

## Committee of Adjustment AGENDA

CoA-10/2017

October 3, 2017

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

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

**5.1 A32/2017P - John & Colleen Keizer**

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

<b>6. Applications for Consent</b>	
<b>6.1 B30/2017P - 4 High Street Inc.</b>	<b>10</b>
1. Town of Pelham Planning Department	
2. Town of Pelham Building Department	
3. Town of Pelham Public Works & Utilities Department	
<b>7. Minutes for Approval</b>	<b>16</b>
Committee of Adjustment Hearing Minutes, September 12, 2017	
<b>8. Adjournment</b>	

October 3, 2017

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

**Re: Minor Variance Application A32/2017P (Keizer)**  
**679 Chantler Road, Pelham**  
**Part of Lot 13, Concession 12**  
**Roll No. 2732 010 018 07700**

The subject land is located on the north side of Chantler Road, lying east of Balfour Street, being Part of Lot 13, Concession 12 and known municipally as 679 Chantler 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 7.4 c) "Maximum Lot Coverage"** seeking 10.1% whereas 10% is allowed;
- **Section 7.4 d) "Minimum Front Yard"** seeking 12.93m whereas 13m is required; and
- **Section 7.4 f) "Minimum Side Yard"** seeking 5.58m for a westerly side yard setback whereas 9m is required.

Relief is sought to facilitate construction of an addition to a single detached dwelling.

### **Applicable Planning Policies**

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

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

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

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

Policy 5.B.6 states single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

#### Pelham Official Plan, 2014

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

Town Zoning By-law Number 1136 (1987)

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

Section 7.4 Requirements for dwellings

a) Maximum Lot Coverage	10%	Request = 10.1%
d) Minimum Front Yard	13m	Request = 12.93m
f) Minimum Side Yard	9m	Request = 5.58 m

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

Minor Variance Test	Explanation
1. Is the variance minor in nature?	<p>Increasing the maximum overall lot coverage to 10.1% is minor overall because adequate open space is available for drainage and rear yard amenity and no adverse impact is anticipated by the increase in lot coverage.</p> <p>Reducing the minimum front yard setback to 12.93m is minor in nature and is slightly less than what is permissible, and the setback of the cluster of houses surrounding are similarly as close to the street as what is being proposed and should not negatively impact the public realm.</p> <p>Reducing the westerly side yard setback to 5.58m is minor overall because sufficient distance still separates the lot line, providing access to exterior walls and the lot can accommodate drainage. It is noted that this setback is the same as that of the existing house.</p>
2. Is the variance desirable for the development or use of the land?	<p>Increasing the maximum overall lot coverage is desirable for the use of the land because it improves the indoor living space while maintaining adequate outdoor amenity space.</p> <p>Reducing the front yard setback is desirable for the property because it maintains the valuable rear yard amenity / existing septic system areas and makes more efficient use of the large front yard.</p> <p>Reducing the westerly side yard setback is also desirable for the property because it will facilitate the orderly addition of the dwelling which will be flush with the existing westerly wall. The existing dwelling has not posed any historically negative impacts to the neighbourhood that the Town is aware of.</p>
3. Does the variance maintain the general intent and purpose of the Official Plan?	<p>Increasing the overall lot coverage maintains the general intent of the Official Plan because no agricultural land is being impacted in this existing rural residential lot context.</p> <p>Reducing the minimum front yard setback maintains the</p>

From the Department of



	<p>neighbourhood character which will not be negatively impacted by the slight reduction of a front yard setback.</p> <p>The variance to reduce the minimum side yard setback for the proposed addition does not compromise the intent of the Official Plan because rural aesthetics are maintained and no negative impacts should be felt by neighbours as drainage must be contained on site. Also, adequate separation between dwellings is maintained.</p>
<p>4. Does the variance maintain the general intent and purpose of the Zoning By-law?</p>	<p>Increasing the overall lot coverage maintains the general intent of the Zoning By-law because adequate open space / amenity area remains available and storm water runoff can still be managed onsite.</p> <p>Reducing the minimum front yard setback to 12.93m does not compromise the purpose of the Zoning By-law because the impact on the public realm is nearly unaffected at this scale.</p> <p>Lastly, reducing the westerly side yard setback for the proposed addition to 5.58m from a required 9m maintains the intent of the Zoning By-law because some spatial separation is maintained for drainage purposes / maintenance of the exterior walls. While still providing adequate separation from the adjacent property to the west.</p>

On September 12<sup>th</sup> 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (September 25, 2017)
  - No comments.
- Building Department (September 19, 2017)
  - All necessary permits are required prior to construction commencing.
- Niagara Region Planning and Development Services (September 15, 2017)
  - {See appendix}
  - Proposed addition will not increase the existing sewage flows, therefore, no objection provided the addition is built in accordance with the submitted plan.

No comments were received from the public.

### Planning Comments

Planning staff note that the property is 0.17ha in land area, is not farmed and is considered to be a rural residential lot.

The subject land is located near the northeast corner of Balfour Street at Chantler Road, and is surrounded by the following uses:



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

The subject land is a reasonable distance away from both immediate neighbours and the proposed addition is actually rather small and will barely be noticeable to the surrounding area. The addition only slightly extends past the required front yard setback and the several neighbouring residential lots all appear to be positioned as close to Chantler Road as permissible under the current Zoning regulations, making the impact less distinguishable, if at all.

Staff is of the opinion that reducing the front and westerly side yard setbacks, together with exceeding the maximum overall lot coverage is not foreseen to negatively affect any neighbouring properties as adequate spatial separation is maintained through setbacks and storm water runoff shall be contained on-site.

Together with the lack of public, staff and agency concern, Planning Staff are 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 A32/2017P be **approved**.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Reviewed by,

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

**File:** A32/2017P

September 19, 2017

**Address:** 679 Chantler Rd, Pelham

**Owner:** John & Colleen Keizer

Nancy Bozzato  
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard  
Building Intake/Plans Examiner  
Community Planning & Development

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## **Memorandum**

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

DATE: September 25, 2017  
TO: Barb Wiens, Planner  
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities  
FROM: Tolga Aydin, Engineering Technologist  
RE: File A32/2017P  
679 Chantler Road

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Public Works has completed a review of the minor variance application A32/2017P for relief of Pelham Zoning By-Law 1136(1987). The application is made to seek relief from the following sections:

- Maximum Lot Coverage – seeking 10.1% whereas 10% is allowed
- Minimum Side Yard – seeking 5.58m whereas 9m is required
- Minimum Front Yard – seeking 12.93 meters whereas 13 meters is required

Relief is sought to facilitate construction of an addition to the existing single family dwelling.

Public Works has no comments.



## Judy Sheppard

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**From:** Sarah Leach  
**Sent:** Wednesday, September 13, 2017 3:23 PM  
**To:** Judy Sheppard  
**Subject:** FW: File A32/2017P

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



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

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

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

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**From:** William Underwood  
**Sent:** Wednesday, September 13, 2017 3:23 PM  
**To:** Nancy Bozzato  
**Cc:** Sarah Leach  
**Subject:** File A32/2017P

Hi Nancy,

Fire has no comments for File A32/2017P – 679 Chantler

Will



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

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

177 Highway 2  
P.O. Box 323  
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## Judy Sheppard

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**From:** Wood, Caitlin <Caitlin.Wood@niagararegion.ca>  
**Sent:** Friday, September 15, 2017 10:24 AM  
**To:** Judy Sheppard  
**Cc:** Noort, Justin; Sarah Leach; 'Colleen Forestell'; Lambert, Phill  
**Subject:** 679 Chantler Rd, Fenwick MV Application Regional PSS Comments  
**Attachments:** 679 chantler drawing20170915101407.pdf; 679 chantler mv application20170915101439.pdf

Judy, please see regional Private Sewage System comments concerning the Minor Variance Application for 679 Chantler Rd in Pelham.

The original special request inspection conducted by our department was completed on February 3, 2016 for a proposed ½ story (98 sq. meters) addition to the existing dwelling. Based on the Minor Variance application submitted, the proposal has changed to add living space and a covered front porch to the main floor of the dwelling. After communications with the homeowner, Colleen Keizer, confirmation has been made that the addition will not increase the number of bedrooms ( total bedrooms is actually going from 3 to 2) and there is no increase to the washrooms (2) within the dwelling. Therefore, based on our pervious special request inspection which found no visual defects with the existing system, and the proposed addition will not increase the existing sewage flows, we have no objections provided the addition is built in accordance with the plan provided. Please see attached plan.

Since the special request inspection fee of 400.00 was previously paid and completed, please take these comments as our response to the minor variance application. The pervious special request inspection fee can be contributed to the minor variance septic review fee since they are the same amount (\$400.00) and the proposed addition is actually less then what was originally inspected for.

If there are 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](http://www.niagararegion.ca)

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October 3, 2017

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

**Re: Consent Application B30/2017P (4 High Street Inc.)  
1022 Pelham Street, Pelham  
Part of Lot 1, Concession 10, RP 59R-10892; Parts 4 & 7  
Roll No. 2732 030 012 05720**

The subject parcel, shown as Part 2 on the attached sketch, has 11.97m of frontage on the south side of Welland Road, lying west of Pelham Street, being Part of Lot 1, Concession 10, RP 59R-10892; Parts 4 & 7 in the Town of Pelham.

Application is made for consent for a right-of-way in perpetuity over Part 2 to the benefit of Part 4 for use as a shared driveway for ingress and egress purposes. Parts 1, 2 & 3 are to be retained for continued commercial use.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 53 of the Planning Act authorizes municipalities to give consents to land owners including those to convey lands for easements in perpetuity.

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

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

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

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

entire lifetime.

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

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

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

### Regional Official Plan (Consolidated August 2015)

The Regional Official Plan designates the subject land as ‘Designated Greenfield Area’ within the Urban Area Boundary.

Policy 4.C.5.1 states Designated Greenfield Areas will be planned as compact, complete communities by accommodating a range of land uses, including residential and commercial uses.

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

### Town of Pelham Official Plan (2014)

The subject property has split Official Plan designations; the commercial segment to the east (Part 2) is designated ‘Urban Highway Commercial’ and the western segment (Part 1) is designated ‘Urban Living Area / Built Boundary’. The entirety of the parcel is also designated ‘Greenfield Overlay’ with the presence of a ‘Highly Vulnerable Aquifer’ (HVA).

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 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.

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

The subject property has split zoning; the commercial segment to the east (Part 1) is zoned ‘NC-108’ and the western segment (Part 4) is zoned ‘RM1 (H)’.

The 'Holding' provision currently in place on Part 4 is for the purpose of ensuring an easement granting access for emergency vehicles onto the adjacent lands is addressed before the 'Holding' provision can be lifted and development can ensue. This application seeks to address the necessary access easement for the parcels.

### Agency and Public Comments

On September 12<sup>th</sup>, 2017, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Fire Department (September 25, 2017)
  - Satisfied with proposal.
- Building Department / Drainage Superintendent (September 19, 2017)
  - No comment
- Public Works Department (September 27, 2017)
  - It has been noted that storm and watermain infrastructure serving Part 1 is located under the easement proposed in favour of Part 4. Consequently, the maintenance of this infrastructure could impede the use of this easement by Part 4 and vice versa.

No comments were received from the public.

### Planning Staff Comments

The application deals with the conveyance of an access easement for emergency purposes and for a shared driveway at 1022 Pelham Street. Pelham Council had previously considered and approved the current Official Plan Amendment and Zoning By-law Amendment and Site Plan for the commercial development. The Site Plan Approval for the commercial property provided for this easement, therefore there is no need to amend the Site Plan Agreement to recognize the easement serving the residential lands to the west.

A consent application was made earlier this year and was granted conditional approval to sever the residential lands from the commercial lands. This application is required in order to lift the 'Holding' provision currently put in place by the Zoning By-law Amendment and is anticipated as a necessary step towards the progression of the property's development.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on May 4<sup>th</sup>, 2017 to discuss the future development.

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

- North - Church
- East - Commercial plaza and gas station
- South - Agricultural and woodlands
- West - Single detached residential



Figure 1: Subject lands (Part 4) as viewed from Welland Road.

Planning staff visited the site and reviewed aerial photography to better understand the local context (Figure 1). The neighbourhood forms the southern limits of the Fonthill urban boundary with residential and commercial development underway nearby.

Staff note that the holding provision applied to the RM1 zoning can only be lifted until such time that an easement granting access for emergency purposes onto the adjacent lands (Part 1), municipally known as 1022 Pelham Street, legally described as Part of Concession 10, Part of Lot 1, RP 59R-10892; Parts 4 & 7, is registered on title.

Planning staff is of the opinion that the proposal applies current planning and development goals because the conveyance of an access easement in perpetuity will facilitate the orderly development of the residential lands. The proposed right-of-way should not negatively impact the surrounding neighbourhood with regards to land use compatibility.

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

- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,

Curtis Thompson, B.URPI  
Planner

Reviewed by,

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

**File:** B30/2017P

September 19, 2017

**Address:** Part lot 1,

1022 Pelham St, Pelham

**Owner:** 4 High Street Inc. (Charles Dyer)

**Authorized Agent:** Fulvio J. Delibato

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



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DATE: September 27, 2017  
TO: Curtis Thompson, Planner  
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities  
FROM: Tolga Aydin, Engineering Technologist  
RE: File B30/2017P  
1022 Pelham Street

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We have completed the review of the consent application B30/2017P for consent of a right-of-way in perpetuity over Part 2 to the benefit of Part 4 for use as a shared driveway for ingress and egress purposes.

Public Works has the following comments:

- It has been noted that storm and watermain infrastructure serving Part 1 is located under the easement proposed in favour of Part 4. Consequently, the maintenance of this infrastructure could impede the use of this easement by Part 4 and vice versa.

**Meeting #:** CoA-09/2017  
**Date:** Tuesday, September 12, 2017  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
 20 Pelham Town Square, Fonthill

**Members Present** Wayne Locky  
 Donald Cook  
 John Klassen  
**Members Absent** James Federico  
 Brian DiMartile  
**Staff Present** Nancy Bozzato  
 Judy Sheppard  
 Curtis Thompson

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

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

5. **Applications for Minor Variance**

- 5.1 **File A28/2017P - Colin Scott Allison**

**Purpose of Application:**

The subject land is zoned Residential Multiple 1 "RM1-223" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the following sections:

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

6.35(c) - Yard Encroachments Permitted - seeking 1.64 metre encroachment for height whereas 1.3 metres is allowed.

Relief is sought to facilitate construction of a deck to create an additional ingress/egress access.

**Representation:**

Colin Allison, registered owner, appeared on behalf of the application.

Correspondence Received:

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

**Applicant Comments**

The owner, Mr. Allison, commented that he agrees with the Planning Staff's recommendations and added that, since his property has been professionally landscaped with proper grading and drainage, there have been no issues with flooding.

**Public Comments**

Nancy Benko commented that the reason she is appearing before the Hearing is due to a serious concern with flooding. Ms. Benko stated that, since moving on the street, she has witnessed flooding on the subject property several times and feels that there should have been proper grading and drainage work done, as per the Town's standards, prior to any upgrading of the back yard such as a deck and stairs.

Mr. Allison stated that the only standing water that he has ever experienced on his property was water in the swale.

John Deans commented that the Town is aware of the flooding of the homes because Town staff visited the site and there were several significant restrictions related to the storm water drainage systems such as plugged drains. Mr. Deans stated that all of the Townhouses in this area have down spouts installed close to the houses and if they are not moved away from the house, there will be flooding; regarding sump pumps for people who have them, they run continuously; however, once those down spouts are moved away from the house, the pumps are disrupted so this should not be tied back to a swale because any water that is restricted is also restricted because of the access to storm drains.

A Member inquired whether the Town has Drainage Agreements for this block of land and is there a requirement for the Developer to submit final lot grading and drainage plans?

Staff advised that a drainage and lot grading is required.

A Member inquired as to the process for the Developer to prepare a final overall lot grading and drainage plan for lots 10 and 12.

Staff advised that the submission of final lot grading and drainage plan would be to the satisfaction of the Chief Building Official.

A Member inquired as to how the deck got extended without the Builder required to submit a revised sketch.

Staff advised that the building permit initially included a 14' x 10' covered deck but did not have deck extensions; the deck extensions were constructed by the new owners following the purchase of the homes and without building permits; and further that a building permit is needed if the deck is 2 feet or more therefore, the Town would have required a building permit.

**Moved By John Klassen**

**Seconded By Donald Cook**

**Application for relief of the following Sections:**

**6.35(c) – “Yard Encroachments Permitted” – seeking 2.5 metre encroachment into a required rear yard whereas 1.5 metres is allowed, is hereby GRANTED.**

**6.36(c) – “Yard Encroachments Permitted” – seeking 1.64 metre encroachment for height whereas 1.3 metres is allowed, to facilitate construction of stairs to a deck to create an additional ingress/egress access, is hereby: GRANTED.**

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

1. The variance is minor in nature in that the deck is appropriate in relation to the scale of the collective rear yards in the neighbourhood.
2. The general purpose and intent of the Zoning By-Law is maintained in that sufficient space is maintained between the rear yard lot line and abutting neighbours.
3. The intent of the Official Plan is maintained in that it will not negatively affect any neighbouring resident's sight lines.
4. The proposal is desirable for the appropriate development and/or use of the land in that it will enhance the rear yard amenity area without negatively affecting neighbours.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. Prior to issuance of the building permit, the Applicant must, within two (2) weeks of issuance of the Notice of Decision, resubmit a revised final lot grading plan which takes into account the new decking, and any associated hardscaping (e.g. patios) and the loss in permeable surface that the previous grading plan took into consideration to the satisfaction of the Director of Public Works & Utilities.
2. That all necessary building permits must be obtained within two (2) weeks of the issuance of the Notice of Decision, to the satisfaction of the Town of Pelham Chief Building Official.

**Carried**

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

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

The subject land is zoned Residential Multiple 1 "RM1-223" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the following sections:

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

6.35(c) - Yard Encroachments Permitted - seeking 1.7 metre encroachment for height whereas 1.3 metres is allowed.

Relief is sought to facilitate construction of a deck to create an additional ingress/egress access.

**Representation:**

Kenneth Shrier and Anita Muscat-Tyler, registered owners, appeared on behalf of the application.

**Correspondence Received:**

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

**Applicant Comments**

The owners, Mr. Shier and Ms. Muscat-Tyler, had no comments.

**Public Comments**

Nancy Benko commented that the reason she is appearing before the Hearing is due to a serious concern with flooding. Ms. Benko stated that, since moving on the street, she has witnessed flooding on the subject property several times and feels that there should have been proper grading and drainage work done, as per the Town's standards, prior to any upgrading of the back yard, such as a deck and stairs.

Mr. Allison stated that the only standing water that he has ever experienced on his property was water in the swale.

John Deans commented that the Town is aware of the flooding of the homes because Town staff visited the site and there were several significant restrictions related to the storm water drainage systems such as plugged drains. Mr. Deans stated that all of the Townhouses in this area have down spouts installed close to the houses and if they are not moved away from the house, there will be flooding; regarding sump pumps for people who have them, they run continuously; however, once those down spouts are moved away from the house, the pumps are disrupted so this should not be tied back to a swale because any water that is restricted is also restricted because of the access to storm drains.

A Member inquired whether the Town has Drainage Agreements for this block of land and is there a requirement for the developer to submit final lot grading and drainage plans?

Staff advised that a drainage and lot grading is required.

A Member inquired as to the process for the Developer to prepare a final overall lot grading and drainage plan for lots 10 and 12;

Staff advised that the submission of final lot grading and drainage plan would be to the satisfaction of the Chief Building Official.

A Member inquired as to how the deck got extended without the Builder having to submit a revised sketch.

Staff advised that the building permit initially included a 14' x 10' covered deck but did not have deck extensions; the deck extensions were constructed by the new owners following the purchase of the homes and without building permits and further that a building permit is needed if it is 2 feet or more therefore, the Town would have required a building permit.

**Moved By John Klassen**

**Seconded By Donald Cook**

**Application for relief of Section 6.35(c) – “Yard Encroachments Permitted” – seeking 2.72 metre encroachment into a required rear yard whereas 1.5 metres is allowed, is hereby: GRANTED.**

**Application for relief of Section 6.36(c) – “Yard Encroachments Permitted” – seeking 1.7 metre encroachment for height whereas 1.3 metres is allowed, to facilitate construction of stairs to a deck to create an additional ingress/egress access, is hereby: GRANTED.**

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

1. The variance is minor in nature in that the deck is appropriate in relation to the scale of the collective rear yards in the neighbourhood.
2. The general purpose and intent of the Zoning By-Law is maintained in that sufficient space is maintained between the rear yard lot line and abutting neighbours.
3. The intent of the Official Plan is maintained in that the extension will not negatively affect any neighbouring resident's sight lines.
4. The proposal is desirable for the appropriate development and/or use of the land in that it would enhance the rear yard amenity space without negatively affecting neighbours.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. Prior to issuance of the building permit, the Applicant must, within two (2) weeks of issuance of the Notice of Decision, resubmit a revised final lot grading plan which takes into account the new decking and any associated hardscaping (e.g. patios) and the loss in permeable surface that the previous grading plan took into consideration, to the satisfaction of the Director of Public Works & Utilities.
2. That all necessary building permits must be obtained within two (2) weeks of the issuance of the Notice of Decision, prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

## 5.2 File A29/2017P - Margaret Galt

### Purpose of Application:

The subject land is zoned Residential Multiple 1 "RM1-223" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of the following sections:



6.35(c) - Yard Encroachments Permitted - seeking 2.75 metre encroachment into a required rear yard whereas 1.5 metres is allowed; and

6.35(c) - Yard Encroachments Permitted - seeking 1.64 metre encroachment for height whereas 1.3 metres is allowed.

Relief is sought to facilitate construction of a deck to create an additional ingress/egress access.

**Representation:**

Margaret Galt, registered owner, appeared on behalf of the application.

Correspondence Received:

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

**Applicant Comments**

Ms. Galt's comments included, but were not limited to the following:

- Ms. Galt commented that the deck is small in comparison to the back yard
- The posts were unfinished because the Town came and advised they needed a minor variance to continue the project
- The reason why they had started to construct a privacy screening lattice was to address the privacy issue due to the neighbour's back yard which is at a higher level
- The tree was in the swale area at the time of purchasing, however, it caused water issues so the tree was removed from the swale and drainage has improved

- The neighbour has a pool which has caused them to be inundated with water
- Ms. Galt feels that the encroachment does not negatively impacts her neighbours and that the deck enhances the property

Mr. Galt's comments included but were not limited to the following:

- The grass in the back yard started to rot due to excess water from a neighbour's pool drainage therefore, professionals were hired to grade the lot, as per the Town's specifications, and there has not been an issue with water since; prior to purchasing the property, it was assumed that the property was inspected by the Town but it has since been discovered that there are different setbacks therefore, they had to apply for a variance for height to build a deck; it has been since noted by the Town that there are other issues which were not addressed between the builder and the Town and Mr. Galt suggested that the costs might be shared with the Town;
- Town Staff visited the subject property and confirmed that the posts on the deck are in compliance;

### **Public Comments**

Nancy Benko's comments included but were not limited to the following:

- Her concern is strictly with water flow/drainage issues which, in her opinion, should have been addressed prior to construction commencing;
- Ms. Benko recognized that there has been an investment made in the property however, she feels the work was premature and was done without obtaining permits from the town;
- Ms. Benko commented that the owner stated that he is inundated with water which supports her concern about proper drainage/water flow;

### **Members Comments included but were not limited to the following:**

- Confirmed with Planning Staff that a deck was included with the purchase of the property and now the new owner is seeking a minor variance; the Town is willing to compromise and the Applicant agreed to the conditions; staff confirmed that the applicant would not be required to re-apply for another Minor Variance; the Minor Variance as applied goes for a greater variance; if the Committee decides to go

with the recommendation of the Planning Staff and reduce that variance which brings the application closer to the requirements of the by-law, a new application would not be required. However, there would be a condition of approval;

- There is a high point in lots 10, 12 and 14, Brayden Way and the area has always been wet so the grading that the applicant has done enhances the swale;

**Moved By Donald Cook**

**Seconded By John Klassen**

**Application for relief of Section 6.35(c) – “Yard Encroachments Permitted” – seeking 2.75 metre encroachment into a required rear yard whereas 1.5 metres is allowed, is hereby GRANTED.**

**Application for relief of Section 6.36(c) – “Yard Encroachments Permitted” – seeking 1.64 metre encroachment for height whereas 1.3 metres is allowed, to facilitate construction of stairs to a deck to create an additional ingress/egress access, is hereby: GRANTED.**

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

1. **The variance is minor in nature in that, once reduced in size, the deck is appropriate in relation to the scale of the collective rear yards in the neighbourhood.**
2. **The general purpose and intent of the Zoning By-Law is maintained in that sufficient separation is maintained between the rear lot line and abutting neighbours. The deck also leaves little open space available to residents and affects the permeability of ground cover increasing storm water runoff.**
3. **The intent of the Official Plan is compromised in that the extension does protrude significantly beyond the neighbouring rear yard decks and is highly visible from various angles. The variance will increase the opportunity of land use conflicts with adjacent properties to a degree that is not appropriate.**
4. **The proposal is desirable for the appropriate development and/or use of the land in that it would enhance the rear yard amenity space and provide access to the rear yard from the deck.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis**

and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That the encroachment into the required rear yard be reduced to a maximum of 2.75 metres by removing the portion of the structure beyond this distance to the satisfaction of the Chief Building Official.
2. Prior to issuance of the building permit, the Applicant must, within two (2) weeks of issuance of the Notice of Decision, resubmit a revised final lot grading plan which takes into account the new decking, and any associated hardscaping (e.g. patios) and the loss in permeable surface that the previous grading plan took into consideration to the satisfaction of the Director of Public Works & Utilities.
3. That all necessary building permits must be obtained within two (2) weeks of the issuance of the Notice of Decision, prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

#### **5.4 File A31/2017P - Henry and Leona Bokma**

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

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

7.4(c) - Maximum Lot Coverage - seeking 16% whereas 10% is allowed; and

7.4(f) - Minimum Side Yard - seeking 2.5 metres whereas 9 metres is required; and

7.7(c) - Minimum Distance from Dwelling - seeking 2.5 metres whereas 3 metres is required.

Relief is sought to facilitate construction of an addition to the dwelling.

##### **Representation:**

Henry & Leona Bokma, registered owners, appeared on behalf of the application.

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

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

### **Applicant Comments**

The owners, Mr. and Mrs. Bokma, had no comments.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

The Members had no comments.

### **Moved By John Klassen**

#### **Seconded By Donald Cook**

**Application for relief of Section 7.4(c) – “Maximum Lot Coverage” – seeking 16% whereas 10% is allowed, is hereby: GRANTED.**

**Application for relief of Section 7.4(f) – “Minimum Side Yard” – seeking 2.5 metres whereas 9 metres is required, is hereby: GRANTED.**

**Application for relief of Section 7.7(c) – “Minimum Distance from Dwelling” – seeking 2.5 metres whereas 3 metres is required, to facilitate construction of a sunroom, is hereby: GRANTED.**

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

1. **The variance is minor in nature in that there is adequate open space and it will not trigger an increase of sewage flow rate.**
2. **The general purpose and intent of the Zoning By-Law is maintained in that adequate open space maintained.**
3. **The intent of the Official Plan is maintained in that no agricultural land is being impacted, rural aesthetics are maintained and there are no negative impacts on the neighbours.**
4. **The proposal is desirable for the appropriate development and/or use of the land in that it improves the indoor living space and maintains adequate outdoor amenity space.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **No objections were received from commenting agencies or abutting property owners.**

7. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

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

1. **That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.**

**Carried**

## **6. Applications for Consent**

### **6.1 File B22/2017P - 744530 Ontario Inc.**

#### **Purpose of Application**

Application is made for consent to convey 286.5 square metres of land (Part2) for use as a public road. 1418 square metres of land (Part 1), is to be retained to construct a 2 storey - 8 unit apartment building, known municipally as 163 Port Robinson Road.

#### **Representation**

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

#### **Correspondence Received**

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

#### **Applicant's comments**

Mr. Heikoop made a presentation. A copy of the presentation is available through the office of the Clerk/Secretary-Treasurer's office.

Mr. Heikoop requested that members consider adding to the condition that the applicant enters into a Development Agreement or a Site Plan Agreement with the Town of Pelham for the purposes of constructing the public lane (Part 2), addressing all development issues including, but not limited to, extension of and connection to services, lot grading and drainage, availability of building permits.

## **Public comments**

Kevin Shelton commented that this appears to be a boundary dispute and that the stakes appear wrong, in his opinion, and suggested that a survey be conducted; Mr. Shelton advised that he is under the understanding that eight (8) feet of the subject lot belongs to his family and that he has taken care of this land since 1976;

Mr. Heikoop responded by advising that there has been a survey conducted but that there will be a complete survey of the land conducted by a surveyor who will place the stakes in the property;

Mr. Shelton commented that this Applicant is a number company and asked if the name of the owner can be disclosed;

Mr. Heikoop advised that he is not authorized to disclose the owner's name at this time;

Mr. Shelton further commented that he feels he has been treated unfairly because this land was zoned commercial when his dad purchased the property in 1973 and it is still zoned Agricultural therefore, why is an apartment building being considered to be constructed; he added that once the land is surveyed and it is confirmed that he owns 8 feet, there may not be enough space to build what is proposed;

Town Staff advised that if this consent is approved, it will be subject to a re-zoning application which will go through a public process;

## **Members Comments**

A member asked for clarification whether the site plan sketch was correct;

Town staff advised that we require, as part of the consent application process, that a drawing prepared by an Ontario Land Surveyor be submitted which is under corporate seal; however, if the application is approved it would require, as a condition of approval, a reference plan which is a formal survey.

A member asked for clarification regarding ingress/egress;

Mr. Heikoop advised they went through pre-consultation with the Town and it was suggested that the applicant get consent prior to creation of the rear lane; East Fonthill Secondary Plan has specified that it is not a primary rear lane and they are hoping to facilitate the East Fonthill Secondary Plan vision in keeping in line with what Council has mandated through the approval of policy documents process;

Mr. Heikoop commented that should Planning staff decide there will not be an access off Port Robinson Road, a Site Plan Agreement would be required;

Staff advised that the Official Plan does not desire access off Port Robinson Road; if this application is approved by the Committee of Adjustment, it will be with conditions, unless the committee adjourns it; the Committee of Adjustment does not require a survey for a consent, just a sketch; a formal reference plan survey by Ontario Surveyors will be required prior to issuance of the certificate by the Secretary-Treasurer with confirmation that the lots are what was proposed; if the survey comes in significantly different than what was proposed, the certificate will not be issued and the consent would lapse;

**Moved By Donald Cook**

**Seconded By John Klassen**

**Application for consent to convey 286.5 square metres of land, shown as Part 2, being part of Lot 166, Geographic Township of Thorold, in the Town of Pelham, is hereby: GRANTED.**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

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

- 1. That the applicant enters into either a Development Agreement or a Site Plan Agreement with the Town of Pelham for the purposes of constructing the public lane (Part 2), addressing all development issues including, but not limited to, extension of and connection to services, lot grading and drainage, availability of building permits, etc., to the satisfaction of the Director of Public Works & Utilities.**
- 2. That the applicant conduct an Archaeological Assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**
- 3. That the lands shown as Part 2 be dedicated to the Town of Pelham.**
- 4. That the applicant sign the Town of Pelham's standard**



**“Memorandum of Understanding” explaining that development charges and cash-in-lieu of dedication of land for parks purposes are required prior to the issuance of a building permit, to the satisfaction of the Director of Planning and Development of the Town.**

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

**6. That the final certification fee of \$370, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**Carried**

## **6.2 File B23/2017P - Trustees of the Fonthill Church**

### **Purpose of Application**

Application is made for consent to convey 4740 square metres of land (Part 1) to create a new lot to construct a 4 storey apartment building. 8763 square metres of land (Part 2), is to be retained for existing use as a church, known municipally as 1 Pancake Lane.

### **Representation**

David Nelson, Ruth Victor & Associates, authorized agent, appeared on behalf of this application.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. NPCA Comments
4. Bell Canada
5. John Abbott
6. Real Bergevin
7. Edward Russell

### **Applicant's comments**

Mr. Nelson commented that he has read the Planning Staff's report and agrees with the conditions that are recommended.

## **Public comments**

Leigh Whyte, Quartek Planner, representing Mr. Real Bergevin, made a presentation of which a copy is available through the office of the Clerk/Secretary-Treasurer.

Mr. Whyte feels that it is premature to make a decision on a consent application to create a new lot prior to a Zoning By-law Amendment application being approved. The creation of the new lot may not be in the best interest of the applicant or suitable for the residents in the neighbourhood. Mr. White advised that his client is concerned with privacy issues and potential changes to the design and character of the neighbourhood and strongly suggests to the committee that the application be denied at this time.

Brian Miller appeared on behalf of Mr. Edward Russell and his comments included but were not limited to the following:

- Mr. Russell is a neighbor of the subject application;
- It is difficult to say no to the Church but he is asking the Committee to play by the rules and the guidelines set out in the planning documents when considering this application;
- This application is a consent to introduce, into a neighbourhood, a much higher density infilling than what currently exists; that the appropriate Municipal Planning Policies identify locations for intensification and built up areas but not designating areas within that built up area;
- This property falls within the Fonthill Settlement Area of which a couple of areas are designated for potential intensive development but not this particular area; it does not comply with the provisions of 5124 and this committee has to take 5124 into consideration in its determination of this issue;
- Referred to the Regional Official Plan and commented that he finds no reference to designated area for intensification;
- Regional Policy 4.c.2. 1. talks about providing transition areas within municipalities; when introducing higher density into low density development, there has to be some transition; there are two low density buildings on the street so by introducing much higher density further into the residential zone, it does not comply with the Regional Policy Statement;
- An Archaeological survey should be required;

- Other municipalities are taking a more holistic view of development to be transparent;
- Mr. Miller requested that this Applicant be required to first follow the zoning by-law amendment process; then, if it meets the requirements, to transition into this residential area in a satisfactory manner by applying for a consent;

### **Members comments**

A member inquired whether the Town has the right to request a plan for use of the land from the applicant;

Town Staff advised that it can be requested, as in previous circumstances, but the reason why it was not requested in this circumstance is the circumstance with intensification is not all intensification; Clause B of 5124 of the Planning Act states that whether a subdivision is approved premature in the public interest; in institutional zone, multiple uses are permitted, none of which stipulate that one of those uses is allowed unlike in R1 and R2 Residential Zone; in that circumstance, if lots were created in R1 or R2 zone, which is common in most municipalities, you will find one single attached dwelling is permitted; by creating the consents, indirectly you are intensifying; in this circumstance, whether or not this consent is granted, the church could come in tomorrow to apply for a site plan application and building permit and build a seniors retirement home; they would have to comply with the Zoning By-law but a public process is not required; this consent is creating a line in the ground to let the church dispose of the land to a new owner; Planning Staff do not feel this application is premature in terms of suitability of use of land; it is existing residential zoning;

**Moved By John Klassen**

**Seconded By Donald Cook**

**Application for consent to convey 4740 square metres of land (Part 1), being Part Lot 1, Concession 8, in the Town of Pelham, is hereby: GRANTED.**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**

**3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

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

**1. That the applicant conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.**

**2. That final approval of a Zoning By-law amendment be obtained, zoning the remnant lands of Part 2 to an appropriate site specific “Institutional” zone to address any zoning deficiencies, to the satisfaction of the Director of Planning and Development Department.**

**3. That the applicant 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 to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.**

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

**5. That the final certification fee of \$370, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**Carried**

### **6.3 File B24/2017P - Giampaolo Investments Ltd.**

#### **Purpose of Application**

Application is made for consent to convey 738 square metres of land (Part 1) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

#### **Representation**

Ken Gonyou, Upper Canada Consultants, authorized agent, and Mark De Souza, The Giampaolo Group, appeared on behalf of this application.

## **Correspondence Received**

- Town of Pelham Planning Department
- 2. Town of Pelham Building Department
- 3. Town of Pelham Public Works Department
- 4. Bell Comments

## **Applicant's comments**

Mr. Gonyou made a presentation of which a copy can be obtained through the office of the Town Clerk/Secretary-Treasurer.

Mr. Gonyou's presentation included by was not limited to the following:

- Conforms to Provincial & Regional Government Policy; conforms to the Town's Official Plan & Neighbourhood Design; lot Sizes are similar to surrounding lots and conforms to Zoning Requirements; therefore, meets all requirements under Section 53(12) of the Planning Act;
- This application is a re-creation of previously approved and serviced lots in 2006;
- Road Widening to Bacon Lane was previously given to the Town;
- Remnant Parcel that is being held by the owner until such time is that land is assembled with the abutting properties to the south for future development; there is a holding provision on it which means you cannot use it for any use until that time;
- Site Servicing and Grading Plan was previously submitted to the Town however, a new grading plan is required therefore, the exact same plan will be resubmitted; the applicant will be entering into an agreement with a local utility company to provide all electrical services underground;
- Conditions of approval are appropriate and acceptable by the Applicant;

## **Public comments**

Heather Armstrong commented that she is the owner of a property that would back on to Part 6 of the application; Ms. Armstrong is concerned about the servicing because her power source comes from the telephone pole across to her house and she stated that she feels that concern has been addressed and is pleased that there will be no change made to her services;

Edward Steers made the following comments:

- He built his house in 2003 when those houses were built;
- Reiterated his neighbour, Ms. Armstrong's concern about services because his house is serviced from overhead and goes across the road to a pole and then underground and his dad and other neighbours have the same arrangement;
- His concern is who is going to pay for the changes that the applicant is going to make with the services for the existing services on the north side;

Mr. Gonyou responded to Mr. Steers and advised that it is his understanding that whatever is existing remains unchanged and underground services will be provided to the new lots;

Mr. De Souza further responded and advised that Hydro One is the governing body that would approve the hydro designs and my understanding is that the applicant will be burying the hydro for their services and it will be going through the proper process for approval through Hydro One.

Mr. Steers inquired regarding any future plans by the Town to develop park land;

Town Staff advised that the subject lands are private property; the cash-in-lieu is to fund capital facilities; regarding parkland, in the case of a large subdivision, if that land was assembled to be one large piece of land, the applicant would have to assign a piece of land to the Town for a park; regarding the subject application, it is undesirable for a park due to the smaller size; the Province allows municipalities to accept 5% of its value for parks dedication in a smaller development such as this; this is the preferred concept of the lot 177 Secondary Plan; it has not been adopted by Council; there has not been an environmental study conducted for the woodlands that are to the south; following that, there would have to be an Official Plan Amendment approved by Council to adopt this as a schedule in the Official Plan; until that time, there is no status to this Secondary Plan;

#### **Members comments**

No comments.

**Moved By Donald Cook**

**Seconded By John Klassen**

**Application for consent to convey 738 square metres of land (Part 1), being Part Lot 177, Plan 59R-13374, known municipally as 62 Bacon Lane, in the Town of Pelham, is hereby: GRANTED.**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 3. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

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

- 1. That 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.**
- 2. That the applicant provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use, to the satisfaction of the Director of Public Works & Utilities.**
- 3. That the applicant enter into a Development Agreement with the Town of Pelham to include:**
  - a. The burying of hydro;**
  - b. Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services, to the satisfaction of the Director of Public Works & Utilities.**
- 4. That the applicant 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 to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.

5. That application for consent, files B25/2017P, B26/2017P, B27/2017P, B28/2017P and B29/2017P receive final certification of the Secretary-Treasurer concurrently.

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

7. That the final certification fee of \$370, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Carried

#### **6.4 File B25/2017P - Giampaolo Investments Ltd.**

##### **Purpose of Application**

Application is made for consent to convey 701 square metres of land (Part 2) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

##### **Representation**

Ken Gonyou, Upper Canada Consultants, authorized agent, and Mark De Souza, The Giampaolo Group, appeared on behalf of this application.

##### **Correspondence Received**

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

##### **Applicant's comments**

Mr. Gonyou made a presentation of which a copy can be obtained through the office of the Town Clerk/Secretary-Treasurer.

Mr. Gonyou's presentation included by was not limited to the following:



- Conforms to Provincial & Regional Government Policy; conforms to the Town's Official Plan & Neighbourhood Design; lot Sizes are similar to surrounding lots and conforms to Zoning Requirements; therefore, meets all requirements under Section 53(12) of the Planning Act;
- This application is a re-creation of previously approved and serviced lots in 2006;
- Road Widening to Bacon Lane was previously given to the Town;
- Remnant Parcel that is being held by the owner until such time is that land is assembled with the abutting properties to the south for future development; there is a holding provision on it which means you cannot use it for any use until that time;
- Site Servicing and Grading Plan was previously submitted to the Town however, a new grading plan is required therefore, the exact same plan will be resubmitted; the applicant will be entering into an agreement with a local utility company to provide all electrical services underground;
- Conditions of approval are appropriate and acceptable by the Applicant;

### **Public comments**

Heather Armstrong commented that she is the owner of a property that would back on to Part 6 of the application; Ms. Armstrong is concerned about the servicing because her power source comes from the telephone pole across to her house and she stated that she feels that concern has been addressed and is pleased that there will be no change made to her services;

Edward Steers made the following comments:

- He built his house in 2003 when those houses were built;
- Reiterated his neighbour, Ms. Armstrong's concern about services because his house is serviced from overhead and goes across the road to a pole and then underground and his dad and other neighbours have the same arrangement;
- His concern is who is going to pay for the changes that the applicant is going to make with the services for the existing services on the north side;

Mr. Gonyou responded to Mr. Steers and advised that it is his understanding that whatever is existing remains unchanged and underground services will be provided to the new lots;

Mr. De Souza further responded and advised that Hydro One is the governing body that would approve the hydro designs and my understanding is that the applicant will be burying the hydro for their services and it will be going through the proper process for approval through Hydro One.

Mr. Steers inquired regarding any future plans by the Town to develop park land;

Town Staff advised that the subject lands are private property; the cash-in-lieu is to fund capital facilities; regarding parkland, in the case of a large subdivision, if that land was assembled to be one large piece of land, the applicant would have to assign a piece of land to the Town for a park; regarding the subject application, it is undesirable for a park due to the smaller size; the Province allows municipalities to accept 5% of its value for parks dedication in a smaller development such as this; this is the preferred concept of the lot 177 Secondary Plan; it has not been adopted by Council; there has not been an environmental study conducted for the woodlands that are to the south; following that, there would have to be an Official Plan Amendment approved by Council to adopt this as a schedule in the Official Plan; until that time, there is no status to this Secondary Plan;

#### **Members comments**

No comments.

**Moved By Donald Cook**

**Seconded By John Klassen**

**Application for consent to convey 701 square metres of land (Part 2) being Part Lot 177, Plan 59R-13374, known municipally as 62 Bacon Lane, in the Town of Pelham, is hereby: GRANTED.**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. No objections to this proposal were received from commenting agencies or neighbouring property owners.**

3. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.
4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

The above decision is subject to the following conditions:

1. That 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.
2. That the applicant provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use, to the satisfaction of the Director of Public Works & Utilities.
3. That the applicant enter into a Development Agreement with the Town of Pelham to include:
  - a. The burying of hydro;
  - b. Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services, to the satisfaction of the Director of Public Works & Utilities.
4. That the applicant 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 to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.
5. That application for consent, files B24/2017P, B26/2017P, B27/2017P, B28/2017P and B29/2017P receive final certification of the Secretary-Treasurer concurrently.
6. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
7. That the final certification fee of \$370, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Carried

## **6.5 File B26/2017P - Giampaolo Investments Ltd.**

### **Purpose of Application**

Application is made for consent to convey 701 square metres of land (Part 3) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

### **Representation**

Ken Gonyou, Upper Canada Consultants, authorized agent, and Mark De Souza, The Giampaolo Group, appeared on behalf of this application.

### **Correspondence Received**

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

### **Applicant's comments**

Mr. Gonyou made a presentation of which a copy can be obtained through the office of the Town Clerk/Secretary-Treasurer.

Mr. Gonyou's presentation included by was not limited to the following:

- Conforms to Provincial & Regional Government Policy; conforms to the Town's Official Plan & Neighbourhood Design; lot Sizes are similar to surrounding lots and conforms to Zoning Requirements; therefore, meets all requirements under Section 53(12) of the Planning Act;
- This application is a re-creation of previously approved and serviced lots in 2006;
- Road Widening to Bacon Lane was previously given to the Town;
- Remnant Parcel that is being held by the owner until such time is that land is assembled with the abutting properties to the south for future development; there is a holding provision on it which means you cannot use it for any use until that time;
- Site Servicing and Grading Plan was previously submitted to the Town however, a new grading plan is required therefore, the exact same plan will be resubmitted; the applicant will be entering into an agreement with a local utility company to provide all electrical services underground;

- Conditions of approval are appropriate and acceptable by the Applicant;

### **Public comments**

Heather Armstrong commented that she is the owner of a property that would back on to Part 6 of the application; Ms. Armstrong is concerned about the servicing because her power source comes from the telephone pole across to her house and she stated that she feels that concern has been addressed and is pleased that there will be no change made to her services;

Edward Steers made the following comments:

- He built his house in 2003 when those houses were built;
- Reiterated his neighbour, Ms. Armstrong's concern about services because his house is serviced from overhead and goes across the road to a pole and then underground and his dad and other neighbours have the same arrangement;
- His concern is who is going to pay for the changes that the applicant is going to make with the services for the existing services on the north side;

Mr. Gonyou responded to Mr. Steers and advised that it is his understanding that whatever is existing remains unchanged and underground services will be provided to the new lots;

Mr. De Souza further responded and advised that Hydro One is the governing body that would approve the hydro designs and my understanding is that the applicant will be burying the hydro for their services and it will be going through the proper process for approval through Hydro One.

Mr. Steers inquired regarding any future plans by the Town to develop park land;

Town Staff advised that the subject lands are private property; the cash-in-lieu is to fund capital facilities; regarding parkland, in the case of a large subdivision, if that land was assembled to be one large piece of land, the applicant would have to assign a piece of land to the Town for a park; regarding the subject application, it is undesirable for a park due to the smaller size; the Province allows municipalities to accept 5% of its

value for parks dedication in a smaller development such as this; this is the preferred concept of the lot 177 Secondary Plan; it has not been adopted by Council; there has not been an environmental study conducted for the woodlands that are to the south; following that, there would have to be an Official Plan Amendment approved by Council to adopt this as a schedule in the Official Plan; until that time, there is no status to this Secondary Plan;

### **Members comments**

No comments.

**Moved By Donald Cook**

**Seconded By John Klassen**

**Application for consent to convey 701 square metres of land (Part 3) being Part Lot 177, Plan 59R-13374, known municipally as 62 Bacon Lane, in the Town of Pelham, is hereby: GRANTED.**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 3. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

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

- 1. That 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.**
- 2. That the applicant provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use, to the satisfaction of the Director of Public Works & Utilities.**
- 3. That the applicant enter into a Development Agreement with the**

**Town of Pelham to include:**

- a. The burying of hydro;
  - b. Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services, to the satisfaction of the Director of Public Works & Utilities.
4. That the applicant 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 to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.
  5. That application for consent, files B24/2017P, B25/2017P, B27/2017P, B28/2017P and B29/2017P receive final certification of the Secretary-Treasurer concurrently.
  6. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
  7. That the final certification fee of \$370, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

**Carried**

## **6.6 File B27/2017P - Giampaolo Investments Ltd.**

### **Purpose of Application**

Application is made for consent to convey 701 square metres of land (Part 4) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

### **Representation**

Ken Gonyou, Upper Canada Consultants, authorized agent, and Mark De Souza, The Giampaolo Group, appeared on behalf of this application.

### **Correspondence Received**

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

### **Applicant's comments**

Mr. Gonyou made a presentation of which a copy can be obtained through the office of the Town Clerk/Secretary-Treasurer.

Mr. Gonyou's presentation included by was not limited to the following:

- Conforms to Provincial & Regional Government Policy; conforms to the Town's Official Plan & Neighbourhood Design; lot Sizes are similar to surrounding lots and conforms to Zoning Requirements; therefore, meets all requirements under Section 53(12) of the Planning Act;
- This application is a re-creation of previously approved and serviced lots in 2006;
- Road Widening to Bacon Lane was previously given to the Town;
- Remnant Parcel that is being held by the owner until such time is that land is assembled with the abutting properties to the south for future development; there is a holding provision on it which means you cannot use it for any use until that time;
- Site Servicing and Grading Plan was previously submitted to the Town however, a new grading plan is required therefore, the exact same plan will be resubmitted; the applicant will be entering into an agreement with a local utility company to provide all electrical services underground;
- Conditions of approval are appropriate and acceptable by the Applicant;

### **Public comments**

Heather Armstrong commented that she is the owner of a property that would back on to Part 6 of the application; Ms. Armstrong is concerned about the servicing because her power source comes from the telephone pole across to her house and she stated that she feels that concern has been addressed and is pleased that there will be no change made to her services;

Edward Steers made the following comments:

- He built his house in 2003 when those houses were built;
- Reiterated his neighbour, Ms. Armstrong's concern about services because his house is serviced from overhead and goes across the road to a pole and then underground and his dad and other neighbours have the same arrangement;



- His concern is who is going to pay for the changes that the applicant is going to make with the services for the existing services on the north side;

Mr. Gonyou responded to Mr. Steers and advised that it is his understanding that whatever is existing remains unchanged and underground services will be provided to the new lots;

Mr. De Souza further responded and advised that Hydro One is the governing body that would approve the hydro designs and my understanding is that the applicant will be burying the hydro for their services and it will be going through the proper process for approval through Hydro One.

Mr. Steers inquired regarding any future plans by the Town to develop park land;

Town Staff advised that the subject lands are private property; the cash-in-lieu is to fund capital facilities; regarding parkland, in the case of a large subdivision, if that land was assembled to be one large piece of land, the applicant would have to assign a piece of land to the Town for a park; regarding the subject application, it is undesirable for a park due to the smaller size; the Province allows municipalities to accept 5% of its value for parks dedication in a smaller development such as this; this is the preferred concept of the lot 177 Secondary Plan; it has not been adopted by Council; there has not been an environmental study conducted for the woodlands that are to the south; following that, there would have to be an Official Plan Amendment approved by Council to adopt this as a schedule in the Official Plan; until that time, there is no status to this Secondary Plan;

#### **Members comments**

No comments.

**Moved By Donald Cook**

**Seconded By John Klassen**

**Application for consent to convey 701 square metres of land (Part 4) being Part Lot 177, Plan 59R-13374, known municipally as 62 Bacon Lane, in the Town of Pelham, is hereby:**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 3. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

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

- 1. That 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.**
- 2. That the applicant provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use, to the satisfaction of the Director of Public Works & Utilities.**
- 3. That the applicant enter into a Development Agreement with the Town of Pelham to include:**
  - a. The burying of hydro;**
  - b. Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services, to the satisfaction of the Director of Public Works & Utilities.**
- 4. That the applicant 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 to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.**
- 5. That application for consent, files B24/2017P, B25/2017P, B26/2017P, B28/2017P and B29/2017P receive final certification of the Secretary-Treasurer concurrently.**
- 6. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**

**7. That the final certification fee of \$370, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**Carried**

**6.7 File B28/2017P - Giampaolo Investments Ltd.**

**Purpose of Application**

Application is made for consent to convey 701 square metres of land (Part 5) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

**Representation**

Ken Gonyou, Upper Canada Consultants, authorized agent, and Mark De Souza, The Giampaolo Group, appeared on behalf of this application.

**Correspondence Received**

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

**Applicant's comments**

Mr. Gonyou made a presentation of which a copy can be obtained through the office of the Town Clerk/Secretary-Treasurer.

Mr. Gonyou's presentation included by was not limited to the following:

- Conforms to Provincial & Regional Government Policy; conforms to the Town's Official Plan & Neighbourhood Design; lot Sizes are similar to surrounding lots and conforms to Zoning Requirements; therefore, meets all requirements under Section 53(12) of the Planning Act;
- This application is a re-creation of previously approved and serviced lots in 2006;
- Road Widening to Bacon Lane was previously given to the Town;
- Remnant Parcel that is being held by the owner until such time is that land is assembled with the abutting properties to the south for future development; there is a holding provision on it which means you cannot use it for any use until that time;

- Site Servicing and Grading Plan was previously submitted to the Town however, a new grading plan is required therefore, the exact same plan will be resubmitted; the applicant will be entering into an agreement with a local utility company to provide all electrical services underground;
- Conditions of approval are appropriate and acceptable by the Applicant;

### **Public comments**

Heather Armstrong commented that she is the owner of a property that would back on to Part 6 of the application; Ms. Armstrong is concerned about the servicing because her power source comes from the telephone pole across to her house and she stated that she feels that concern has been addressed and is pleased that there will be no change made to her services;

Edward Steers made the following comments:

- He built his house in 2003 when those houses were built;
- Reiterated his neighbour, Ms. Armstrong's concern about services because his house is serviced from overhead and goes across the road to a pole and then underground and his dad and other neighbours have the same arrangement;
- His concern is who is going to pay for the changes that the applicant is going to make with the services for the existing services on the north side;

Mr. Gonyou responded to Mr. Steers and advised that it is his understanding that whatever is existing remains unchanged and underground services will be provided to the new lots;

Mr. De Souza further responded and advised that Hydro One is the governing body that would approve the hydro designs and my understanding is that the applicant will be burying the hydro for their services and it will be going through the proper process for approval through Hydro One.

Mr. Steers inquired regarding any future plans by the Town to develop park land;

Town Staff advised that the subject lands are private property; the cash-in-lieu is to fund capital facilities; regarding parkland, in the case of a large subdivision, if that land was assembled to be one large piece of land, the applicant would have to assign a piece of land to the Town for a park; regarding the subject application, it is undesirable for a park due to the smaller size; the Province allows municipalities to accept 5% of its value for parks dedication in a smaller development such as this; this is the preferred concept of the lot 177 Secondary Plan; it has not been adopted by Council; there has not been an environmental study conducted for the woodlands that are to the south; following that, there would have to be an Official Plan Amendment approved by Council to adopt this as a schedule in the Official Plan; until that time, there is no status to this Secondary Plan;

#### **Members comments**

No comments.

**Moved By Donald Cook**

**Seconded By John Klassen**

**Application for consent to convey 701 square metres of land (Part 5) being Part Lot 177, Plan 59R-13374, known municipally as 62 Bacon Lane, in the Town of Pelham, is hereby: GRANTED.**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 3. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

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

- 1. That 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.

2. That the applicant provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use, to the satisfaction of the Director of Public Works & Utilities.

3. That the applicant enter into a Development Agreement with the Town of Pelham to include:

a. The burying of hydro;

b. Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services, to the satisfaction of the Director of Public Works & Utilities.

4. That the applicant 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 to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.

5. That application for consent, files B24/2017P, B25/2017P, B26/2017P, B27/2017P and B29/2017P receive final certification of the Secretary-Treasurer concurrently.

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

7. That the final certification fee of \$370, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Carried

## **6.8 File B29/2017P - Giampaolo Investments Ltd.**

### **Purpose of Application**

Application is made for consent to convey 626 square metres of land (Part 6) to create a new lot to construct a single detached dwelling. 971 square metres of land (Part 7), is to be retained subject to a holding provision pending future development with lands to the south.

### **Representation**

Ken Gonyou, Upper Canada Consultants, authorized agent, and Mark De Souza, The Giampaolo Group, appeared on behalf of this application.

## **Correspondence Received**

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

## **Applicant's comments**

Mr. Gonyou made a presentation of which a copy can be obtained through the office of the Town Clerk/Secretary-Treasurer.

Mr. Gonyou's presentation included by was not limited to the following:

- Conforms to Provincial & Regional Government Policy; conforms to the Town's Official Plan & Neighbourhood Design; lot Sizes are similar to surrounding lots and conforms to Zoning Requirements; therefore, meets all requirements under Section 53(12) of the Planning Act;
- This application is a re-creation of previously approved and serviced lots in 2006;
- Road Widening to Bacon Lane was previously given to the Town;
- Remnant Parcel that is being held by the owner until such time is that land is assembled with the abutting properties to the south for future development; there is a holding provision on it which means you cannot use it for any use until that time;
- Site Servicing and Grading Plan was previously submitted to the Town however, a new grading plan is required therefore, the exact same plan will be resubmitted; the applicant will be entering into an agreement with a local utility company to provide all electrical services underground;
- Conditions of approval are appropriate and acceptable by the Applicant;

## **Public comments**

Heather Armstrong commented that she is the owner of a property that would back on to Part 6 of the application; Ms. Armstrong is concerned about the servicing because her power source comes from the telephone pole across to her house and she stated that she feels that concern has been addressed and is pleased that there will be no change made to her services;

Edward Steers made the following comments:

- He built his house in 2003 when those houses were built;
- Reiterated his neighbour, Ms. Armstrong's concern about services because his house is serviced from overhead and goes across the road to a pole and then underground and his dad and other neighbours have the same arrangement;
- His concern is who is going to pay for the changes that the applicant is going to make with the services for the existing services on the north side;

Mr. Gonyou responded to Mr. Steers and advised that it is his understanding that whatever is existing remains unchanged and underground services will be provided to the new lots;

Mr. De Souza further responded and advised that Hydro One is the governing body that would approve the hydro designs and my understanding is that the applicant will be burying the hydro for their services and it will be going through the proper process for approval through Hydro One.

Mr. Steers inquired regarding any future plans by the Town to develop park land;

Town Staff advised that the subject lands are private property; the cash-in-lieu is to fund capital facilities; regarding parkland, in the case of a large subdivision, if that land was assembled to be one large piece of land, the applicant would have to assign a piece of land to the Town for a park; regarding the subject application, it is undesirable for a park due to the smaller size; the Province allows municipalities to accept 5% of its value for parks dedication in a smaller development such as this; this is the preferred concept of the lot 177 Secondary Plan; it has not been adopted by Council; there has not been an environmental study conducted for the woodlands that are to the south; following that, there would have to be an Official Plan Amendment approved by Council to adopt this as a schedule in the Official Plan; until that time, there is no status to this Secondary Plan;

#### **Members comments**

No comments.



**Moved By Donald Cook**

**Seconded By John Klassen**

**Application for consent to convey 626 square metres of land (Part 6) being Part Lot 177, Plan 59R-13374, known municipally as 62 Bacon Lane, in the Town of Pelham, is hereby: GRANTED.**

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

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 3. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

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

- 1. That 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.**
- 2. That the applicant provide written confirmation along with video records showing the current condition of the existing sanitary laterals in order to determine if they are acceptable for use, to the satisfaction of the Director of Public Works & Utilities.**
- 3. That the applicant enter into a Development Agreement with the Town of Pelham to include:**
  - a. The burying of hydro;**
  - b. Addressing any servicing deficiencies following review of the inspections conducted on the existing sanitary laterals and water services, to the satisfaction of the Director of Public Works & Utilities.**
- 4. That the applicant 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 to the satisfaction of the Director, Town of Pelham Community Planning and Development Department.**

- 5. That application for consent, files B24/2017P, B25/2017P, B26/2017P, B27/2017P and B28/2017P receive final certification of the Secretary-Treasurer concurrently.
- 6. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 7. That the final certification fee of \$370, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Carried

7. Minutes for Approval

Moved By John Klassen  
Seconded By Wayne Lockey  
That the minutes of the August 1, 2017, Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

Moved By Donald Cook  
Seconded By John Klassen  
BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for October 3, 2017 at 4:00 pm.

Carried

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Wayne Lockey, Chair

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Secretary-Treasurer, Nancy J. Bozzato