard setback is not desirable for similar reasons.

4. This application is Refused without prejudice to any other application in the Town of Pelham.

5. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application does not meet the Planning Act tests for minor variance.

Carried

### 5.3 A9/2017P - Susan L. Bernard

Purpose of the Application:

The subject land is zoned Residential 2 “R2” in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from section 14.2(e) to reduce the minimum Side Yard setback to 0.61 metres whereas 1.5 metres is required. The variance is requested to facilitate construction of a 1.5 storey, 2 car, attached garage.

**Representation:**

Dinesh Sharma and Thomas De Simone, 2M Architects Inc., authorized agents, and Susan Bernard, Applicant, appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Fire & By-law Department

**Applicant comments:**

Ms. Bernard advised that they are not expecting to use up all the setback requested but have made provisions to provide a little buffer with the intent to construct a two-door garage.

**Public Comments:**

Bill Grimwood, Coller Street commented that his property is located to the west of the subject land and he has no objection to the minor variance however, he is planning to build a two-door garage and he would expect the same treatment from the Town.

Ms. Bozzato, Town Clerk/Secretary-Treasurer advised Mr. Grimwood that the Municipal Board Regulation is such that each applicant treated as a separate application.

Mr. Grimwood commented that he now objects to the minor variance.

**Member comments:**

Mr. Klassen questioned whether the two feet between the garage and the property line will be sufficient and also commented that the Committee would appreciate receiving actual measurements from the Applicant.

Ms. Bernard commented that this is to allow swale drainage back and forth. It allows them to build a two-door garage which will have an overhang of eight inches.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application for relief from section 14.2(e) to reduce the minimum Side Yard setback to 0.61 metres whereas 1.5 metres is required, to facilitate construction of a 1.5 storey, 2 car, attached garage, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature in that, pending receipt of a satisfactory lot grading & drainage plan, swales can still adequately carry storm water runoff between the structures.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that it will uphold some buffer space between the proposed and neighbouring lots while also sustaining drainage swales and exterior wall access.**
- 3. The intent of the Official Plan is maintained in that it will facilitate the compact development of infill housing and sustain adequate drainage swales between lots while still allowing access to the exterior walls.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it leaves a more flexible building envelope for house design considerations while still allowing for proper drainage and building access between lots.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. 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 the applicant submit a comprehensive overall lot grading and drainage plan to demonstrate that drainage neither relies nor negatively impacts neighbouring lots. This is to include any proposed side yard swales and the impact from the reduced setback on the effectiveness of these swales, to the satisfaction of the Director of Public Works & Utilities.**
- 2. That the applicant submit an updated drawing showing the proximity of neighbouring structures and the dimensions of the proposed garage.**
- 3. That all necessary building permits be obtained prior to construction commencing for the new attached 1.5 storey garage addition, to the satisfaction of the Town of Pelham Chief Building Official.**

**Carried**

#### **5.4 A10/2017P - Jere Brown**

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

The subject land is zoned Residential "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from Section 6.1(b) to allow the existing accessory building in the front yard with a setback of 1.15 metres.

##### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

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

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Town of Pelham Fire & By-law Department

##### **Applicant comments:**

Mr. Heikoop made a Power Point Presentation to support the Applications.

##### **Public comments:**

Gordon Marasco, Emily Lane, commented that his backyard is at the top right hand-side of the subject property. Mr. Marasco is not opposed to the developments but the traffic flow is extreme in that area and he suggested there is a need to conduct a traffic study.

##### **Member comments:**

There were no comments from the members.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from Section 6.1(b) to allow the existing accessory building in the front yard with a setback of 1.15 metres, whereas 1.2 metres is required, is hereby: GRANTED**

**The above decision is based on the following reasons:**

1. **The variance is minor in nature in that the building has existed for a long time with no negative impacts apparent or expressed by the neighbors for this application.**



2. The general purpose and intent of the Zoning By-Law is maintained because it predated the variance to recognize the existing accessory building setback still leaves adequate open space on the site and will not change drainage patterns on the subject land.
3. The intent of the Official Plan is maintained because it helps frame the street edge and recognize the existing residential neighbourhood which is not negatively affected.
4. The proposal is desirable for the appropriate development and/or use of the land because it has been established there for some time and provides personal storage for the owner and the two small windows facing the roadway which help animate the public realm.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. 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 the Applicant receive final approval of Consent Files B10/2017P, B11/2017P, and B12/2017P.
2. That the Applicant confirm in writing that there are no existing water services branch from or through the proposed lots or remaining parcel to other lands.
3. That should a rear yard catch basin be required, a 3m easement in favour of the Town will be required.
4. That all necessary building permits be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

## 5.5 A11/2017P - Jere Brown

### Purpose of the Application:

The subject land is zoned Residential "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from the following:

1. Section 13.2(b) to decrease Minimum Lot Frontage to 15.93 metres whereas 19 metres is required.
2. Section 13.2(c) to increase maximum Lot Coverage 40% whereas 30% is required.

3. Section 13.2(e) to decrease minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required.

**Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Town of Pelham Fire & By-law Services

**Applicant comments:**

Mr. Heikoop made a Power Point Presentation to support the Applications.

**Public comments:**

Gordon Marasco, Emily Lane, commented that his backyard is at the top right hand-side of the subject property. Mr. Marasco is not opposed to the developments but the traffic flow is extreme in that area and he suggested there is a need to conduct a traffic study.

**Member comments:**

There were no comments from the members.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from the following:**

1. Section 13.2(b) to decrease Minimum Lot Frontage to 15.93 metres whereas 19 metres is required.
2. Section 13.2(c) to increase maximum Lot Coverage 40% whereas 30% is required.
3. Section 13.2(e) to decrease minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required, is hereby: **GRANTED**

**The above decision is based on the following reasons:**

1. The variance is minor in nature given that most of the neighbourhood is characterized by single detached residential use.
2. The general purpose and intent of the Zoning By-Law is maintained in that it provides adequate frontage for access

purposes.

3. The intent of the Official Plan is maintained in that it helps facilitate the development of a continuous street frontage.
4. The proposal is desirable for the appropriate development and/or use of the land in that it will provide compatible residential infill use as well as flexibility regarding future dwellings.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. 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 all necessary building permits be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.
2. That should a rear yard catch basin be required, a 3m easement in favour of the Town will be required.
3. That the applicant receive final approval of Consent Files B10/2017P, B11/2017P and B12/2017P.

Carried

## 5.6 A12/2017P - Jere Brown

### Purpose of the Application:

The subject land is zoned Residential "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from the following:

1. Section 13.2(b) to decrease minimum Lot Frontage to 15.93 metres whereas 19 metres is required.
2. Section 13.2(c) to increase the maximum Lot Coverage to 40% whereas 30% is required.
3. Section 13.2(e) to decrease the minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required.

### Representation:

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

**Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Town of Pelham Fire & By-law Services

**Applicant Comments:**

Mr. Heikoop made a Power Point Presentation to support the Applications.

**Public comments:**

Gordon Marasco, Emily Lane, commented that his backyard is at the top right hand-side of the subject property. Mr. Marasco is not opposed to the developments but the traffic flow is extreme in that area and he suggested there is a need to conduct a traffic study.

**Member comments:**

There were no comments from the members.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from the following:**

1. **Section 13.2(b) to decrease minimum Lot Frontage to 15.93 metres whereas 19 metres is required.**
2. **Section 13.2(c) to increase the maximum Lot Coverage to 40% whereas 30% is required.**
3. **Section 13.2(e) to decrease the minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required, is hereby: GRANTED**

**The above decision is based on the following reasons:**

1. **The variance is minor in nature given that most of the neighbourhood is characterized by single detached residential use.**
2. **The general purpose and intent of the Zoning By-Law is maintained in that it provides adequate frontage for access purposes.**
3. **The intent of the Official Plan is maintained in that it helps facilitate the development of a continuous street frontage.**
4. **The proposal is desirable for the appropriate development and/or use of the land in that it will provide compatible residential infill use as well as flexibility regarding future dwellings.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**

**6. 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 all necessary building permits be obtained prior to construction commencing for the new accessory building, to the satisfaction of the Town of Pelham Chief Building Official.**
- 2. That should a rear yard catch basin be required, a 3m easement in favour of the Town will be required.**
- 3. That the applicant receive final approval of Consent Files B10/2017P, B11/2017P and B12/2017P.**

**Carried**

#### **5.7 A13/2017P - Jere Brown**

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

The subject land is zoned Residential "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief from the following:

1. Section 13.2(b) to decrease minimum Lot Frontage to 16.90 metres whereas 20 metres is required.
2. Section 13.2(c) to increase the maximum Lot Coverage to 40% whereas 30% is required.
3. Section 13.2(e) to decrease the minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required.
4. Section 13.2(f) to decrease minimum Exterior Side Yard to 3 metres whereas 5 metres is required.

##### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

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

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department
4. Town of Pelham Fire & By-law Services

**Applicant Comments:**

Mr. Heikoop made a Power Point Presentation to support the Applications.

**Public comments:**

Gordon Marasco, Emily Lane, commented that his backyard is at the top right hand-side of the subject property. Mr. Marasco is not opposed to the developments but the traffic flow is extreme in that area and he suggested there is a need to conduct a traffic study.

**Member comments:**

There were no comments from the members.

**Moved By John Klassen**

**Seconded By Brian DiMartile**

**Application for relief from the following:**

- 1. Section 13.2(b) to decrease minimum Lot Frontage to 16.90 metres whereas 20 metres is required.**
- 2. Section 13.2(c) to increase the maximum Lot Coverage to 40% whereas 30% is required.**
- 3. Section 13.2(e) to decrease the minimum Interior Side Yard to 1.5 metres whereas 1.8 metres is required.**
- 4. Section 13.2(f) to decrease minimum Exterior Side Yard to 3 metres whereas 5 metres is required, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given that most of the neighbourhood is characterized by single detached residential use.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that it provides adequate frontage for access purposes.**
- 3. The intent of the Official Plan is maintained in that it helps facilitate the development of a continuous street frontage.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will provide compatible residential infill use as well as flexibility regarding future dwellings.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. 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 all necessary building permits be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.**
- 2. That should a rear yard catch basin be required, a 3m easement in favour of the Town will be required.**
- 3. That the applicant receive final approval of Consent Files B10/2017P, B11/2017P and B12/2017P.**

**Carried**

## **6. Applications for Consent**

### **6.1 B10/2017P - Jere Brown**

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

Application is made for consent to convey 801.37 square metres of land, shown as Part 2 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street. Existing buildings on the property are to be removed.

#### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

#### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department

No comments were offered from the agent.

No comments were received from the public.

No comments were offered from the members.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application is made for consent to convey 801.37 square metres of land, shown as Part 2 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street, is hereby:**

**GRANTED**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and with conditions fulfilled, complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The applicant is aware that all necessary building permits/approvals must be obtained prior to any construction commencing to the satisfaction of the Town of Pelham Chief Building Official.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**The above decision is subject to the following conditions:**

- 1. That all necessary minor variance applications obtain final approval to the satisfaction of the Director of Community Planning & Development.**
- 2. That the applicant conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**
- 3. That the applicant provides the outstanding balance (for 1053 Pelham Street) from the existing Front-Ending Agreement of the amount of \$28,750 which shall be considered payment in full for files B10/2017P, B11/2017P and B12/2017P to the satisfaction of the Director of Public Works.**
- 4. That the applicant obtain approval from Council to lift the existing 0.3m (one foot) reserve along Homestead Boulevard.**
- 5. That the applicant submits a comprehensive overall lot grading & drainage plan for the subject and remnant parcels to demonstrate that drainage neither relies nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works.**
- 6. That the applicant obtain approval of Entrance Permits for the installation of driveways for all proposed lots in accordance with Town standards. The installation of all entrances shall be completed prior to consent and the applicant shall bear all costs associated with these works.**
- 7. That the applicant ensures that all lots will be serviced with individual water services, sanitary sewer and storm sewer laterals to Town standards by obtaining a Temporary Works Application permit through the Public Works Department and to the satisfaction of the**



**Director of Public Works. The plan must show all proposed services to ensure that all services are contained within their respective lot. The plan shall also detail the location of each new driveway. The applicant shall bear all costs associated with servicing the lot from the main to the building.**

**8. That application for consent, files B10/2017P, B11/2017P and B12/2017P receive final certification of the Secretary-Treasurer concurrently.**

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

**10. That the final certification fee of \$370, 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.**

**Carried**

## **6.2 B11/2017P - Jere Brown**

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

Application is made for consent to convey 801.37 square metres of land, shown as Part 3 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street.

### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department

No comments were offered from the agent.

No comments were received from the public.

No comments were offered from the members.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application is made for consent to convey 801.37 square metres of land, shown as Part 3 on the drawing submitted, for single family**

**residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street, is hereby:  
GRANTED**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and with conditions fulfilled, complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The applicant is aware that all necessary building permits/approvals must be obtained prior to any construction commencing to the satisfaction of the Town of Pelham Chief Building Official.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**The above decision is subject to the following conditions:**

- 1. That all necessary minor variance applications obtain final approval to the satisfaction of the Director of Community Planning & Development.**
- 2. That the applicant conducts an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**
- 3. That the applicant provides the outstanding balance (for 1053 Pelham Street) from the existing Front-Ending Agreement of the amount of \$28,750 which shall be considered payment in full for files B10/2017P, B11/2017P and B12/2017P to the satisfaction of the Director of Public Works.**
- 4. That the applicant obtains approval from Council to lift the existing 0.3m reserve along Homestead Boulevard.**
- 5. That the applicant submits a comprehensive overall lot grading & drainage plan for the subject parcels and remnant to demonstrate that drainage neither relies nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works.**
- 6. That the applicant obtains approval of Entrance Permits for the installation of driveways for all proposed lots in accordance with Town standards to the satisfaction of the Director of Public Works. The installation of all entrances shall be completed prior to consent**

and the applicant shall bear all costs associated with these works.

7. That the applicant ensures that all lots will be serviced with individual water services, sanitary sewer and storm sewer laterals to Town standards by obtaining a Temporary Works Application permit through the Public Works Department and to the satisfaction of the Director of Public Works. The plan must show all proposed services to ensure that all services are contained within their respective lot. The plan shall also detail the location of each new driveway. The applicant shall bear all costs associated with servicing the lot from the main to the building.

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

9. That application for consent, files B10/2017P, B11/2017P and B12/2017P receive final certification of the Secretary-Treasurer concurrently.

10. That the final certification fee of \$370, 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.

Carried

### 6.3 B12/2017P - Jere Brown

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

Application is made for consent to convey 850.22 square metres of land, shown as Part 4 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street.

#### **Representation:**

William Heikoop, Upper Canada Consultants, authorized agent, appeared on behalf of this application.

#### **Correspondence Received:**

1. Town of Pelham Planner
2. Town of Pelham Building Intake/Plans Examiner
3. Town of Pelham Public Works Department

No comments were offered from the agent.

No comments were received from the public.

No comments were offered from the members.

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**Application is made for consent to convey 850.22 square metres of land, shown as Part 4 on the drawing submitted, for single family residential use. Part 1 to be retained for continued use of the dwelling known municipally as 1053 Pelham Street, is hereby:**

**GRANTED**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and with conditions fulfilled, complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The applicant is aware that all necessary building permits/approvals must be obtained prior to any construction commencing to the satisfaction of the Town of Pelham Chief Building Official.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**The above decision is subject to the following conditions:**

- 1. That all necessary minor variance applications obtain final approval to the satisfaction of the Director of Director of Community Planning & Development.**
- 2. That the applicant conducts an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**
- 3. That the applicant provides the outstanding balance (for 1053 Pelham Street) from the existing Front-Ending Agreement of the amount of \$28,750 which shall be considered payment in full for files B10/2017P, B11/2017P and B12/2017P to the satisfaction of the Director of Public Works.**
- 4. That the applicant obtains approval from Council to lift the existing 0.3m reserve along Homestead Boulevard.**

5. That the applicant submits a comprehensive overall lot grading & drainage plan for the subject parcels and remnant to demonstrate that drainage neither relies nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works.
6. That the applicant obtains approval of Entrance Permits for the installation of driveways for all proposed lots in accordance with Town standards to the satisfaction of the Director of Public Works. The installation of all entrances shall be completed prior to consent and the applicant shall bear all costs associated with these works.
7. That the applicant ensures that all lots will be serviced with individual water services, sanitary sewer and storm sewer laterals to Town standards by obtaining a Temporary Works Application permit through the Public Works Department and to the satisfaction of the Director of Public Works. The plan must show all proposed services to ensure that all services are contained within their respective lot. The plan shall also detail the location of each new driveway. The applicant shall bear all costs associated with servicing the lot from the main to the building.
8. That application for consent, files B10/2017P, B11/2017P and B12/2017P receive final certification of the Secretary-Treasurer concurrently.
9. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
10. That the final certification fee of \$370, 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.

Carried

## 7. Minutes for Approval

### 7.1 Committee of adjustment Minutes

#### 7.1.1 Minutes, March 7, 2017

Moved By Brian DiMartile  
Seconded By Wayne Lockey  
THAT the Minutes of the Committee of Adjustment Hearing,  
March 7, 2017, be approved.

Carried

**8. Adjournment**

**Moved By Brian DiMartile**

**Seconded By John Klassen**

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned at 5:41 p.m. until the next regular meeting scheduled for May 2, 2017 at 4:00 pm.**

**Carried**

---

Wayne Lockey, Chair

---

Secretary-Treasurer, Nancy J. Bozzato