

Committee of Adjustment AGENDA

CoA-08/2018

August 14, 2018

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

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2. Town of Pelham Building Department
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5. Mark Bull and Neighbouring Residents

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8.	Adjournment	

August 14, 2018

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

**Re: Minor Variance Application A11/2018P (2227531 Ontario Inc.)
1295 Pelham Street, Pelham
Part of Lot 173
Roll No. 2732 030 020 09900**

The subject land, shown as Part 1 on the attached sketch, has 15.38m of frontage on the east side of Pelham Street, lying south of John Street, known locally as 1295 Pelham 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 13.2(b) "Minimum Lot Frontage"** to permit a lot frontage of 15.38m, whereas 19m is required;

The proposed variance is being considered concurrently with the Consent to Sever application under File B4/2018P.

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.

Policy 1.1.3.2 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
 1. Efficiently use land and resources;
 2. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

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

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

This Plan informs decision-making regarding growth management and environmental protection in the

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

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

The subject property is within walking distance to an elementary school and neighbourhood commercial uses. The proposal would facilitate the construction of one single detached house on what is currently a large side yard amenity plot of land. This provides for improved efficiencies in land use and infrastructure capacities. It should be noted that the two lots abutting the rear yard to the east (50 & 52 Stella Street) were severed from the subject lands in 2010 (files: B2-B3/2010). The application submitted is actually in keeping with the intensification proposals previously seen by the Town and are geometrically & symmetrically comparable when considering the preservation of the existing single detached dwelling bungalow at 1295 Pelham Street.

Regional Official Plan (Consolidated, August 2014)

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

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

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

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

Pelham Official Plan, 2014

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

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

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

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

Pelham Zoning By-law Number 1136 (1987), as amended

Section 13.2 Regulations for dwellings permitted in the R1 zone

- | | | | |
|-------------------------|-----|----------|--------|
| b) Minimum Lot Frontage | 19m | Request- | 15.38m |
|-------------------------|-----|----------|--------|

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 reduced lot frontage to 15.38m is minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province. Some of the surrounding neighbourhood is characterized by development of a different era which uses wide frontages; however, 17-19m frontages were identified for various single dwelling lots nearby and a 15.38m wide lot can still comfortably accommodate a new dwelling while preserving the existing single detached bungalow on the remnant parcel.
2. The variance is desirable for the development or use of the land.	Reducing the minimum lot frontage to 15.38m is desirable for the subject land because it will recognize the frontage shortfall and give legal status to develop the plot for residential infill use. The narrower frontage will also help to frame the edge of Pelham Street in a more compact fashion by lessening the large underutilized side yards between buildings.
3. The variance maintains the general intent and purpose of the Official Plan.	The proposed reduction in lot frontage maintains the general intent of the Official Plan because it will help facilitate the development of a continuous street frontage along Pelham Street by "filling-in" empty, underutilized urban lots within the built-up area. The variance will aid in the responsible intensification of existing urban <i>settlement areas</i> .
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed lot frontage reduction is less than what is required by By-law but still includes a satisfactory frontage for access purposes and for siting a new dwelling as the Zoning By-law was intended. Legalizing the narrower frontage permits the development of a new parcel which was otherwise a very wide, underutilized side yard amenity area. This added street presence addresses the public realm in a more contiguous and positive fashion.

On June 22nd 2018, 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:

- Building Department (July 25, 2018)
 - No comments.
- Public Works Department (July 23, 2018)
 - No comments.

Public Comments:

Most of the public correspondence received dealt principally with the subject matter pertaining to the severance application, and therefore was more thoroughly included in that Recommendation Report (B4/2018P).

M. Whittaker (53 Stella), M. Bull (52 Stella), M. Gunns (54 Stella), G. Karner (50 Stella), S. Thomas (1291 Pelham St), J. Schel (1297 Pelham St), J. Shepherd (10 Greenvale), TF. Sidler (1292 Pelham St), P. McNeil (1281 Pelham St), M. Kore (1267 Pelham St), R. Bonin (1271 Pelham St)

- Concern about proposed lot being "undersized".
 - ✓ The neighbourhood has a good mix of lot sizes and frontages. Granted, the lots flanking the subject land have frontages of 20m plus. However, there are also lots on the west



side of Pelham Street and in the surrounding area in the 17-19m range. A diverse range of lot sizes is not necessarily undesirable from a land use compatibility perspective and provides choice to residents.

- Concern about adverse impacts on surrounding property values.
 - ✓ No evidence to support this concern.

Planning Comments

A pre-consult was held with the applicant(s) of the property and staff from the Town on November 2nd, 2017 to discuss the future development.

The subject lands are located near the southeast corner of Pelham Street and John Street and are surrounded by:

- North – Single detached residential
- East – Single detached residential
- South – Single detached residential
- West – Apartment buildings, funeral home

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood surrounding the intersection of Pelham Street and Pancake Lane contains a mixture of uses including low density residential, low-rise apartment buildings, a church, a commercial office with some open space and wooded areas nearby. There are various applications in the neighbourhood including; an approved severance at the Glad Tidings Church of God, a Site Plan Approved 4-storey apartment building opposite Pelham Street, and an ongoing draft plan of subdivision at the east end of John Street.

It is noted that local (and regional) development trends have been gravitating towards smaller lotting fabric partly as a reflection of Provincial policy measures. Also, the mathematical degree of variation from the original zone regulation is not a consideration when determining if a variance is minor.

Planning staff understand the subject application to be an ideal application of current planning and development goals outlined by upper levels of government and local Town policies dealing with appropriate and gentle infill housing. In general, intensification makes more efficient use of the existing built-up urban lands where open, underutilized spaces present the opportunity. The proposed variance should not facilitate any adverse impacts with regards to traffic, storm runoff, or privacy etc.

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 Official Plan and Zoning By-law.

The authorization of the following recommended minor variances is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A11/2018P **be approved**, subject to Consent File B4/2018P being approved.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

File: A11/2018P

July 26, 2018

Address: Part Lot 173

1295 Pelham St., Pelham

Owner: 2227531 Ontario Inc.,

Solicitor: Osama Abo Nassar

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit must be obtained prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: July 23, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A11/2018P
1295 Pelham Street

Public Works has completed a review of the minor variance application A11/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2(b) – to permit a lot frontage of 15.38 meters whereas the by-law requires 19 meters.

This application is being considered concurrently with severance file B4/2018P.

Public Works has no comments.

Sarah Leach

From: William Underwood
Sent: Tuesday, July 03, 2018 11:18 AM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A11-A18

Hi Nancy,

Fire has no comments with respect to the by-law variance Files A11 through A18.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

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

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Opening

Find out more about the
caring project by c

www.pelham.ca

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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www.Facebook.com/Pelhamfire

July 19, 2018

Committee of Adjustment
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S1E0

Attention: Ms. Nancy J. Bozzato, Town Clerk and Secretary- Treasurer

RE: Part Lot 173, former Township of Thorold, 1295 Pelham St., Pelham [FILE A11/2018P and FILE B 4/2018P]

We are the owners and residents surrounding 1295 Pelham St. We are very concerned about the proposal to sever the above property and build a new house on a very small lot.

We oppose the severance and requested variances and request that these applications be refused.

The proposed variance would create an uncharacteristically small lot surrounded by larger properties.

Pelham St. and it's surrounding streets are quiet streets, with homes that are mostly bungalows or storey and a half in height. Most of the lots are at least 70 feet wide with many considerably greater than 100 feet in width. If the severance is allowed, the new house will loom over all other houses on this and surrounding streets.

The homes in this neighbourhood are spaced far apart and allow for beautiful gardens, trees and privacy. This proposal allows for only 3.6m between the proposed new dwelling and existing dwelling.

The proposed building plan calls for the new structure to have little frontage and be situated much closer to Pelham St. than any of the other homes. This is completely inconsistent with existing homes on Pelham St. This should not be permitted.

The construction of a new home sandwiched between two mature character homes would look out of place.

We are very concerned that the size of the proposed lot will change the look and feel of our neighbourhood in a very negative way. The mass of the proposed building will destroy our clear view of trees through all the surrounding back yards.

The variances that are being sought are also not minor in nature. We have serious concerns about drainage from new dwelling in between 52 Stella St. and 54 Stella St. Water accumulation is already significant. The proposed development would result in several trees being removed and potential impact to drainage on these and other properties.

We are also concerned about disruption to the water table surrounding vegetation. This neighbourhood is very mature and that is its primary appeal.

We all have significant investments in our properties and are very concerned about an adverse affect on property values by allowing a small lot and dwelling of this nature.

This proposal would be expected in new neighbourhoods or in much larger GTA communities, NOT in a mature, quiet area like Kunda Park.

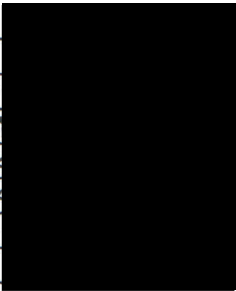
Zoning rules are established for good reasons. Attempting to change them undermines the intended vision of this neighbourhood.

Overall, the proposed severance and plan to build a dwelling on an undersized lot does not keep with the character of Fonthill or of the overall Kunda Park neighbourhood. It will adversely affect our views, increase our risk of basement flooding, and reduce our sunlight. It does not conform to the Official Plan, zoning, intent or purpose.

As stated previously, we respectfully request that the Committee of Adjustment refuse the application to sever the lot and build an additional dwelling. We wish to receive a copy of the Committee of Adjustment Notice of Decision for this property.

Sincerely,

Name	Address	Tel #	Signature
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MICHAEL WHITTAKER	53 STELLA ST FONTHILL		<i>Michael Whittaker</i>
MARION WHITTAKER	53 STELLA ST FONTHILL		<i>Marion Whittaker</i>
MARK BULL	52 STELLA ST FONTHILL		<i>Mark Bull</i>
CINDY MCCRYSTAL	52 STELLA ST FONTHILL		<i>Cindy McCrystal</i>
JANET GUNNS	54 STELLA ST FONTHILL		<i>Janet Gunns</i>
MICHAEL GUNNS	54 STELLA ST FONTHILL		<i>Michael Gunns</i>
Erin Karner	50 Stella St Fonthill		<i>Erin Karner</i>
Greg Karner	50 Stella St Fonthill		<i>Greg Karner</i>

We all have significant investments in our properties and are very concerned about an adverse affect on property values by allowing a small lot and dwelling of this nature.

This proposal would be expected in new neighbourhoods or in much larger GTA communities, NOT in a mature, quiet area like Kunda Park.

Zoning rules are established for good reasons. Attempting to change them undermines the intended vision of this neighbourhood.

Overall, the proposed severance and plan to build a dwelling on an undersized lot does not keep with the character of Fonthill or of the overall Kunda Park neighbourhood. It will adversely affect our views, increase our risk of basement flooding, and reduce our sunlight. It does not conform to the Official Plan, zoning, intent or purpose.

As stated previously, we respectfully request that the Committee of Adjustment refuse the application to sever the lot and build an additional dwelling. We wish to receive a copy of the Committee of Adjustment Notice of Decision for this property.

Sincerely,

Name Address Tel # Signature

Name	Address	Tel #	Signature
A STRONG	1291 PELHAM ST	[REDACTED]	<i>A. Strong</i>
J. Sidler	1295 Pelham St	[REDACTED]	<i>J. Sidler</i>
John Sobel	1297 Pelham St	[REDACTED]	<i>John Sobel</i>
Pam Shepherd	10 Greenville Cir	[REDACTED]	<i>Pam Shepherd</i>
Tina + Fred Sidler	1292 Pelham St	[REDACTED]	<i>Tina + Fred Sidler</i>
Anna Harlin McNeil	1281 Pelham St	[REDACTED]	<i>Anna Harlin McNeil</i>
MARSHA KORE	1267 PELHAM ST	[REDACTED]	<i>Marsha Kore</i>
Ronald Benin	1271 PELHAM ST	[REDACTED]	<i>Ronald Benin</i>
Paul Strong	1291 Pelham St	[REDACTED]	<i>Paul Strong</i>

August 14, 2018

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

Re: Minor Variance Application A12/2018P (Joseph Zoccoli)
770 Sawmill Road, Pelham
Concession 2, Part of Lots 14-15
Roll No. 2732 010 008 03303

The subject land is located on the southeast corner of Sawmill Road and Maple Street, legally described above, and known municipally as 770 Sawmill 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 d) "Max Accessory Building Height"** to allow a maximum accessory building height of 5.12m whereas 3.7m is allowed.

The proposal is for a 1-storey, westerly addition to an existing utility shed (accessory building).

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.

Pelham Zoning By-law Number 1136 (1987)

The Town 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 = 5.12m

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.	Increasing the accessory building height to 5.12m is minor given the rural context – medium to large farm style buildings are not uncommon and generally located long distances from public roads. No negative impacts are anticipated by the adjacent neighbors as over 150m separates the residential neighbours from the subject site. The setback of the building minimizes the impact of the building’s height on nearby properties.
2. The variance is desirable for the development or use of the land.	The variance request to increase the accessory building height is desirable for the property as it allows for enhanced storage and use of the facility. The proposed design of the accessory building can also be more easily adapted to serve an agricultural function in the future if desires change. The adjacent dwellings to the north are setback over 150m and no adverse impacts are anticipated on surrounding lands.
3. The variance maintains the general intent and purpose of the Official Plan.	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. The variance is appropriate given the site’s rural context and meets the general intent of the Town Official Plan policies.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The size of the proposed accessory building’s height to 5.12m is appropriate given the rural context. Ample amount of open space is available on the site, thus the increased height will not adversely impact the agricultural character of the area or the surrounding

	countryside. The variance maintains the intent of the Zoning By-law with respect to accessory building massing, siting and locational scale.
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On June 28th 2018, 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 (July 20, 2018)
 - No comments.
- Building Department (July 26, 2018)
 - All necessary permits are required prior to construction commencing.
- Niagara Region Planning & Development Services (June 25, 2018)
 - No objections provided that no plumbing or living space is included within the addition.

Public Comments:

- Terri-lynn Jovanovic
 - Promised by Town that property was owned by one family, it was zoned Agricultural, and that there will only ever be one (1) house on the property.
 - ✓ Unrelated to application.
 - Questions the owner's need for such a large accessory building.
 - ✓ The footprint of the proposed building is not in contravention of the Zoning By-law and thus, is not a consideration.
 - Concerned the property owner may operate a business or store cannabis on-site.
 - ✓ Speculation – the property must still comply with the Zoning By-law, and any other applicable local or federal regulations.
 - Concern proposed building will interfere with view.
 - ✓ Planning staff acknowledge that case law has determined that neighbours do not have a right to a 'view' and therefore this cannot be considered.
- Paul Snack & Lori Guzda – 785 Sawmill Road
 - Feel the design and height does not fit within the rural community.
 - ✓ Opinion based, though, this is an agricultural area where farm buildings are not an uncommon sight.
 - Not pleased with the aesthetics of the existing accessory building (i.e. lack of landscaping and architectural quality). Apparently landscaping was promised, but never provided, for the existing accessory building during the previously approved variance for height (File: A5-2012)
 - ✓ After reviewing the Committee of Adjustment record from minor variance file A5/2012 which granted the increased height for the existing utility shed (Minutes, Decision, Recommendation Report), Town staff have no record of any correspondence or conditions for the applicant to install landscaping.
 - Does not see need for increased building height because the overhead door is only 10' tall.
 - ✓ The increase in height is needed to accommodate the roof of the building. It is noted that this is a building addition and the height is consistent with the existing structure.

- Questions the owner's need for such a large building to store personal files.
 - ✓ The footprint of the accessory building complies with the by-law requirements.
 - ✓ Section 6.1 a) of the Zoning By-law states that where permitted accessory buildings exist, they shall not include (1) any occupation for gain or profit conducted within or accessory to a dwelling, or (2) used for human habitation except as in this By-law is specifically permitted.
- The addition will remove currently productive farm land.
 - ✓ This is unfortunately true; however, the minor variance application deals with an increase of height, not a horizontal limitation such as lot coverage or building setback regulations. Thus, the variance has no impact on the owner's ability to encroach on their own farm land.
- Would not object to the addition being located to the south of the existing utility shed, instead of to the west encroaching upon the farm land.
 - ✓ Given the orientation of the existing building, it is logical that the proposed building addition extend from the west wall of the existing structure.
- Would not object to the proposal if the applicant landscaped the north and west walls of the accessory building.
 - ✓ The applicant may choose to add some landscaping along the north and west walls.

Planning Comments

Planning staff note that the property is 47.7ha (117.8 acres) in land area, is farmed and does contain one single detached dwelling.

The subject land is surrounded by:

- North – Rural residential dwellings, Significant Woodlands
- East – Agricultural
- South – Agricultural, Significant Woodlands, Provincially Significant Wetlands
- West – Agricultural, rural residential dwelling

The proposed area of construction is ± 98m south from Sawmill Road, and over 150m away from the nearest residential dwellings north of Sawmill Road. (Figure 1) The extensive setbacks mitigate the impacts of height and this type of building is common in the rural agricultural countryside.

Figure 1: Sawmill Road looking east – (Subject land to the right & neighbouring residential to the left)



As stated earlier, in the previous minor variance application (A5/2018) which also requested the same increase of accessory building height, the applicant's agent at the time noted the height increase was also to "ensure there is future opportunity to use this building as a farm out building in the future". Although the applicant did not specifically mention that as being part of the rationale in this application, Town staff support the consideration of future farming activities.

The objecting neighbour indicated they opted to live in a rural environment to escape the negative attributes of an urban environment, however, the subject neighbourhood is principally agricultural, and designated and zoned for such under the Greenbelt Plan, Niagara Regional and Town policy documents. Town planning staff can certainly appreciate the trade-offs between both living environments, however, certain developments are inevitable in an agricultural area.

Town Planning staff is of the opinion that increasing the height will not negatively affect any neighbouring properties as significant distance buffers the development from existing residential uses.

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 A12/2018P be **approved**, subject to the following conditions:

THAT the applicant

- Obtain all necessary building permits prior to construction commencing.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: A12/2018P

July 26, 2018

Address: Part Lots 14 and 15
770 Sawmill Rd., Pelham

Owner: Joseph and Rosalinda Zoccoli

Solicitor: Tim Sinke

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit must be obtained prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: July 20, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Judy Sheppard, Deputy Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File A12/2018P
770 Sawmill Road

Public Works has completed a review of the minor variance application A12/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.7(d) – to permit a building height of 5.12 meters to the mid point of the pitched roof, whereas the by-law permits a maximum height of 3.7 meters for an addition to the existing utility shed.

Public Works has no comments.

Sarah Leach

From: William Underwood
Sent: Tuesday, July 03, 2018 11:18 AM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A11-A18

Hi Nancy,

Fire has no comments with respect to the by-law variance Files A11 through A18.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

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

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TOWN OF PELHAM CONFIDENTIALITY NOTICE

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www.Facebook.com/Pelhamfire

Curtis Thompson

From: Nancy Bozzato
Sent: July-05-18 8:51 AM
To: Curtis Thompson; Sarah Leach
Subject: Fwd: pole barn addition 770 sawmill

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPhone

Begin forwarded message:

From: "Wood, Caitlin" <Caitlin.Wood@niagararegion.ca>
Date: July 5, 2018 at 8:34:29 AM EDT
To: "njbozzato@pelham.ca" <njbozzato@pelham.ca>
Cc: "Killins, Tanya" <tanya.killins@niagararegion.ca>, "Wood, Christine" <christine.wood@niagararegion.ca>
Subject: FW: pole barn addition 770 sawmill

Nancy,

Please see private sewage system comments below for the minor variance application. We will be contacting the owner to provide them with the \$400.00 refund. If you have any questions do not hesitate to contact me.

Caitlin Wood

Private Sewage System Inspector
Planning and Development Services
Niagara Region
Phone: 905-980-6000 ext. 3323 Toll-free: 1-800-263-7215
Fax: 905-687-8056
www.niagararegion.ca

From: Killins, Tanya
Sent: Monday, June 25, 2018 12:24 PM
To: 'info@henleyheights.com'
Subject: RE: pole barn addition 770 sawmill

Hello Laurus,

RE: 770 Sawmill Road, Pelham

Based on the plan submitted, the proposed 40' x 50' addition to the existing shed does not encroach onto the existing sewage system servicing the property and sufficient usable land will remain available for any future repair or replacement to the sewage system which may be required. A permit was issued by our Department in 2011 for the existing sewage system, which is located to the east of the dwelling, as indicated on the plan.

Therefore, provided no plumbing or living space is included in the shed, our department has no objections to the proposed addition as shown on the submitted plan. Please forward our email response to the City as required.

NOTE: If a minor variance is required for this project, our comments here can also be used for that application.

DISCLAIMER – LIMITATION OF LIABILITY: This response is based on the information provided and should not be perceived as an official approval of the premises or septic system(s) by the Planning & Development Services Department. The reader is warned that changes may have occurred to the premises or systems without our knowledge and this Department cannot assume responsibility for any such alterations. Further, in the cases of properties on private sewage disposal systems, this response is not meant in any way whatsoever to represent a certification of approval or guarantee that the septic system has been inspected or installed in accordance with the provisions of The Building Code Act, S.O. 1992, C.23 and does not ensure that the existing system is functioning as intended.

Tanya Calligan (Killins)

Private Sewage System Inspector
Planning & Development Services
Niagara Region
Phone: 905-980-6000 ext. 3358 Toll-free: 1-800-263-7215
www.niagararegion.ca



Please consider the environment before printing this e-mail.

From: info@henleyheights.com [<mailto:info@henleyheights.com>]

Sent: Thursday, June 21, 2018 3:25 PM

To: Killins, Tanya

Subject: pole barn addition 770 sawmill

Hi Tanya, we are applying for a minor variance at 770 sawmill rd , Pelham, and the town is looking for something in writing saying that the region does not have any comments or concerns with this (see attached) there will be no bathrooms or any plumbing in this barn, it is simply storage.

Thanks!

Laurus Sinke
Henley Heights Construction Limited
905-321-1078
www.henleyheights.com

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, 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.

Attn: The Committee Of Adjustments
Town of Pelham

July 11, 2018

Re: File # A12 / 2018P - Joseph and Rosalinda Zoccoli 770 Sawmill Rd.

Dear Sir/Madam:

We are responding to the notice of application to amend the height bylaw from 3.7 metres to 5.12 meters and to DOUBLE the size of a 'utility shed' from 2000 square feet to 4000 square feet located at 770 Sawmill Road in Pelham.

I am sure we can agree that we all want a community that is beautiful, tasteful and 'building appropriate' for our particular surroundings. We chose to live in the country, in this area, away from the city, businesses, industry and manufacturing. While people can do whatever they want (within our sometimes lax parameters!) we all hope that owners will choose to design their homes and outer structures to be beautiful and appropriate for the property. We entrust people to build structures that fit in well visually and are tastefully designed to compliment their own home and their surroundings.

However, we are not convinced that this new structure lends itself to this objective. The proposed building will be way to big and we feel the height requested and design does not fit well within this rural community. In fairness we do offer an option as a compromise in item #4 below.

Following is a picture of the structure as we see it today from the front steps of our home looking south from the north side of Sawmill Road. Note the lack of any architectural enhancements or any landscaping surrounding the structure that was apparently promised to the neighbours to help soften the rather stark outside view of the building looking from the street. It's a big 'shed' that stands alone in the field in full the view from our home and the street. The owners are not farming the land (as it is apparently leased out to another farmer) so we were told there is no need to store any farm implements in it. This shed does not house their two cars as there is a two car garage attached to their very attractive home. We are not sure what this shed is actually used for?

Picture of the existing 2000 sq ft shed - July 10, 2018



If this proposal is to move forward the photoshopped picture below illustrates how the building will look with a 2000 sq ft extension added onto the current shed. This new shed will then be 4000 square feet, 100 feet long x 40 feet wide (that is a much larger footprint than even the existing home on the property). A massive storage unit 'built to accommodate a bunch of boxes'!

Picture of the proposed 4000 sq ft shed extension



With respect we hereby submit our opposition to this variance request as written for the following reasons:

- 1) The request for the additional height is unusual considering the only door into the structure is 10 feet high. This would mean any item taller than ten feet does not fit through the doorway into the structure. I would suggest this eliminates any need to have the roof no more than 3.7 meters high, let alone the request for it to be 5.12 metres high. We see no reason to require the requested increase in height just to store boxes (see #2 for further explanation on boxes). For safety reasons one would never stack boxes any higher than 6 or 7 rows high, or about 8 feet, anyways.
- 2) This land is zoned agricultural but the structure will not be used for any agricultural purposes, as per the owner's own statements. A group of neighbours were told by Mr. Zoccoli on July 8, 2018 that the *'new structure will not be used for farming but instead be used for the storage of documents from the sale of a business. It will not be used for anything agricultural. I need storage for boxes in case the government wants to see them for any reason in the next five years'*. (If space is needed for just for 5 years why not rent space for these boxes?) I would suggest that documents required to be kept for government purposes from a small business would never require a 2000 square foot shed with a roof clearance of over 16 feet just to store a number of bankers boxes. (I store mine in three filing cabinets!)
- 3) This extension will be eliminating good, tillable, productive farm land. It is not a well designed building and certainly does nothing to enhance the views for the numerous

homeowners along Sawmill Road. Some will see the building in wintertime when the low lying shrubs along Sawmill lose their leaves to open the view of the shed to them as well.

- 4) We would however, in the spirit of compromise, consider supporting the request for the variance if the structure is **built on the south side of the existing structure** and not extended lengthwise as shown in the plan on the west side of the existing shed. Positioned correctly, **beside the existing shed**, the new building will not be as visible from our homes on Sawmill Road. In fact, those looking straight onto the current shed would not see the new one at all! This would be a reasonable compromise considering the existing structure cannot be changed and the new version would be mostly hidden from view. We would also appreciate adding landscaping around the structure to help camouflage both buildings to make for better 'curb appeal'. This would help blend the visual we see in with the nearby trees and forest. **If the plan also included planting tall trees along the north and west sides of the existing shed to help block the building we see today then we would not oppose the variance request.** We are aware one cannot legislate good design but this shed does look like a 'factory/warehouse' and it is really not the type of country utility building one might expect to see, front and centre, here in Pelham.

Throughout this process we intend to be approachable, honest in our conversations and show respect for each other. This makes for good community relations. Our goal should be to have honest, open discussions to understand and appreciate each position. This hopefully will lead to cooperation from all parties and help us come to an amiable conclusion that works for everyone involved.

We trust this will be found in order. Should you have any further questions we would be happy to clarify our thoughts at any time.

Thank you,

Paul Snack and Lori Guzda
[REDACTED] Sawmill Road ([REDACTED])

Sarah Leach

From: Terri-Lynn Jovanovic <[REDACTED]>
Sent: Thursday, July 19, 2018 11:05 AM
To: Sarah Leach
Subject: A12/2018P

Good morning, I would like to dispute the proposed addition too the 2000 foot square shed that my neighbour has applied to do.

When we built here, we were promised by the town that the property was owned by one family, it was zoned Agricultural, and that there would only EVER be 1 house on the property.

So then they built a "Shed" that is as big as my house, and the notice I got was that it would be landscaped, Well that never happened! and it has been at least 5 years

Now I get this second notice saying they want to -DOUBLE "its size- FOR WHAT????

What do 2 Single people with 5000 sq foot house, a extra deep double car garage, and a 2000 square foot shed need all that space for???

I have a sneaky feeling something is going to be hidden here, a business maybe? I am terrified that they will start growing or storing pot here!!!

Plus the proposed barn will interfere with the view that I built my house looking at!

My neighbour has sent me picture of what this "shed" will look like and it is atrocious!!! It looks like it belongs on an industrial street on Cushman Rd, not in a field

It is too long, it is too high

Terri-Lynn Jovanovic
[REDACTED] Sawmill Rd

[REDACTED]
[REDACTED]

August 14, 2018

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

Re: Minor Variance Application A13/2018P (2475650 Ontario Inc.)
42 Bacon Lane (formerly 62 Bacon Ln), Pelham
Part 2 on RP 59R-13220
Roll No. (Originally part of 2732 030 019 02300)

The subject land is located on the southeast corner of Bacon Lane and Marylea Street, being Part 2 on RP 59R-13220, and known municipally as 42 Bacon Lane.

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

- **Section 13.2(c) "Maximum Lot Coverage"** to permit a lot coverage of 40%, whereas 30% is allowed;

The proposed variance is being considered independently, but is accompanied by, identical requests for lot coverage relief on the neighbouring lands under files: A14-A18/2018P.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the PPS.

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

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

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

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

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.

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

Regional Official Plan (Consolidated, August 2014)

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

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

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

Town Official Plan, 2014

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

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

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

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

Section 13.2 Regulations for dwellings permitted in the R1 zone

c) Maximum Lot Coverage	30%	Request-	40%
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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 an overall maximum lot coverage increase to 40% is minor in nature considering the surrounding neighbourhood context which consists of both large and small lot single detached residences.
2. The variance is desirable for the development or use of the land.	Increasing the maximum lot coverage to 40% is desirable for the use of the land because it allows for more design flexibility in siting a bungalow style dwelling while still providing acceptable rear yard amenity space. The lots are large enough to have generous outdoor amenity areas and still meet the setback requirements.
3. The variance maintains the general intent and purpose of the Official Plan.	Permitting an overall maximum lot coverage increase to 40% maintains the general intent of the Official Plan because it will promote infill housing and help develop the land more efficiently. Also, in a practical form, the future dwelling can be built either as a

From the Department of



	bungalow or 2-storey house with more freedom in allowable building footprint designs which depend on the maximum lot coverage.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed lot coverage exceedance is more than what is permitted by By-law but still leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.

On June 28th 2018, 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:

- Building Department (July 26, 2018)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (July 20, 2018)
 - No comments.

No public comments were received.

Planning Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 7th, 2018 to discuss the development. The applicant considered a second option which would have entailed a Zoning By-law Amendment to encapsulate all six (6) parcel separate minor variance applications.

The proposed variance should not facilitate any adverse impacts with regards to land use incompatibility, storm runoff, or privacy etc.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act with exception to the requested rear yard setback. The subject application is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Town Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A13/2018P **be approved**

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



File: A13/2018P

July 26, 2018

Address: Part Lot 177, Part 2 on 59R-13220

62 Bacon Lane, Pelham

Owner: 2475650 Ontario Inc.,

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit must be obtained prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: July 20, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File A13/2018P
62 Bacon Lane – Part 2

Public Works has completed a review of the minor variance application A13/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (c) – to permit an overall lot coverage of 40% whereas 30% is permitted to facilitate construction of a single family dwelling.

Public Works has no comments.

Sarah Leach

From: William Underwood
Sent: Tuesday, July 03, 2018 11:18 AM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A11-A18

Hi Nancy,

Fire has no comments with respect to the by-law variance Files A11 through A18.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
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www.Facebook.com/Pelhamfire

August 14, 2018

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

Re: Minor Variance Application A14/2018P (2475650 Ontario Inc.)
46 Bacon Lane (formerly 62 Bacon Ln), Pelham
Part 3 on RP 59R-13220
Roll No. (Originally part of 2732 030 019 02300)

The subject land is located on the southeast corner of Bacon Lane and Marylea Street, being Part 3 on RP 59R-13220, and known municipally as 46 Bacon Lane.

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

- **Section 13.2(c) "Maximum Lot Coverage"** to permit a lot coverage of 40%, whereas 30% is allowed;

The proposed variance is being considered independently, but is accompanied by, identical requests for lot coverage relief on the neighbouring lands under files: A13/2018P & A15-A18/2018P.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the PPS.

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

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

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

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

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.

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

Regional Official Plan (Consolidated, August 2014)

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

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

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

Town Official Plan, 2014

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

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

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

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

Section 13.2 Regulations for dwellings permitted in the R1 zone

c) Maximum Lot Coverage	30%	Request-	40%
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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:

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1. The variance is minor in nature.	Permitting an overall maximum lot coverage increase to 40% is minor in nature considering the surrounding neighbourhood context which consists of both large and small lot single detached residences.
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From the Department of



	bungalow or 2-storey house with more freedom in allowable building footprint designs which depend on the maximum lot coverage.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed lot coverage exceedance is more than what is permitted by By-law but still leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.

On June 28th 2018, 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:

- Building Department (July 26, 2018)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (July 20, 2018)
 - No comments.

No public comments were received.

Planning Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 7th, 2018 to discuss the development. The applicant considered a second option which would have entailed a Zoning By-law Amendment to encapsulate all six (6) parcel separate minor variance applications.

The proposed variance should not facilitate any adverse impacts with regards to land use incompatibility, storm runoff, or privacy etc.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act with exception to the requested rear yard setback. The subject application is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Town Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A14/2018P **be approved**

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

File: A14/2018P

July 26, 2018

Address: Part Lot 177, Part 3 on 59R-13220

62 Bacon Lane, Pelham

Owner: 2475650 Ontario Inc.,

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit must be obtained prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: July 20, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File A14/2018P
62 Bacon Lane – Part 3

Public Works has completed a review of the minor variance application A14/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (c) – to permit an overall lot coverage of 40% whereas 30% is permitted to facilitate construction of a single family dwelling.

Public Works has no comments.

Sarah Leach

From: William Underwood
Sent: Tuesday, July 03, 2018 11:18 AM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A11-A18

Hi Nancy,

Fire has no comments with respect to the by-law variance Files A11 through A18.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

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

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www.Facebook.com/Pelhamfire

August 14, 2018

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

Re: Minor Variance Application A15/2018P (2475650 Ontario Inc.)
50 Bacon Lane (formerly 62 Bacon Ln), Pelham
Part 4 on RP 59R-13220
Roll No. (Originally part of 2732 030 019 02300)

The subject land is located on the southeast corner of Bacon Lane and Marylea Street, being Part 4 on RP 59R-13220, and known municipally as 50 Bacon Lane.

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

- **Section 13.2(c) "Maximum Lot Coverage"** to permit a lot coverage of 40%, whereas 30% is allowed;

The proposed variance is being considered independently, but is accompanied by, identical requests for lot coverage relief on the neighbouring lands under files: A13-A14/2018P & A16-A18/2018P.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the PPS.

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

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

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

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

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.

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

Regional Official Plan (Consolidated, August 2014)

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

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

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

Town Official Plan, 2014

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

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

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

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

Section 13.2 Regulations for dwellings permitted in the R1 zone

c) Maximum Lot Coverage	30%	Request-	40%
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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 an overall maximum lot coverage increase to 40% is minor in nature considering the surrounding neighbourhood context which consists of both large and small lot single detached residences.
2. The variance is desirable for the development or use of the land.	Increasing the maximum lot coverage to 40% is desirable for the use of the land because it allows for more design flexibility in siting a bungalow style dwelling while still providing acceptable rear yard amenity space. The lots are large enough to have generous outdoor amenity areas and still meet the setback requirements.
3. The variance maintains the general intent and purpose of the Official Plan.	Permitting an overall maximum lot coverage increase to 40% maintains the general intent of the Official Plan because it will promote infill housing and help develop the land more efficiently. Also, in a practical form, the future dwelling can be built either as a

From the Department of



	bungalow or 2-storey house with more freedom in allowable building footprint designs which depend on the maximum lot coverage.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed lot coverage exceedance is more than what is permitted by By-law but still leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.

On June 28th 2018, 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:

- Building Department (July 26, 2018)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (July 20, 2018)
 - No comments.

No public comments were received.

Planning Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 7th, 2018 to discuss the development. The applicant considered a second option which would have entailed a Zoning By-law Amendment to encapsulate all six (6) parcel separate minor variance applications.

The proposed variance should not facilitate any adverse impacts with regards to land use incompatibility, storm runoff, or privacy etc.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act with exception to the requested rear yard setback. The subject application is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Town Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A15/2018P **be approved**

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



File: A15/2018P

July 26, 2018

Address: Part Lot 177, Part 4 on 59R-13220

62 Bacon Lane, Pelham

Owner: 2475650 Ontario Inc.,

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit must be obtained prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: July 20, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File A15/2018P
62 Bacon Lane – Part 4

Public Works has completed a review of the minor variance application A15/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (c) – to permit an overall lot coverage of 40% whereas 30% is permitted to facilitate construction of a single family dwelling.

Public Works has no comments.

Sarah Leach

From: William Underwood
Sent: Tuesday, July 03, 2018 11:18 AM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A11-A18

Hi Nancy,

Fire has no comments with respect to the by-law variance Files A11 through A18.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
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TOWN OF PELHAM CONFIDENTIALITY NOTICE

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www.Facebook.com/Pelhamfire

August 14, 2018

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

Re: Minor Variance Application A16/2018P (2475650 Ontario Inc.)
54 Bacon Lane (formerly 62 Bacon Ln), Pelham
Part 5 on RP 59R-13220
Roll No. (Originally part of 2732 030 019 02300)

The subject land is located on the southeast corner of Bacon Lane and Marylea Street, being Part 5 on RP 59R-13220, and known municipally as 54 Bacon Lane.

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

- **Section 13.2(c) "Maximum Lot Coverage"** to permit a lot coverage of 40%, whereas 30% is allowed;

The proposed variance is being considered independently, but is accompanied by, identical requests for lot coverage relief on the neighbouring lands under files: A13-A15/2018P & A17-A18/2018P.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the PPS.

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

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

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

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

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.

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

Regional Official Plan (Consolidated, August 2014)

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

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

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

Town Official Plan, 2014

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

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

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

The subject land is zoned ‘Residential 1’ (R1) according to the Zoning By-law.

Section 13.2 Regulations for dwellings permitted in the R1 zone

c) Maximum Lot Coverage	30%	Request-	40%
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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 an overall maximum lot coverage increase to 40% is minor in nature considering the surrounding neighbourhood context which consists of both large and small lot single detached residences.
2. The variance is desirable for the development or use of the land.	Increasing the maximum lot coverage to 40% is desirable for the use of the land because it allows for more design flexibility in siting a bungalow style dwelling while still providing acceptable rear yard amenity space. The lots are large enough to have generous outdoor amenity areas and still meet the setback requirements.
3. The variance maintains the general intent and purpose of the Official Plan.	Permitting an overall maximum lot coverage increase to 40% maintains the general intent of the Official Plan because it will promote infill housing and help develop the land more efficiently. Also, in a practical form, the future dwelling can be built either as a

From the Department of



	bungalow or 2-storey house with more freedom in allowable building footprint designs which depend on the maximum lot coverage.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed lot coverage exceedance is more than what is permitted by By-law but still leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.

On June 28th 2018, 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:

- Building Department (July 26, 2018)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (July 20, 2018)
 - No comments.

No public comments were received.

Planning Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 7th, 2018 to discuss the development. The applicant considered a second option which would have entailed a Zoning By-law Amendment to encapsulate all six (6) parcel separate minor variance applications.

The proposed variance should not facilitate any adverse impacts with regards to land use incompatibility, storm runoff, or privacy etc.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act with exception to the requested rear yard setback. The subject application is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Town Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A16/2018P **be approved**

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



File: A16/2018P

July 26, 2018

Address: Part Lot 177, Part 5 on 59R-13220

62 Bacon Lane, Pelham

Owner: 2475650 Ontario Inc.,

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit must be obtained prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: July 20, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File A16/2018P
62 Bacon Lane – Part 5

Public Works has completed a review of the minor variance application A16/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (c) – to permit an overall lot coverage of 40% whereas 30% is permitted to facilitate construction of a single family dwelling.

Public Works has no comments.

Sarah Leach

From: William Underwood
Sent: Tuesday, July 03, 2018 11:18 AM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A11-A18

Hi Nancy,

Fire has no comments with respect to the by-law variance Files A11 through A18.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
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www.Facebook.com/Pelhamfire

August 14, 2018

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

Re: Minor Variance Application A17/2018P (2475650 Ontario Inc.)
58 Bacon Lane (formerly 62 Bacon Ln), Pelham
Part 6 on RP 59R-13220
Roll No. (Originally part of 2732 030 019 02300)

The subject land is located on the southeast corner of Bacon Lane and Marylea Street, being Part 6 on RP 59R-13220, and known municipally as 58 Bacon Lane.

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

- **Section 13.2(c) "Maximum Lot Coverage"** to permit a lot coverage of 40%, whereas 30% is allowed;

The proposed variance is being considered independently, but is accompanied by, identical requests for lot coverage relief on the neighbouring lands under files: A13-A16/2018P & A18/2018P.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the PPS.

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

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

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

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

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.

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

Regional Official Plan (Consolidated, August 2014)

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

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

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

Town Official Plan, 2014

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

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

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

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

Section 13.2 Regulations for dwellings permitted in the R1 zone

c) Maximum Lot Coverage	30%	Request-	40%
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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 an overall maximum lot coverage increase to 40% is minor in nature considering the surrounding neighbourhood context which consists of both large and small lot single detached residences.
2. The variance is desirable for the development or use of the land.	Increasing the maximum lot coverage to 40% is desirable for the use of the land because it allows for more design flexibility in siting a bungalow style dwelling while still providing acceptable rear yard amenity space. The lots are large enough to have generous outdoor amenity areas and still meet the setback requirements.
3. The variance maintains the general intent and purpose of the Official Plan.	Permitting an overall maximum lot coverage increase to 40% maintains the general intent of the Official Plan because it will promote infill housing and help develop the land more efficiently. Also, in a practical form, the future dwelling can be built either as a

From the Department of



	bungalow or 2-storey house with more freedom in allowable building footprint designs which depend on the maximum lot coverage.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed lot coverage exceedance is more than what is permitted by By-law but still leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.

On June 28th 2018, 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:

- Building Department (July 26, 2018)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (July 20, 2018)
 - No comments.

No public comments were received.

Planning Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 7th, 2018 to discuss the development. The applicant considered a second option which would have entailed a Zoning By-law Amendment to encapsulate all six (6) parcel separate minor variance applications.

The proposed variance should not facilitate any adverse impacts with regards to land use incompatibility, storm runoff, or privacy etc.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act with exception to the requested rear yard setback. The subject application is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Town Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A17/2018P **be approved**

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

File: A17/2018P

July 26, 2018

Address: Part Lot 177, Part 6 on 59R-13220

62 Bacon Lane, Pelham

Owner: 2475650 Ontario Inc.,

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit must be obtained prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: July 20, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File A17/2018P
62 Bacon Lane – Part 6

Public Works has completed a review of the minor variance application A17/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (c) – to permit an overall lot coverage of 40% whereas 30% is permitted to facilitate construction of a single family dwelling.

Public Works has no comments.

Sarah Leach

From: William Underwood
Sent: Tuesday, July 03, 2018 11:18 AM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A11-A18

Hi Nancy,

Fire has no comments with respect to the by-law variance Files A11 through A18.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
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www.Facebook.com/Pelhamfire

August 14, 2018

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

Re: Minor Variance Application A18/2018P (2475650 Ontario Inc.)
62 Bacon Lane, Pelham
Part 7 on RP 59R-13220
Roll No. (Originally part of 2732 030 019 02300)

The subject land is located on the southeast corner of Bacon Lane and Marylea Street, being Part 7 on RP 59R-13220, and known municipally as 62 Bacon Lane.

The subject land is zoned 'Residential 1 – 207' (R1-207) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The applicant requests relief from:

- **Section 13.2(c) "Maximum Lot Coverage"** to permit a lot coverage of 40%, whereas 30% is allowed;

The proposed variance is being considered independently, but is accompanied by, identical requests for lot coverage relief on the neighbouring lands under files: A13-A17/2018P.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The subject parcel is located in the 'Settlement Area' according to the PPS.

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

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

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- Integrate climate change considerations into planning and managing growth.

Regional Official Plan (Consolidated, August 2014)

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

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

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

Town Official Plan, 2014

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

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

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

The subject land is zoned 'Residential 1 -207' (R1-207) according to the Zoning By-law.

Section 13.2 Regulations for dwellings permitted in the R1 zone

c) Maximum Lot Coverage	30%	Request-	40%
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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 an overall maximum lot coverage increase to 40% is minor in nature considering the surrounding neighbourhood context which consists of both large and small lot single detached residences.
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3. The variance maintains the general intent and purpose of the Official Plan.	Permitting an overall maximum lot coverage increase to 40% maintains the general intent of the Official Plan because it will promote infill housing and help develop the land more efficiently. Also, in a practical form, the future dwelling can be built either as a

From the Department of



	bungalow or 2-storey house with more freedom in allowable building footprint designs which depend on the maximum lot coverage.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed lot coverage exceedance is more than what is permitted by By-law but still leaves adequate room for open space intentions, distance between buildings and storm water runoff without unduly affecting any neighbours.

On June 28th 2018, 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:

- Building Department (July 26, 2018)
 - All necessary permits are required prior to construction commencing.
- Public Works Department (July 20, 2018)
 - No comments.

No public comments were received.

Planning Comments

A pre-consultation meeting was held with the owner and staff from the Town on June 7th, 2018 to discuss the development. The applicant considered a second option which would have entailed a Zoning By-law Amendment to encapsulate all six (6) parcel separate minor variance applications.

The proposed variance should not facilitate any adverse impacts with regards to land use incompatibility, storm runoff, or privacy etc.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the Planning Act with exception to the requested rear yard setback. The subject application is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Town Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A18/2018P **be approved**

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



File: A18/2018P

July 26, 2018

Address: Part Lot 177, Part 7 on 59R-13220

62 Bacon Lane, Pelham

Owner: 2475650 Ontario Inc.,

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- A building permit must be obtained prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: July 20, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Matthew Sferrazza, Engineering Technologist
RE: File A18/2018P
62 Bacon Lane – Part 7

Public Works has completed a review of the minor variance application A18/2018P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (c) – to permit an overall lot coverage of 40% whereas 30% is permitted to facilitate construction of a single family dwelling.

Public Works has no comments.

Sarah Leach

From: William Underwood
Sent: Tuesday, July 03, 2018 11:18 AM
To: Nancy Bozzato
Cc: Holly Willford; Sarah Leach
Subject: File A11-A18

Hi Nancy,

Fire has no comments with respect to the by-law variance Files A11 through A18.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
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www.Facebook.com/Pelhamfire

August 14, 2018

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

**Re: Consent Application B4/2018P (2227531 Ontario Inc.)
1295 Pelham Street, Pelham
Part of Lot 173
Roll No. 2732 030 020 09900**

The subject parcel, shown as Part 1 on the attached sketch, has 15.38m of frontage on the east side of Pelham Street, lying south of John Street, known locally as 1295 Pelham Street, in the Town of Pelham.

Application is made for consent to convey 749.9m² of land (Part 1) to create a new lot for single detached residential development. 1479.8m² of land (Part 2), is to be retained for continued use of a single detached dwelling.

Minor variance application A11/2018P is being considered concurrently to address the deficient lot frontage requirement in the Zoning By-law.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

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

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

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

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

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

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

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

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

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

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

The proposal would facilitate the construction of one single detached house on what is currently a large side yard amenity plot of land. This provides for improved efficiencies in land use and infrastructure capacities. It should be noted that the two lots abutting the rear yard to the east (50 & 52 Stella Street) were severed from the subject lands in 2010 (files: B2-B3/2010). The application submitted is actually in keeping with the intensification proposals previously seen by the Town and are geometrically & symmetrically comparable when considering the preservation of the existing single detached dwelling bungalow at 1295 Pelham Street.

Regional Official Plan (Consolidated August 2014)

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

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

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



Pelham Official Plan (2014)

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

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

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

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

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

Access to municipal services is available for the subject lands and will be addressed as part of the conditions of severance approval, along with drainage. The site is positioned near the intersection of Pelham Street and Pancake Lane which is an evolving neighbourhood node of development. The property is under a 10 minute walk to Glynn A. Green Elementary School and neighbourhood commercial uses south on Pelham Street.

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

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

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

A concurrent minor variance application is being heard to reduce the Minimum Lot Frontage requirement from 19m to 15.38m (file A11/2018P).

Agency and Public Comments

On June 22nd, 2018, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the subject land.

To date, the following comments have been received:

- Building Department (July 25, 2018)
 - No comments.
- Public Works Department (July 23, 2018)
 - {See conditions}
 - Based on the 2011 Development Agreement for Stella Street, the referenced drawing



indicates that services for 1295 Pelham Street branch through 52 Stella Street and into an easement at the rear along the south property line. These services will need to be located and confirmed to branch through 52 Stella Street, an alternative option of severance will need to be considered or an easement over the new proposed parcel (Part 1) shall be proposed.

Public Comments:

M. Whittaker (53 Stella), M. Bull (52 Stella), M. Gunns (54 Stella), G. Karner (50 Stella), S. Thomas (1291 Pelham St), J. Schel (1297 Pelham St), J. Shepherd (10 Greenvale), TF. Sidler (1292 Pelham St), P. McNeil (1281 Pelham St), M. Kore (1267 Pelham St), R. Bonin (1271 Pelham St)

- Concern about proposed lot being “undersized”.
 - ✓ The neighbourhood has a good mix of lot sizes and frontages. Granted, the lots flanking the subject land have frontages of 20m plus. However, there are also lots on the west side of Pelham Street and in the surrounding area in the 17-19m range. A diverse range of lot sizes is not necessarily undesirable from a land use compatibility perspective.
- The new dwelling will loom over all the other houses.
 - ✓ The severance sketch does note a proposed 2-storey dwelling on the severed lot, however, this does not preclude the possibility of a bungalow being built. A 2-storey dwelling is permitted under the Zoning By-law, and can certainly coexist with single storey dwellings in a compatible manner.
- Issue with 3.6m setback between existing and proposed dwelling.
 - ✓ The severance sketch actually illustrates a combined 4.71m setback between the existing dwelling at 1295 Pelham Street and the proposed dwelling, only a minimum of 1.8m is required in the Zoning By-law for both lots (3.6m total). The building setbacks meet or exceed the By-law requirements.
- Issue with the proposed front yard setback.
 - ✓ The applicant is not proposing to reduce the front yard setback. This is an unrelated issue because the existing home can lawfully be built much closer to Pelham Street as well.
- The proposed dwelling will destroy our view of trees on the subject land.
 - ✓ These trees are not a designated Natural Heritage feature, and therefore not a *Significant Woodland*.
 - ✓ Planning staff acknowledge that case law has determined that neighbours do not have a right to a ‘view’ and therefore this cannot be considered.
- Concern about drainage on 52 & 54 Stella Street
 - ✓ A condition of severance will be for an Overall Lot Grading & Drainage Plan to be submitted to the Town’s satisfaction detailing that storm runoff will not negatively impact adjacent lands. Further, as part of the building permit process, Final Lot Grading Approval is also required before the Town will release the security deposit to the builder.
- Concern about adverse impacts on surrounding property values.
 - ✓ No evidence to support this concern.

Planning Staff Comments

The subject application deals with the severance of one single detached residential lot at 1295 Pelham Street and is being considered concurrently with minor variance file A11/2018P for minimum lot frontage.

A pre-consult was held with the applicant(s) of the property and staff from the Town on November 2nd, 2017 to discuss the future development.

The subject lands are located near the southeast corner of Pelham Street and John Street and are surrounded by:

- North –Single detached residential



- East – Single detached residential
- South – Single detached residential
- West – Apartment buildings, funeral home

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood surrounding the intersection of Pelham Street and Pancake Lane contains a mixture of uses including low density residential, low-rise apartment buildings, a church, a commercial office with some open space and wooded areas nearby. There are various applications in the neighbourhood including; an approved severance at the Glad Tidings Church of God, a Site Plan Approved 4-storey apartment building opposite Pelham Street, and an ongoing draft plan of subdivision at the east end of John Street.

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

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

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

THAT the applicant

- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
- Ensure the subject land (Part 1) be serviced at Pelham Street with an individual 20mm water service and 125mm sanitary sewer lateral in accordance with Town of Pelham standards. Installation of any services will require authorization obtained and approved by the Public Works Department through a Temporary Works Permit. The applicant shall bear all costs associated with these works.
- Ensure that the remnant land (Part 2) continue to be adequately serviced to the satisfaction of the Public Works Department.
- Submit locate cards after the installation of services for Part 1.
- Obtain consent approval for an easement in perpetuity for the existing sanitary sewer lateral over Part 1, in favour of Part 2, if necessary.
- Obtain approval for a Driveway Entrance & Culvert Permit issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.
- Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.
- Obtain final approval for the necessary minor variance application from the Town of Pelham Committee of Adjustment to the satisfaction of the Secretary-Treasurer.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$380, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent

shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI
Planner

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

File: B4/2018P

July 25, 2018

Address: Part Lot 173

1295 Pelham St., Pelham

Owner: 2227531 Ontario Inc.,

Solicitor: Clark Peddle

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: July 23, 2018
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Derek Young, Manager of Engineering
FROM: Xenia Pasiecznik, Engineering Technologist
RE: File B4/2018P
1295 Pelham Street

We have completed the review of the consent application B4/2018P for consent to convey 749.9 square meters of land (Part 1) to create a new lot for construction of a 2 storey dwelling for residential use. 1479.8 square meters of land (Part 2), known municipally as 1295 Pelham Street, is to be retained for continued residential use.

This application is being considered concurrently with minor variance file A11/2018P.

Upon this review, Public Works has the following proposed **conditions**:

1. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works or designate.
2. That the applicant ensures that all lots are serviced with individual 20mm water service and 125mm sanitary sewer lateral in accordance with Town of Pelham standards. Installation of any missing services will require authorization obtained and approved by the Public Works Department through a Temporary Works Permit. The provision of all services shall be completed prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).

3. That the applicant submits locate cards that indicate the location of the individual water service and sanitary sewer lateral for both lots to confirm no existing water or sanitary services branch from or through the proposed lots to other lands, and from or through the remaining parcel to other lands. Locate cards shall be submitted after the installation of new services.
4. That the applicant obtain approval through an Entrance & Culvert Permit from the Public Works Department for the installation of a new entrance or modification to an existing entrance for all lots in accordance with Town standards. Installation and/or modification of all entrances shall be completed in accordance with Town standards prior to consent and the applicant shall bear all costs associated with these works (design, construction, etc.).

Public Works has the following proposed **comments**:

1. Based on the 2011 Development Agreement for Stella Street, the referenced drawing indicates that services for 1295 Pelham Street branch through 52 Stella Street and into an easement at the rear along the south property line. These services will need to be located and confirmed. If the services for 1295 Pelham Street are confirmed to branch through 52 Stella Street, an alternative option of severance will need to be considered or an easement over the new proposed parcel (Part 1) shall be proposed.

Sarah Leach

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Thursday, June 28, 2018 11:36 AM
To: Sarah Leach
Subject: 905-18-288 - Consent Application B4/2018P - 1295 Pelham Street

Good morning Sarah,

Bell Canada has no concerns with Application for Consent B4/2018P, regarding 1295 Pelham Street.

Thank you,

Char Hall
External Liaison
Bell Canada Right of Way
P: 705-722-2264
F: 705-726-4600
1-888-646-4817
charleyne.hall@bell.ca

Bell

140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

From: Sarah Leach <SLeach@pelham.ca>
Sent: June-22-18 1:55 PM
To: ROWCC <rowcentre@bell.ca>
Subject: Town of Pelham Committee of Adjustment - Notice of Hearing

Good afternoon,

Attached, please find the notice of hearing for Pelham minor variance A11/2018P and Pelham consent file B4/2018P.

Kind Regards,

Sarah



Sarah Leach
*Administrative Assistant
to the Clerk*
Administration Services

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

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July 19, 2018

Committee of Adjustment
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S1E0

Attention: Ms. Nancy J. Bozzato, Town Clerk and Secretary- Treasurer

RE: Part Lot 173, former Township of Thorold, 1295 Pelham St., Pelham [FILE A11/2018P and FILE B 4/2018P]

We are the owners and residents surrounding 1295 Pelham St. We are very concerned about the proposal to sever the above property and build a new house on a very small lot.

We oppose the severance and requested variances and request that these applications be refused.

The proposed variance would create an uncharacteristically small lot surrounded by larger properties.

Pelham St. and it's surrounding streets are quiet streets, with homes that are mostly bungalows or storey and a half in height. Most of the lots are at least 70 feet wide with many considerably greater than 100 feet in width. If the severance is allowed, the new house will loom over all other houses on this and surrounding streets.

The homes in this neighbourhood are spaced far apart and allow for beautiful gardens, trees and privacy. This proposal allows for only 3.6m between the proposed new dwelling and existing dwelling.

The proposed building plan calls for the new structure to have little frontage and be situated much closer to Pelham St. than any of the other homes. This is completely inconsistent with existing homes on Pelham St. This should not be permitted.

The construction of a new home sandwiched between two mature character homes would look out of place.

We are very concerned that the size of the proposed lot will change the look and feel of our neighbourhood in a very negative way. The mass of the proposed building will destroy our clear view of trees through all the surrounding back yards.

The variances that are being sought are also not minor in nature. We have serious concerns about drainage from new dwelling in between 52 Stella St. and 54 Stella St. Water accumulation is already significant. The proposed development would result in several trees being removed and potential impact to drainage on these and other properties.

We are also concerned about disruption to the water table surrounding vegetation. This neighbourhood is very mature and that is its primary appeal.

