

Committee of Adjustment AGENDA

CoA-06/2017

June 6, 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**
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June 6, 2017

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

**Re: Minor Variance Application A20/2017P (Evans)
269 Canboro Road, Pelham
Concession 8, Part of Lot 5, 59R-8085; Part 1
Roll No. 2732 020 010 13700**

The subject land is located on the north side of Canboro Road, lying east of Effingham Street, being Part of Lot 5, Concession 8, 59R-8085; Part 1 and known municipally as 269 Canboro Road in the Town of Pelham.

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

- **Section 7.7 a) "Max Accessory Lot Coverage"** to allow 3% lot coverage for accessory structures whereas 1% is permitted;
- **Section 7.7 d) "Max Accessory Building Height"** to allow a maximum accessory building height of 6.5m whereas 3.7m is allowed.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

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

Greenbelt Plan, 2005

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

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

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

The proposed variances meet both requirements listed above.

Regional Official Plan (Consolidated, August 2014)

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

Pelham Official Plan, 2014

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

Town Zoning By-law Number 1136 (1987)

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

Section 7.7 Requirements for buildings and structures accessory to dwellings

a) Maximum Lot Coverage	1%	Request = 3%
d) Maximum Building Height	3.7m	Request = 6.5m

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	<p>a) The proposed accessory lot coverage of 3% is a response to the challenge of meeting the 1% requirement in 'Agricultural' zones for smaller rural residential lots. Despite the small parcel size, the variance can be accommodated with minimal impact and no adverse impacts are anticipated.</p> <p>d) Increasing the accessory building height to 6.5m is minor given the rural context and the orientation being located in the rear yard. No negative impacts are anticipated by the community because the existing house is setback further north than the neighbouring dwellings leaving generous space to separate the slightly taller structure.</p>
2. The variance is desirable for the development or use of the land.	<p>a) The proposed accessory lot coverage of 3% is desirable for the use of the land given the small size of the rural lot which makes siting a detached garage challenging with rigid specifications, the relief will offer some flexibility in terms of property usage and thus, desirability.</p> <p>d) The variance request to increase the accessory building height is desirable for the property because it will allow for appropriate storage of personal belongings. The adjacent dwelling to the east is located nearer to Canboro Road than the subject site's house and cedar trees border the east lot line which helps buffer from the proposed garage.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>a) The proposed accessory lot coverage maintains the general intent of the Official Plan in that no negative impacts will be created for any natural heritage feature or neighbouring properties.</p> <p>d) The proposed use of a building accessory to a single</p>

From the Department of



	<p>detached house is permitted in the 'Specialty Agricultural' designation of the Official Plan and the policy does permit uses which are compatible with agriculture. The increase in accessory building height will not compromise the objective of the Official Plan.</p> <p>The variance is appropriate given the site's rural context and meets the general intent of the Town Official Plan policies.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>a) Increasing the maximum accessory building lot coverage maintains the general intent of the Zoning By-law in that adequate open space remains and will not bother the existing septic field and storm water runoff will be required to be contained on the property as per Town standards.</p> <p>d) The size of the proposed accessory building's height to 4.31m is appropriate given the rural context and still ensures that the dwelling is maintained as the main use of the land. Ample amount of open space is available on the site, thus the increased lot coverage and height will not adversely impact the rural residential nature of the lot or the surrounding countryside. The variances maintain the intent of the Zoning By-law with respect to accessory building massing, siting and lot coverage.</p>

On May 1st 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 (May 23, 2017)
 - No comments.
- Building Department (May 12, 2017)
 - All necessary permits are required prior to construction commencing.
- Niagara Region – Planning & Development Services, Private Sewage Systems (May 12, 2017)
 - {See appendix}
 - No objections.

Planning Comments

On Thursday, December 15th 2016 a pre-consultation was held with the applicant and Town staff to discuss the proposed garage. Planning staff note that the property is 4763m² (1.2 acres) in land area, is not farmed and is considered to be a rural residential lot.

The subject land is located within Ridgeville and is surrounded by the following:

- North – Agricultural
- East – Single detached residential
- South – Single detached residential
- West – Single detached residential



Planning staff is of the opinion that the proposal is reasonable given the community setting, and because of how the massing, scale and orientation of the proposed accessory building is secondary to, and located to the rear of the existing dwelling. Therefore, increasing the allowable accessory building lot coverage and increasing the height will not negatively affect any neighbouring properties as significant open amenity space remains for the owners and reasonable spatial separation is maintained through setbacks and storm water runoff shall be contained on-site.

The property falls with the lands regulated by the Niagara Peninsula Conservation Authority (NPCA), however, the proposed garage is located outside of the Regulation Lands and NPCA staff has no concerns.

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

The authorization of the minor variance is not expected to generate negative impacts for adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number A20/2017P be **approved**.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: A20/2017P

May 12, 2017

Address: 269 Canboro Rd., Pelham

Owner: Shawn Evans and Julie Evans

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- All necessary permits are required prior to construction commencing.

Belinda Menard

Building Intake/Plans Examiner

Community Planning & Development

Judy Sheppard

From: William Underwood
Sent: Monday, May 01, 2017 1:01 PM
To: Nancy Bozzato
Cc: Judy Sheppard
Subject: By-law Variances

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nancy,

Fire has no comments for the variance File A20/2017P – 269 Canboro Rd.

Will



William Underwood
Fire Prevention Officer
Fire & By-Law Services

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

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

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Via Email Only

May 12, 2017

Our File: MV-17-020

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

Dear Ms. Bozzato

Re: Application for Minor Variance
Applicant: Shawn and Julie Evans
Location: 269 Canboro Road, Pelham
Town File: A20/2017P

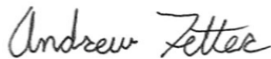
Niagara Region Development Services Division has reviewed the information circulated for the above-noted application and provides the following comments to assist the Town in its consideration of this application.

Private Sewage System Review

Private Sewage System staff have inspected the property and reviewed the application to construct a 12.19 m x 7.3 m garage at the northeast corner of the dwelling. A permit was issued by the Regional Niagara Public Health Department in 2001 for the existing 3 bedroom dwelling, but never finalized. The existing sewage system is a 2-compartment concrete septic tank with plastic risers and lids. The tank and tile bed are located in the front yard, in the southeast proximity of the lot. At the time of our inspection, no visible defects were noted and there is sufficient land available for any future replacement sewage system installation as may be required.

Therefore, since the proposed development will not result in any increase to existing sewage flows (no washrooms or living space included) and meets with the setback requirements of the sewage system, we would have no objections to the proposed minor variance application.

Sincerely,



Andrew Fetter, BCIN #102471
Private Sewage System Inspector
Planning and Development Services

c: Justin Noort, Development Approvals Technician, Development Services Division
Phill Lambert, P.Eng., Associate Director, Infrastructure Planning & Development Engineering

Memorandum

Public Works Department - Engineering

DATE: May 23, 2017
TO: Julie Hannah, Planner
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Matt Sferrazza, Engineering Technologist
RE: File A20/2017P
269 Canboro Road

Public Works has completed a review of the minor variance application A20/2017P seeking to permit a lot coverage of 3% whereas 1% is permitted for accessory structures, provided the overall lot coverage does not exceed 10%. In addition, it is requested to permit a building height for accessory building of 6.5m whereas 3.7m is permitted. Relief is sought to facilitate construction of a detached garage.

Public Works has no comments.

June 6, 2017

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

**Re: Minor Variance Application A21/2017P (Karisma Homes)
48 Buckley Terrace, Pelham
Plan 59M 403, Lot 84
Roll No. 2732 020 010 03484**

The subject land is located on the west side of Buckley Terrace, lying north of Marlene Stewart Drive, being Lot 84, Plan 59M 403, and known municipally as 48 Buckley Terrace in the Town of Pelham.

The subject land is zoned 'Residential 1-238' (R1-238) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Relief is requested from:

- **Section 30. (Exceptions) 238. (i) "Minimum Ground Floor Area"** to permit a ground floor area of 120m² whereas 210m² is required, to construct a single detached, two-storey dwelling.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

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

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

Growth Plan for the Greater Golden Horseshoe, 2005

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

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

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

Regional Official Plan (Consolidated, August 2014)

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

Town Official Plan, 2014

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

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

Town Zoning By-law Number 1136 (1987)

The Zoning By-law identifies the subject parcel as 'Residential 1-238' (R1-238).

Section 30. (Exceptions) 238. Amending By-law No. 3325 (2012)

i) Minimum Ground Floor Area 210m² Request- 120m²

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	Reducing the minimum ground floor area is minor overall considering the gross floor area of the 2-storey house is comparable in size to much of the neighbourhood which also consists of many 2-storey homes.
2. The variance is desirable for the development or use of the land.	Reducing the minimum ground floor area is desirable for the development of the land because the proposal helps to maintain a smaller lot coverage which better accommodates storm water runoff and leaves a larger rear yard amenity space.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance does not conflict with the general intent of the Official Plan because the proposed 2-storey dwelling will respect and be compatible with the surrounding development because of a similar building footprint and overall size. The street edge is also maintained given the dwelling's location and scale as a 2-storey.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance maintains the general intent of the Zoning By-law because the gross floor area is still large overall, only the design utilizes a 2-storey model instead of a bungalow's larger footprint. In order to achieve a 2-storey dwelling with a 210m ² footprint, the overall gross floor area would be unrealistically large for this lot as a single detached unit.

On May 11th 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.



To date, the following comments have been received:

- Fire Department (May 12, 2017)
 - No comments.
- Public Works Department (May 23, 2017)
 - No comments.
- Building Department (May 15, 2017)
 - No comments.

No public comments were received.

Planning Comments

Based on the site plan & ground floor plan submitted with the application, staff are of the opinion the proposed dwelling will not negatively impact the community. The proposal has not prompted any concern from Town staff and no public comments have been received.

The applicant has requested the Committee of Adjustment waive the minor variance application fee. Staff concur and also request that the fee be waived due to an unfortunate oversight in a previous consolidated Zoning By-law addendum which led to a specific, inaccurate zoning provision being circulated to the development community. (The zoning provisions have since been corrected.)

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

The authorization of the minor variance is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A21/2017P **be approved**.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: A21/2017P

May 15, 2017

Address: 48 Buckley Terrace, Pelham

Owner: Costiano Developments Inc.,

Agent: Karisma Build Group Inc.,

Nancy Bozzato

Town Clerk/Secretary-Treasurer

The Building Department offers no comments.

Belinda Phillips

Building Intake/Plans Examiner

Community Planning & Development

Judy Sheppard

From: William Underwood
Sent: Friday, May 12, 2017 1:42 PM
To: Nancy Bozzato
Cc: Judy Sheppard
Subject: File A21/2017P

Hi Nancy,

Fire has no comments with regards to the 48 Buckley Terrace Variance.

Have an amazing weekend!

Will



William Underwood
Fire Prevention Officer
Fire & By-Law Services

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

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

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Memorandum

Public Works Department - Engineering

DATE: May 23, 2017
TO: Julie Hannah, Planner
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Matt Sferrazza, Engineering Technologist
RE: File A21/2017P
48 Buckley Terrace

Public Works has completed a review of the minor variance application A21/2017P seeking to permit a minimum ground floor area for a dwelling that is 120 sq. meters whereas 210 sq. meters is required for construction of a single two-storey dwelling.

Public Works has no comments.

June 6, 2017

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

**Re: Consent Application B13/2017P (Kaiser & Associates Inc.)
1613 Lookout Street, Pelham
Concession 7, Part of Lot 3
Roll No. 2732 020 010 01400**

The subject parcel, shown as Part 2 on the attached sketch, has 22.86m of frontage on the east side of Lookout Street, lying north of Marlene Stewart Drive, being Part of Lot 3, Concession 7, in the Town of Pelham.

Application is made for consent to convey and partial discharge of mortgage of 2090m² of land (Part 2), for single detached residential use. 2090m² of land (Part 1), is to be retained for a single detached residence and the existing dwelling on Part 2 is to be demolished.

This application is being considered concurrently with Files: B14/2017P & B15/2017P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement

(PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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

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

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

Growth Plan for the Greater Golden Horseshoe (Consolidated June 2013)

The subject parcel is located within a ‘Settlement Area’ according to the Growth Plan. The vision for developing land and managing public resources is grounded in the following principles:

- Building compact, vibrant and complete communities.
- Wisely use the valuable natural resources of land, air and water.
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

The subject land is quite large in size, underutilized and contains just one single detached dwelling with some accessory buildings. The site is located within the *urban area boundary* where water services are available, but the sanitary sewer needs to be extended. The lands are intended to be developed for urban residential uses and are located on a collector road near the intersection of an arterial road (Figure 1).



Figure 1: Subject land street view.

Regional Official Plan (Consolidated August 2015)

The subject lands are designated 'Built-up Area' within the Urban Area Boundary. Growth Management Objective 4.A.1.2 states the intention of the Regional policies are to direct a significant portion of Niagara's future growth to the *Built-Up Area* through intensification.

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

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

Town of Pelham Official Plan (2014)

The subject lands are designated 'Urban Living Area / Built Boundary'. Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads or are located no further than 100m from an intersection with an arterial or collector road.

Policy B1.1.3 d) states new infill lots may be created through the consent process for ground-oriented detached dwellings so long as the proposed development is similar to and compatible with the established character of the street.

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

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

Access to municipal water services is available for the subject lands and access to municipal sanitary services would be addressed as part of the Consent application conditions via a Development Agreement. The site is positioned on Lookout Street near the intersection with Marlene Stewart Drive, and is nearby to existing commercial uses on Regional Road 20.

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

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

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

It is noted that a site specific Zoning By-law Amendment will be required as a condition of consent for both 1611 and 1613 Lookout Street to correct any zoning deficiencies (lot frontage + lot area) and to rezone 1613 from 'Agricultural' to 'Residential 1'.

Agency and Public Comments

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

To date, the following comments have been received:

- Building Department (May 12, 2017)
 - No comments.
- Public Works Department (May 30, 2017)
 - The proposed lots do not front existing Town of Pelham sanitary gravity sewer main as the existing sanitary sewer ends approximately 8m north of the southern property line for 1611 Lookout Street. It should also be noted that minimum cover restriction may hinder any extension of the existing sewer main based on current elevation information and will need to be addressed as part of the servicing conditions to the satisfaction of the Director of Public Works & Utilities
 - The proposed lots do front existing Town of Pelham 200mmø, PVC watermain.
 - {see conditions}

Public comments received (one) summarized below:

- Comment – The new subdivision surrounding the subject lands (Residences at Lookout Point) included four (4) lots which front Lookout Street directly to the south. These lots were presumably larger to reflect the existing lots on Lookout Street.
 - ✓ The developer of the adjacent subdivision decided on various lot sizes from small to large.
- Comment – The proposed lots will have cramped houses and change the appearance of the street.
 - ✓ The proposed lots are actually rather large for modern developments. The east side of Lookout Street is within the *Urban Area* and is expected to evolve over time.

Planning Staff Comments

A pre-consultation meeting was held with the applicant, agent and staff from the Town on April 6th, 2017. The current application deals with the severance of 2090m² of land (Part 2), from the remnant parcel (Part 1) which is intended for the future use of, and continued use of a (new) single detached residential dwelling, respectively.

The subject lands are located on the east side of Lookout Street just north of the intersection at Marlene Stewart Street and surrounded by:

- South – single detached residential
- East – single detached residential (Figure 2)
- North – telecommunications tower (Figure 2)
- West – golf course / driving range

Municipal water services are available and municipal sanitary sewer services are available for extension, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense from a servicing and land use perspective. The detailed engineering design that the applicant will undertake will address the requirements to extend the sanitary sewer service to the satisfaction of the Town and agencies. The site is conveniently located

on a collector road and near the intersection of Regional Road 20, which is also proximate to commercial uses. The neighbourhood is an evolving one, with the subdivision to the east continuing to develop along with the commercial lands on Highway 20 to the south. The proposed lots are quite large in size and offer a gradual transition from the rural to urban transect.

The subject lands are considered to be a large urban lot that is underutilized with just one single detached dwelling. Allowing the proposed infill development to proceed, means the Town can make more efficient use of the existing *built-up* lands and the existing underground infrastructure available.

Figure 2: Several vantages from 1613 Lookout Street



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

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

Planning staff recommend that the consent **be granted** subject to the following conditions:

THAT the applicant

- Rezone the subject land to an appropriate site specific residential zone.
- Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.

- Submit a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies upon nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- Enters into a Development Agreement with the Town to include the following requirements:
 - Undertake the design and construction of the extension of the municipal sanitary sewer main along Lookout Street northward to the most northern point of the subject land (Part 1), in accordance with requirements of the Ministry of Environment, Region of Niagara & Town of Pelham.
 - Ensure that the servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with current Town standards.
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 - Submit a functional servicing report encompassing all subject properties confirming adequate water pressure is available for proposed new buildings along with adequate fire flows.
 - For existing dwellings that are located south of the proposed development, which could be affected by any work corresponding to the extension of the sanitary sewer main, all servicing for these properties is to be maintained throughout the duration of construction operations to extend said sewer.
 - Trench restoration will be permitted for works corresponding to the extension of the existing sanitary sewer south of 1611 Lookout Street.
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 - The owner shall bear all costs associated with these works (design, construction, etc.)
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- 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
Planner, B.URPI

Reviewed by,

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

From the Department of



File: B13/2017P

May 12, 2017

Address: Part of lot 3, Concession 7
1613 Lookout St., Pelham

Owner: Kaiser & Associates Inc.,

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- Demolition permit is required for the existing garage & lean to (as noted on the application) on Part 1.
- The remaining accessory structure, on Part 1, must be subordinate and exclusively devoted to a main use building and located on the same lot therewith. At present, a main use building does not exist; therefore a zoning amendment may be required.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

DATE: May 30, 2017
TO: Julie Hannah, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B13/2017P
1613 Lookout Street

We have completed the review of the consent application B13/2017P related to the consent for partial discharge of mortgage and to convey 2090m² of land for single family residential use. 2090m² of land is to be retained for continued single family residential use. It is also noted that the existing building on Part 2 is to be demolished. This application is being considered concurrently with files B14/2017P and B15/2017P.

Public Works has the following comments:

- The proposed lots do not front existing Town of Pelham sanitary gravity sewer main as the existing sanitary sewer ends approximately 8m north of the southern property line for 1611 Lookout Street. It should also be noted that minimum cover restriction may hinder any extension of the existing sewer main based on current elevation information.
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From the Department of



Decommissioning of all septic to be in accordance with Ministry of Environment and Region of Niagara

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Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Monday, May 08, 2017 2:35 PM
To: Sarah Leach
Subject: 905-17-233 - 1613 Lookout St. - B13/2017P, B14/2017P, B15/2017P

Hi Sarah,

Re: File No: B13/2017P, B14/2017P, B15/2017P

Details:

- Consent Application
- 1613 Lookout St.
- Part Lot 3 Conc. 7
- Bell File 905-17-233

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

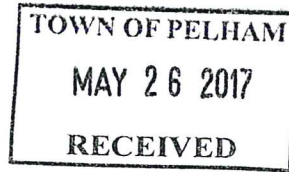
Should you have any questions or concerns, please do not hesitate to contact me.

Thanks,
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way

The Bell logo, consisting of the word "Bell" in a bold, serif font.

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



Lookout Street,
Ridgeville, Ontario,
LOS 1M0

Town of Pelham,
Attention Nancy Bozzato,
Hand delivered

re. Proposed proposed severances on Lookout Street, DWG FILE 17-0048-2&3.

Dear Ms. Bozzato,

I am writing about proposals to subdivide two large lots on Lookout Street to accommodate one existing home and six lots for new homes. When the new subdivision was created between Haist and Lookout, the lots fronting on Lookout were almost twice as wide as those in the main subdivision. This presumably was to make these new lots consistent with the frontages of the existing homes on both sides of Lookout Street. The resulting frontages were about 32M, making them comparable To the narrowest lots on the Street. The two sketches do not show the proposed lots in the context of the existing homes on the street. I have therefore prepared 3 very rough sketches on photo-mosaics which also show the subdivision layout. These sketches are described below.

Applicant's Proposal

This proposal results in 2 new lots with widths of 21.34M and four at 22.86M or about 2/3 the width of any other lot on the street, including those recently built in conjunction with the main subdivision. Assuming that these new homes will be "Macmansions" crammed onto the new lots, this will create an abrupt change in the appearance of the street.

Alternative 1

This alternative retains the larger lot for the existing house but divides the remaining lands into 4 new lots with frontages of about 33.5M or a little more than the narrower lots on the street. This proposal will create problems for the two owners of the existing lots as it changes the existing boundary line between the two properties. But with a little effort this should be soluble. It does have the major benefit of retaining a consistent appearance throughout the street.

Alternative 2

This alternative resolves the problems created by the lot boundary change in Alternative 1 above. Part 1 and 2, on plan 3 would be joined to create single lot of 42.68M, while the lands shown on plan 2 would be divided in 2 to create 2 lots of 43.72M. As a sub-alternative this part would be divided into 3 lots at 30.48M. Slightly less than the smaller existing lots but comparable.

For your consideration,


Stephen Radbone

APPLICANT'S PROPOSAL

PART 1

PART 2

PART 3

PART 4

PART 1

PART 2

PART 3

W. 10th Street

W. 11th Street

W. 12th Street

ALTERNATIVE 1

PART 1

PART 2

PART 3

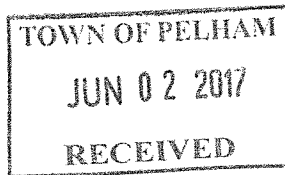
PART 4

PART 5

Maple Street

Maple Street

Maple Street



Lookout Street,
Ridgeville, Ontario,
LOS 1M0

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Attention Nancy Bozzato,
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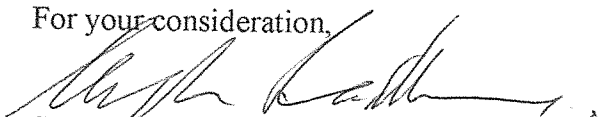
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APPLICANTS' PROPOSAL

- PART 1
- PART 2
- PART 3
- PART 4
- PART 1
- PART 2

100th Street

100th Street

100th Street

100th Street

June 6, 2017

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

**Re: Consent Application B14/2017P (Kaiser & Associates Inc.)
1613 Lookout Street, Pelham
Concession 7, Part of Lot 3
Roll No. 2732 020 010 01400**

The subject parcel, shown as Part 3 on the attached sketch, has 22.86m of frontage on the east side of Lookout Street, lying north of Marlene Stewart Drive, being Part of Lot 3, Concession 7, in the Town of Pelham.

Application is made for consent to convey and partial discharge of mortgage of 2090m² of land (Part 3), for single detached residential use. 2090m² of land (Part 1), is to be retained for a single detached residence and the existing dwelling on Part 2 is to be demolished.

This application is being considered concurrently with Files: B13/2017P & B15/2017P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement

(PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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

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

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

Growth Plan for the Greater Golden Horseshoe (Consolidated June 2013)

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. The vision for developing land and managing public resources is grounded in the following principles:

- Building compact, vibrant and complete communities.
- Wisely use the valuable natural resources of land, air and water.
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

The subject land is quite large in size, underutilized and contains just one single detached dwelling with some accessory buildings. The site is located within the *urban area boundary* where water services are available, but the sanitary sewer needs to be extended. The lands are intended to be developed for urban residential uses and are located on a collector road near the intersection of an arterial road (Figure 1).



Figure 1: Subject land street view.

Regional Official Plan (Consolidated August 2015)

The subject lands are designated 'Built-up Area' within the Urban Area Boundary. Growth Management Objective 4.A.1.2 states the intention of the Regional policies are to direct a significant portion of Niagara's future growth to the *Built-Up Area* through intensification.

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

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

Town of Pelham Official Plan (2014)

The subject lands are designated 'Urban Living Area / Built Boundary'. Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads or are located no further than 100m from an intersection with an arterial or collector road.

Policy B1.1.3 d) states new infill lots may be created through the consent process for ground-oriented detached dwellings so long as the proposed development is similar to and compatible with the established character of the street.

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

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

Access to municipal water services is available for the subject lands and access to municipal sanitary services would be addressed as part of the Consent application conditions via a Development Agreement. The site is positioned on Lookout Street near the intersection with Marlene Stewart Drive, and is nearby to existing commercial uses on Regional Road 20.

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

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

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

It is noted that a site specific Zoning By-law Amendment will be required as a condition of consent for both 1611 and 1613 Lookout Street to correct any zoning deficiencies (lot frontage + lot area) and to rezone 1613 from 'Agricultural' to 'Residential 1'.

Agency and Public Comments

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

To date, the following comments have been received:

- Building Department (May 12, 2017)
 - No comments.
- Public Works Department (May 30, 2017)
 - The proposed lots do not front existing Town of Pelham sanitary gravity sewer main as the existing sanitary sewer ends approximately 8m north of the southern property line for 1611 Lookout Street. It should also be noted that minimum cover restriction may hinder any extension of the existing sewer main based on current elevation information and will need to be addressed as part of the servicing conditions to the satisfaction of the Director of Public Works & Utilities
 - The proposed lots do front existing Town of Pelham 200mmø, PVC watermain.
 - {see conditions}

Public comments received (one) summarized below:

- Comment – The new subdivision surrounding the subject lands (Residences at Lookout Point) included four (4) lots which front Lookout Street directly to the south. These lots were presumably larger to reflect the existing lots on Lookout Street.
 - ✓ The developer of the adjacent subdivision decided on various lot sizes from small to large.
- Comment – The proposed lots will have cramped houses and change the appearance of the street.
 - ✓ The proposed lots are actually rather large for modern developments. The east side of Lookout Street is within the *Urban Area* and is expected to evolve over time.

Planning Staff Comments

A pre-consultation meeting was held with the applicant, agent and staff from the Town on April 6th, 2017. The current application deals with the severance of 2090m² of land (Part 3), from the remnant parcel (Part 1) which is intended for the future use of, and continued use of a (new) single detached residential dwelling, respectively.

The subject lands are located on the east side of Lookout Street just north of the intersection at Marlene Stewart Street and surrounded by:

- South – single detached residential
- East – single detached residential (Figure 2)
- North – telecommunications tower (Figure 2)
- West – golf course / driving range

Municipal water services are available and municipal sanitary sewer services are available for extension, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense from a servicing and land use perspective. The detailed engineering design that the applicant will undertake will address the requirements to extend the sanitary sewer service to the satisfaction of the Town and agencies. The site is conveniently located

on a collector road and near the intersection of Regional Road 20, which is also proximate to commercial uses. The neighbourhood is an evolving one, with the subdivision to the east continuing to develop along with the commercial lands on Highway 20 to the south. The proposed lots are quite large in size and offer a gradual transition from the rural to urban transect.

The subject lands are considered to be a large urban lot that is underutilized with just one single detached dwelling. Allowing the proposed infill development to proceed, means the Town can make more efficient use of the existing *built-up* lands and the existing underground infrastructure available.

Figure 2: Several vantages from 1613 Lookout Street



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

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

Planning staff recommend that the consent **be granted** subject to the following conditions:

THAT the applicant

- Rezone the subject land to an appropriate site specific residential zone.
- Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.

- Submit a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies upon nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
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Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP
Director of Community Planning &
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From the Department of



File: B14/2017P

May 12, 2017

Address: Part of lot 3, Concession 7
1613 Lookout St, Pelham

Owner: Kaiser & Associates Inc.,

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- A demolition permit will be required to remove the dwelling from Part 2 & 3.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

DATE: May 30, 2017
TO: Julie Hannah, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
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Sent: Monday, May 08, 2017 2:35 PM
To: Sarah Leach
Subject: 905-17-233 - 1613 Lookout St. - B13/2017P, B14/2017P, B15/2017P

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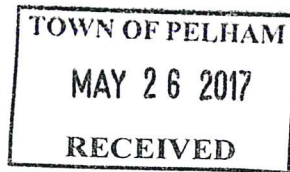
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Jacqueline Moyle
External Liaison
Bell Canada Right of Way

The Bell logo, consisting of the word "Bell" in a bold, serif font.

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Alternative 2

This alternative resolves the problems created by the lot boundary change in Alternative 1 above. Part 1 and 2, on plan 3 would be joined to create single lot of 42.68M, while the lands shown on plan 2 would be divided in 2 to create 2 lots of 43.72M. As a sub-alternative this part would divided into 3 lots at 30.48M. Slightly less than the smaller existing lots but comparable.

For your consideration,

[Redacted signature]

Stephen Radbone

APPLICANT'S PROPOSAL

PART 1

PART 2

PART 3

PART 4

PART 1

PART 2

PART 3

W. 10th Street

W. 11th Street

W. 12th Street

ALTERNATIVE 1

PART 1

PART 2

PART 3

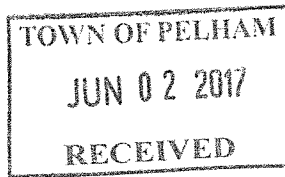
PART 4

PART 5

Maple Street

Maple Street

Maple Street



Lookout Street,
Ridgeville, Ontario,
LOS 1M0

Town of Pelham,
Attention Nancy Bozzato,
Hand delivered

re. Proposed proposed severances on Lookout Street, DWG FILE 17-0048-2&3.

Dear Ms. Bozzato,

I am writing about proposals to subdivide two large lots on Lookout Street to accommodate one existing home and six lots for new homes. When the new subdivision was created between Haist and Lookout, the lots fronting on Lookout were almost twice as wide as those in the main subdivision. This presumably was to make these new lots consistent with the frontages of the existing homes on both sides of Lookout Street. The resulting frontages were about 32M, making them comparable To the narrowest lots on the Street. The two sketches do not show the proposed lots in the context of the existing homes on the street. I have therefore prepared 3 very rough sketches on photo-mosaics which also show the subdivision layout. These sketches are described below.

Applicant's Proposal

This proposal results in 2 new lots with widths of 21.34M and four at 22.86M or about 2/3 the width of any other lot on the street, including those recently built in conjunction with the main subdivision. Assuming that these new homes will be "Macmansions" crammed onto the new lots, this will create an abrupt change in the appearance of the street.

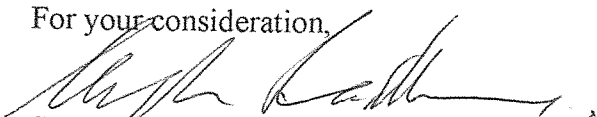
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Stephen Radbone

APPLICANTS' PROPOSAL

- PART 1
- PART 2
- PART 3
- PART 4
- PART 1
- PART 2

100th Street

100th Street

100th Street

100th Street

June 6, 2017

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

**Re: Consent Application B15/2017P (Kaiser & Associates Inc.)
1613 Lookout Street, Pelham
Concession 7, Part of Lot 3
Roll No. 2732 020 010 01400**

The subject parcel, shown as Part 4 on the attached sketch, has 22.86m of frontage on the east side of Lookout Street, lying north of Marlene Stewart Drive, being Part of Lot 3, Concession 7, in the Town of Pelham.

Application is made for consent to convey and partial discharge of mortgage of 2090m² of land (Part 4), for single detached residential use. 2090m² of land (Part 1), is to be retained for a single detached residence and the existing dwelling on Part 2 is to be demolished.

This application is being considered concurrently with Files: B13/2017P & B14/2017P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement

(PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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

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

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

Growth Plan for the Greater Golden Horseshoe (Consolidated June 2013)

The subject parcel is located within a ‘Settlement Area’ according to the Growth Plan. The vision for developing land and managing public resources is grounded in the following principles:

- Building compact, vibrant and complete communities.
- Wisely use the valuable natural resources of land, air and water.
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

The subject land is quite large in size, underutilized and contains just one single detached dwelling with some accessory buildings. The site is located within the *urban area boundary* where water services are available, but the sanitary sewer needs to be extended. The lands are intended to be developed for urban residential uses and are located on a collector road near the intersection of an arterial road (Figure 1).



Figure 1: Subject land street view.

Regional Official Plan (Consolidated August 2015)

The subject lands are designated 'Built-up Area' within the Urban Area Boundary. Growth Management Objective 4.A.1.2 states the intention of the Regional policies are to direct a significant portion of Niagara's future growth to the *Built-Up Area* through intensification.

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

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

Town of Pelham Official Plan (2014)

The subject lands are designated 'Urban Living Area / Built Boundary'. Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads or are located no further than 100m from an intersection with an arterial or collector road.

Policy B1.1.3 d) states new infill lots may be created through the consent process for ground-oriented detached dwellings so long as the proposed development is similar to and compatible with the established character of the street.

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

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

Access to municipal water services is available for the subject lands and access to municipal sanitary services would be addressed as part of the Consent application conditions via a Development Agreement. The site is positioned on Lookout Street near the intersection with Marlene Stewart Drive, and is nearby to existing commercial uses on Regional Road 20.

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

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

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

It is noted that a site specific Zoning By-law Amendment will be required as a condition of consent for both 1611 and 1613 Lookout Street to correct any zoning deficiencies (lot frontage + lot area) and to rezone 1613 from 'Agricultural' to 'Residential 1'.

Agency and Public Comments

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

To date, the following comments have been received:

- Building Department (May 12, 2017)
 - No comments.
- Public Works Department (May 30, 2017)
 - The proposed lots do not front existing Town of Pelham sanitary gravity sewer main as the existing sanitary sewer ends approximately 8m north of the southern property line for 1611 Lookout Street. It should also be noted that minimum cover restriction may hinder any extension of the existing sewer main based on current elevation information and will need to be addressed as part of the servicing conditions to the satisfaction of the Director of Public Works & Utilities
 - The proposed lots do front existing Town of Pelham 200mmø, PVC watermain.
 - {see conditions}

Public comments received (one) summarized below:

- Comment – The new subdivision surrounding the subject lands (Residences at Lookout Point) included four (4) lots which front Lookout Street directly to the south. These lots were presumably larger to reflect the existing lots on Lookout Street.
 - ✓ The developer of the adjacent subdivision decided on various lot sizes from small to large.
- Comment – The proposed lots will have cramped houses and change the appearance of the street.
 - ✓ The proposed lots are actually rather large for modern developments. The east side of Lookout Street is within the *Urban Area* and is expected to evolve over time.

Planning Staff Comments

A pre-consultation meeting was held with the applicant, agent and staff from the Town on April 6th, 2017. The current application deals with the severance of 2090m² of land (Part 4), from the remnant parcel (Part 1) which is intended for the future use of, and continued use of a (new) single detached residential dwelling, respectively.

The subject lands are located on the east side of Lookout Street just north of the intersection at Marlene Stewart Street and surrounded by:

- South – single detached residential
- East – single detached residential (Figure 2)
- North – telecommunications tower (Figure 2)
- West – golf course / driving range

Municipal water services are available and municipal sanitary sewer services are available for extension, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense from a servicing and land use perspective. The detailed engineering design that the applicant will undertake will address the requirements to extend the sanitary sewer service to the satisfaction of the Town and agencies. The site is conveniently located

on a collector road and near the intersection of Regional Road 20, which is also proximate to commercial uses. The neighbourhood is an evolving one, with the subdivision to the east continuing to develop along with the commercial lands on Highway 20 to the south. The proposed lots are quite large in size and offer a gradual transition from the rural to urban transect.

The subject lands are considered to be a large urban lot that is underutilized with just one single detached dwelling. Allowing the proposed infill development to proceed, means the Town can make more efficient use of the existing *built-up* lands and the existing underground infrastructure available.

Figure 2: Several vantages from 1613 Lookout Street



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

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

Planning staff recommend that the consent **be granted** subject to the following conditions:

THAT the applicant

- Rezone the subject land to an appropriate site specific residential zone.
- Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.

- Submit a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies upon nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- Enters into a Development Agreement with the Town to include the following requirements:
 - Undertake the design and construction of the extension of the municipal sanitary sewer main along Lookout Street northward to the most northern point of the subject land (Part 1), in accordance with requirements of the Ministry of Environment, Region of Niagara & Town of Pelham.
 - Ensure that the servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with current Town standards.
 - Decommissioning of the septic system in accordance with Ministry of Environment and Region of Niagara standards.
 - Installation of entrances as per Town standards.
 - Ensure the extension of the existing sidewalk to the northern limit of the subject land.
 - Provide for the extension of street lighting to the northern limit. This may be achieved through installation of standard cobra-head luminaires on existing hydro poles on the west side of the street.
 - Submit a functional servicing report encompassing all subject properties confirming adequate water pressure is available for proposed new buildings along with adequate fire flows.
 - For existing dwellings that are located south of the proposed development, which could be affected by any work corresponding to the extension of the sanitary sewer main, all servicing for these properties is to be maintained throughout the duration of construction operations to extend said sewer.
 - Trench restoration will be permitted for works corresponding to the extension of the existing sanitary sewer south of 1611 Lookout Street.
 - Full width road resurfacing will be required for works corresponding to the extension of the existing sanitary sewer fronting the proposed property.
 - The owner shall bear all costs associated with these works (design, construction, etc.)
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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



File: B15/2017P

May 12, 2017

Address: Part of lot 3, Concession 7,
1613 Lookout St, Pelham

Owner: Kaiser & Associates Inc.

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

DATE: May 30, 2017
TO: Julie Hannah, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B15/2017P
1613 Lookout Street

We have completed the review of the consent application B15/2017P related to the consent for partial discharge of mortgage and to convey 2090m² of land for single family residential use. 2090m² of land is to be retained for continued single family residential use. This application is being considered concurrently with files B13/2017P and B14/2017P.

Public Works has the following comments:

- The proposed lots do not front existing Town of Pelham sanitary gravity sewer main as the existing sanitary sewer ends approximately 8m north of the southern property line for 1611 Lookout Street. It should also be noted that minimum cover restriction may hinder any extension of the existing sewer main based on current elevation information.
- The proposed lots do front existing Town of Pelham 200mm, PVC, watermain.

Public Works has the following proposed conditions:

- That the owner submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies upon nor negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- That the owner enters into a Development Agreement with the Town to include:
 - Extension of the municipal sanitary sewer main along Lookout Street northward to the most northern point of the subject properties (Part 1), in accordance with requirements of the Ministry of Environment, Region of Niagara, and Town of Pelham.
 - The servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with current Town standards. Decommissioning of all septic to be in accordance with Ministry of Environment and Region of Niagara

- Installation of entrances is to be as per Town of Pelham standards.
- Extension of the existing sidewalk to the northern limit of the subject properties.
- Extension of street lighting to the northern limit. This may be achieved through installation of standard cobrahead luminaires on existing hydro poles on west side of street.
- That the owner submits a functional servicing report encompassing all subject properties ensuring adequate water pressure is available for proposed new buildings along with adequate fire flows.
- For existing dwellings that are located south of the proposed development, which could be affected by any work corresponding to the extension of the sanitary sewer main, all servicing for these properties is to be maintained during the duration the construction operation to extend said sewer.
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- Full width road resurfacing will be required for works corresponding to the extension of the existing sanitary sewer fronting the proposed property.
- The owner shall bear all costs associated with these works (design, construction, etc.)

Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Monday, May 08, 2017 2:35 PM
To: Sarah Leach
Subject: 905-17-233 - 1613 Lookout St. - B13/2017P, B14/2017P, B15/2017P

Hi Sarah,

Re: File No: B13/2017P, B14/2017P, B15/2017P

Details:

- Consent Application
- 1613 Lookout St.
- Part Lot 3 Conc. 7
- Bell File 905-17-233

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

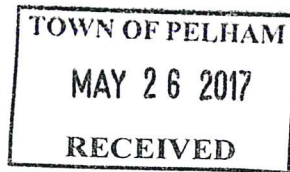
Should you have any questions or concerns, please do not hesitate to contact me.

Thanks,
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way

The Bell logo, consisting of the word "Bell" in a bold, serif font.

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



Lookout Street,
Ridgeville, Ontario,
LOS 1M0

Town of Pelham,
Attention Nancy Bozzato,
Hand delivered

re. Proposed proposed severances on Lookout Street, DWG FILE 17-0048-2&3.

Dear Ms. Bozzato,

I am writing about proposals to subdivide two large lots on Lookout Street to accommodate one existing home and six lots for new homes. When the new subdivision was created between Haist and Lookout, the lots fronting on Lookout were almost twice as wide as those in the main subdivision. This presumably was to make these new lots consistent with the frontages of the existing homes on both sides of Lookout Street. The resulting frontages were about 32M, making them comparable To the narrowest lots on the Street. The two sketches do not show the proposed lots in the context of the existing homes on the street. I have therefore prepared 3 very rough sketches on photo-mosaics which also show the subdivision layout. These sketches are described below.

Applicant's Proposal

This proposal results in 2 new lots with widths of 21.34M and four at 22.86M or about 2/3 the width of any other lot on the street, including those recently built in conjunction with the main subdivision. Assuming that these new homes will be "Macmansions" crammed onto the new lots, this will create an abrupt change in the appearance of the street.

Alternative 1

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Alternative 2

This alternative resolves the problems created by the lot boundary change in Alternative 1 above. Part 1 and 2, on plan 3 would be joined to create single lot of 42.68M, while the lands shown on plan 2 would be divided in 2 to create 2 lots of 43.72M. As a sub-alternative this part would be divided into 3 lots at 30.48M. Slightly less than the smaller existing lots but comparable.

For your consideration,


Stephen Radbone

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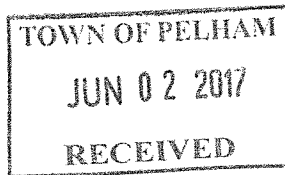
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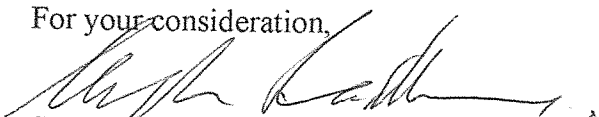
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Stephen Radbone

APPLICANTS' PROPOSAL

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100th Street

100th Street

100th Street

100th Street

June 6, 2017

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

Re: Consent Application B16/2017P (Jasper Michael Pala)
1611 Lookout Street, Pelham
Concession 7, Part of Lot 3
Roll No. 2732 020 010 01300

The subject parcel, shown as Part 2 on the attached sketch, has 21.34m of frontage on the east side of Lookout Street, lying north of Marlene Stewart Drive, being Part of Lot 3, Concession 7, in the Town of Pelham.

Application is made for consent to convey 1951m² of land (Part 2), for single detached residential use. 4459m² of land (Part 3), is to be retained for continued use of the single detached residence known municipally as 1611 Lookout Street.

This application is being considered concurrently with Files: B17/2017P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
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The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement

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

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Policy 2.2.2 Managing Growth – Population will be accommodated by:

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Figure 1: Subject land street view.

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The subject lands are designated 'Built-up Area' within the Urban Area Boundary. Growth Management Objective 4.A.1.2 states the intention of the Regional policies are to direct a significant portion of Niagara's future growth to the *Built-Up Area* through intensification.

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

Access to municipal water services is available for the subject lands and access to municipal sanitary services would be addressed as part of the Consent application conditions via a Development Agreement. The site is positioned on Lookout Street near the intersection with Marlene Stewart Drive, and is nearby to existing commercial uses on Regional Road 20.

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The subject land is zoned 'Residential 1-211' (R1-211) according to the Zoning By-law. The permitted uses include:

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

It is noted that a site specific Zoning By-law Amendment will be required as a condition of consent for both 1611 and 1613 Lookout Street to correct any zoning deficiencies (lot frontage + lot area) and to rezone 1613 from 'Agricultural' to 'Residential 1'.

Agency and Public Comments

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

To date, the following comments have been received:

- Building Department (May 12, 2017)
 - No comments.
- Public Works Department (May 30, 2017)
 - The proposed lots partially front existing Town of Pelham sanitary gravity sewer main as the existing sanitary sewer ends approximately 8m north of the southern property line for 1611 Lookout Street. It should also be noted that minimum cover restriction may hinder any extension of the existing sewer main based on current elevation information and will need to be addressed as part of the servicing conditions to the satisfaction of the Director of Public Works & Utilities
 - The proposed lots do front existing Town of Pelham 200mmø, PVC watermain.
 - It has been noted that there is existing servicing at property line for the dwelling located at 1611 Lookout St which are not currently in service.
 - {see conditions}

Public comments received (one) summarized below:

- Comment – The new subdivision surrounding the subject lands (Residences at Lookout Point) included four (4) lots which front Lookout Street directly to the south. These lots were presumably larger to reflect the existing lots on Lookout Street.
 - ✓ The developer of the adjacent subdivision decided on various lot sizes from small to large.
- Comment – The proposed lots will have crammed houses and change the appearance of the street.
 - ✓ The proposed lots are actually rather large for modern developments. The east side of Lookout Street is within the *Urban Area* and is expected to evolve over time.

Planning Staff Comments

1611 Lookout Street was the subject of a consent application under file B14/2006P to create one new lot for residential use. Despite receiving approval, the owner allowed the conditional severance to lapse, thus leaving one parcel intact.

A pre-consultation meeting was held with the applicant, agent and staff from the Town on April 6th, 2017. The current application deals with the severance of 1951m² of land (Part 2), from the remnant parcel (Part 3) which is intended for the future use of, and continued use of a single detached residential dwelling, respectively.

The subject lands are located on the east side of Lookout Street just north of the intersection at Marlene Stewart Street and surrounded by:

- South – single detached residential
- East – single detached residential (Figure 2)
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- West – golf course / driving range

Municipal water services are available and municipal sanitary sewer services are available for extension, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense from a servicing and land use perspective. The detailed engineering design that the applicant will undertake will address the requirements to extend the sanitary sewer service to the satisfaction of the Town and agencies. The site is conveniently located on a collector road and near the intersection of Regional Road 20, which is also proximate to commercial uses. The neighbourhood is an evolving one, with the subdivision to the east continuing to develop along with the commercial lands on Highway 20 to the south. The proposed lots are quite large in size and offer a gradual transition from the rural to urban transect.

The subject lands are considered to be a large urban lot that is underutilized with just one single detached dwelling. Allowing the proposed infill development to proceed, means the Town can make more efficient use of the existing *built-up* lands and the existing underground infrastructure available.

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

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

Planning staff recommend that the consent **be granted** subject to the following conditions:

THAT the applicant

- Rezone the subject land to an appropriate site specific residential zone.
- Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.
- Submit a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies upon nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- Enters into a Development Agreement with the Town to include the following requirements:
 - Undertake the design and construction of the extension of the municipal sanitary sewer main along Lookout Street northward to the most northern limits of the subject land (Part 1), in accordance with requirements of the Ministry of Environment, Region of Niagara & Town of Pelham.
 - Ensure that the servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with current Town standards.
 - Decommissioning of the septic system in accordance with Ministry of Environment and Region of Niagara standards.
 - Installation of entrances as per Town standards.
 - Ensure the extension of the existing sidewalk to the northern limit of the subject land.
 - Provide for the extension of street lighting to the northern limit. This may be achieved through installation of standard cobra-head luminaires on existing hydro poles on the west side of the street.
 - Submit a functional servicing report encompassing all subject properties confirming adequate water pressure is available for proposed new buildings along with adequate fire flows.

From the Department of



- If the existing services are planned for reuse, confirmation of existing services and condition must be conducted by exposing the services at the property line and visual inspection by Town staff. If the existing services are not to be reused, they are to be decommissioned by disconnecting the water service at the main stop.
- For existing dwellings that are located south of the proposed development, which could be affected by any work corresponding to the extension of the sanitary sewer main, all servicing for these properties is to be maintained throughout the duration of construction operations to extend said sewer.
- Trench restoration will be permitted for works corresponding to the extension of the existing sanitary sewer south of 1611 Lookout Street.
- Full width road resurfacing will be required for works corresponding to the extension of the existing sanitary sewer fronting the proposed property.
- The owner shall bear all costs associated with these works (design, construction, etc.)
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$358, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: B16/2017P

May 12, 2017

Address: Part of lot 3, Concession 7,
1611 Lookout St., Pelham

Owner: Jasper Michael Pala

Agent: Stephen Kaiser

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- The Building Department has no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

DATE: May 30, 2017
TO: Julie Hannah, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B16/2017P
1611 Lookout Street

We have completed the review of the consent application B16/2017P related to the consent for partial discharge of mortgage and to convey 1951m² of land for single family residential use. 4459m² of land is to be retained for continued single family residential use. This application is being considered concurrently with file B17/2017P.

Public Works has the following comments:

- The proposed lots partially front existing Town of Pelham sanitary gravity sewer main as the existing sanitary sewer ends approximately 8m north of the southern property line for 1611 Lookout Street. It should also be noted that minimum cover restriction may hinder any extension of the existing sewer main based on current elevation information.
- The proposed lots do front existing Town of Pelham 200mm, PVC, watermain.
- It has been noted that there is existing servicing at property line for the existing building located on 1611 Lookout Street which are not currently in service.

Public Works has the following proposed conditions:

- That the owner submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies upon nor negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- That the owner enters into a Development Agreement with the Town to include:
 - Extension of the municipal sanitary sewer main along Lookout Street northward to the most northern point of the subject properties (Part 1), in accordance with requirements of the Ministry of Environment, Region of Niagara, and Town of Pelham.

- The servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with current Town standards. Decommissioning of all septic to be in accordance with Ministry of Environment and Region of Niagara
- Installation of entrances is to be as per Town of Pelham standards.
- Extension of the existing sidewalk to the northern limit of the subject properties.
- Extension of street lighting to the northern limit. This may be achieved through installation of standard cobrahead luminaires on existing hydro poles on west side of street.
- That the owner submits a functional servicing report encompassing all subject properties ensuring adequate water pressure is available for proposed new buildings along with adequate fire flows.
- If the existing services are planned for reuse, confirmation of existing services and condition must be conducted by exposing the services at the property line and visual inspection by Town staff. If the existing services are not to be reused, they are to be decommissioned by disconnecting the water service at the main stop.
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- Full width road resurfacing will be required for works corresponding to the extension of the existing sanitary sewer fronting the proposed property.
- The owner shall bear all costs associated with these works (design, construction, etc.)

Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Monday, May 08, 2017 2:37 PM
To: Sarah Leach
Subject: 905-17-234 - 1611 Lookout St. - B16/2017P, B17/2017P

Hi Sarah,

Re: File No: B16/2017P, B17/2017P

Details:

- Consent Application
- 1611 Lookout St.
- Part Lot 3 Conc. 7
- Bell File 905-17-234

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

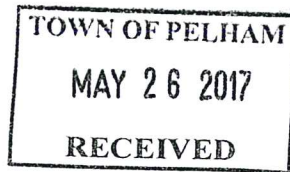
Should you have any questions or concerns, please do not hesitate to contact me.

Thanks,
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way

The Bell logo, consisting of the word "Bell" in a bold, sans-serif font.

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



Lookout Street,
Ridgeville, Ontario,
LOS 1M0

Town of Pelham,
Attention Nancy Bozzato,
Hand delivered

re. Proposed proposed severances on Lookout Street, DWG FILE 17-0048-2&3.

Dear Ms. Bozzato,

I am writing about proposals to subdivide two large lots on Lookout Street to accommodate one existing home and six lots for new homes. When the new subdivision was created between Haist and Lookout, the lots fronting on Lookout were almost twice as wide as those in the main subdivision. This presumably was to make these new lots consistent with the frontages of the existing homes on both sides of Lookout Street. The resulting frontages were about 32M, making them comparable To the narrowest lots on the Street. The two sketches do not show the proposed lots in the context of the existing homes on the street. I have therefore prepared 3 very rough sketches on photo-mosaics which also show the subdivision layout. These sketches are described below.

Applicant's Proposal

This proposal results in 2 new lots with widths of 21.34M and four at 22.86M or about 2/3 the width of any other lot on the street, including those recently built in conjunction with the main subdivision. Assuming that these new homes will be "Macmansions" crammed onto the new lots, this will create an abrupt change in the appearance of the street.

Alternative 1

This alternative retains the larger lot for the existing house but divides the remaining lands into 4 new lots with frontages of about 33.5M or a little more than the narrower lots on the street. This proposal will create problems for the two owners of the existing lots as it changes the existing boundary line between the two properties. But with a little effort this should soluble. It does have the major benefit of retaining a consistent appearance throughout the street.

Alternative 2

This alternative resolves the problems created by the lot boundary change in Alternative 1 above. Part 1 and 2, on plan 3 would be joined to create single lot of 42.68M, while the lands shown on plan 2 would be divided in 2 to create 2 lots of 43.72M. As a sub-alternative this part would divided into 3 lots at 30.48M. Slightly less than the smaller existing lots but comparable.

For your consideration,

[Redacted signature]

Stephen Radbone

APPLICANT'S PROPOSAL

PART 1

PART 2

PART 3

PART 4

PART 1

PART 2

PART 3

WINDY HOLLOW ROAD

WINDY HOLLOW ROAD

WINDY HOLLOW ROAD

ALTERNATIVE 1

PART 1

PART 2

PART 3

PART 4

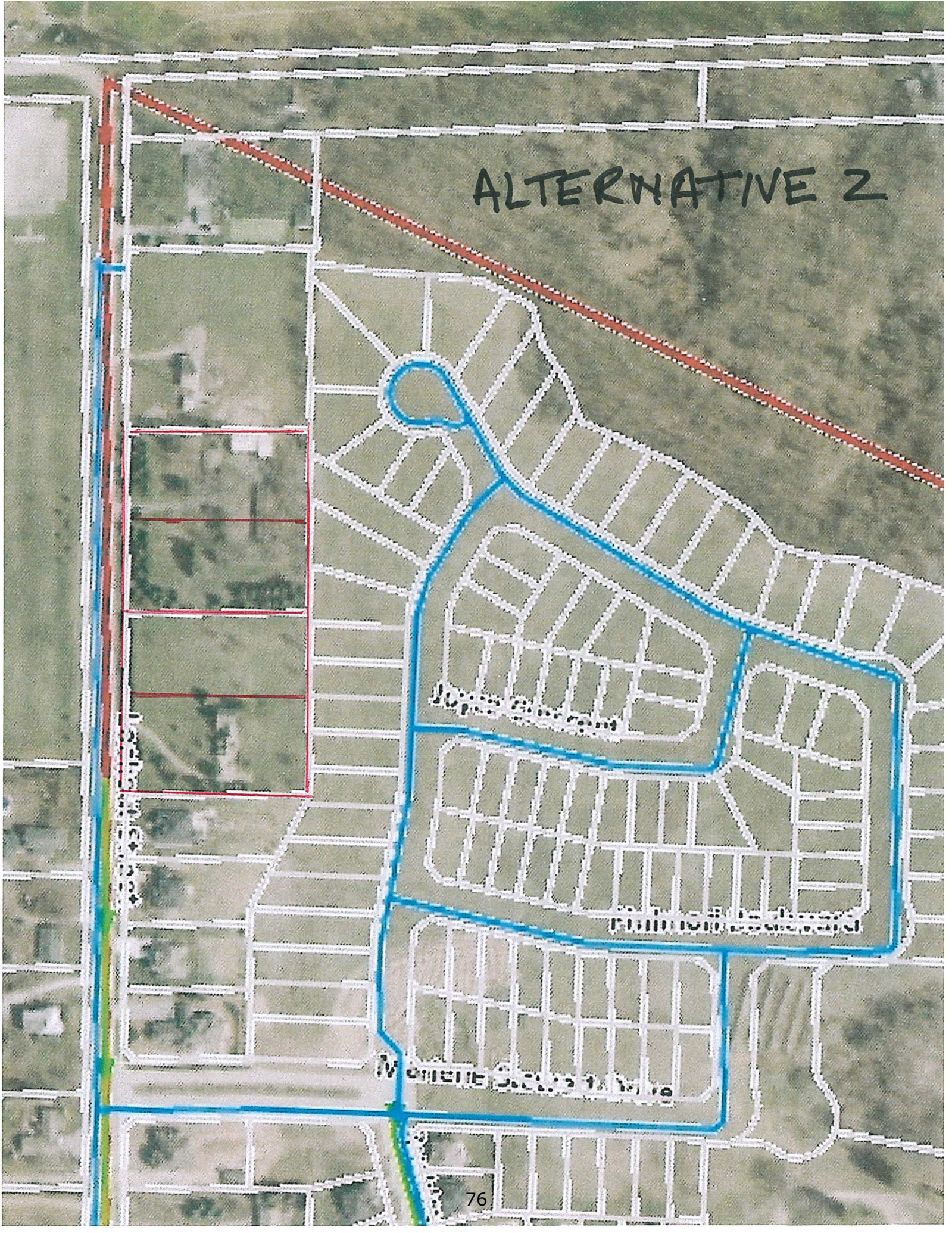
PART 5

Maple Street

Maple Street

Maple Street

ALTERNATIVE 2



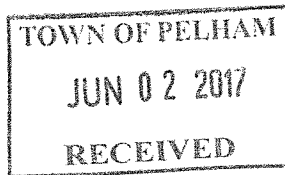
Lester St

Merritt St

Palmer St

Merritt St

76



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LOS 1M0

Town of Pelham,
Attention Nancy Bozzato,
Hand delivered

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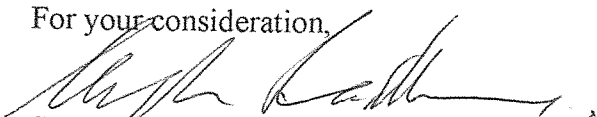
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APPLICANTS' PROPOSAL

- PART 1
- PART 2
- PART 3
- PART 4
- PART 1
- PART 2

100th Street

100th Street

100th Street

100th Street

June 6, 2017

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

Re: Consent Application B17/2017P (Jasper Michael Pala)
1611 Lookout Street, Pelham
Concession 7, Part of Lot 3
Roll No. 2732 020 010 01300

The subject parcel, shown as Part 1 on the attached sketch, has 21.34m of frontage on the east side of Lookout Street, lying north of Marlene Stewart Drive, being Part of Lot 3, Concession 7, in the Town of Pelham.

Application is made for consent to convey 1951m² of land (Part 2), for single detached residential use. 4459m² of land (Part 3), is to be retained for continued use of the single detached residence known municipally as 1611 Lookout Street.

This application is being considered concurrently with Files: B16/2017P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

Provincial Policy Statement (2014)

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement

(PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

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

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

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

Growth Plan for the Greater Golden Horseshoe (Consolidated June 2013)

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. The vision for developing land and managing public resources is grounded in the following principles:

- Building compact, vibrant and complete communities.
- Wisely use the valuable natural resources of land, air and water.
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

Policy 2.2.2 Managing Growth – Population will be accommodated by:

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

The subject land is quite large in size, underutilized and contains just one single detached dwelling with some accessory buildings. The site is located within the *urban area boundary* where water services are available, but the sanitary sewer needs to be extended. The lands are intended to be developed for urban residential uses and are located on a collector road near the intersection of an arterial road (Figure 1).



Figure 1: Subject land street view.

Regional Official Plan (Consolidated August 2015)

The subject lands are designated 'Built-up Area' within the Urban Area Boundary. Growth Management Objective 4.A.1.2 states the intention of the Regional policies are to direct a significant portion of Niagara's future growth to the *Built-Up Area* through intensification.

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

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

Town of Pelham Official Plan (2014)

The subject lands are designated 'Urban Living Area / Built Boundary'. Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting arterial or collector roads or are located no further than 100m from an intersection with an arterial or collector road.

Policy B1.1.3 d) states new infill lots may be created through the consent process for ground-oriented detached dwellings so long as the proposed development is similar to and compatible with the established character of the street.

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;
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Access to municipal water services is available for the subject lands and access to municipal sanitary services would be addressed as part of the Consent application conditions via a Development Agreement. The site is positioned on Lookout Street near the intersection with Marlene Stewart Drive, and is nearby to existing commercial uses on Regional Road 20.

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It is noted that a site specific Zoning By-law Amendment will be required as a condition of consent for both 1611 and 1613 Lookout Street to correct any zoning deficiencies (lot frontage + lot area) and to rezone 1613 from 'Agricultural' to 'Residential 1'.

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Municipal water services are available and municipal sanitary sewer services are available for extension, no environmental features are at risk on the subject land and the proposed lot configuration makes practical sense from a servicing and land use perspective. The detailed engineering design that the applicant will undertake will address the requirements to extend the sanitary sewer service to the satisfaction of the Town and agencies. The site is conveniently located on a collector road and near the intersection of Regional Road 20, which is also proximate to commercial uses. The neighbourhood is an evolving one, with the subdivision to the east continuing to develop along with the commercial lands on Highway 20 to the south. The proposed lots are quite large in size and offer a gradual transition from the rural to urban transect.

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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 conditions:

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- Rezone the subject land to an appropriate site specific residential zone.
- Conduct an archaeological assessment(s) and receive clearance from the Ministry of Tourism, Culture, and Sport.
- Submit a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies upon nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- Enters into a Development Agreement with the Town to include the following requirements:
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From the Department of



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- 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
Planner, B.URPI

Reviewed by,

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

File: B17/2017P

May 12, 2017

Address: Part of lot 3, Concession 7,
1611 Lookout St., Pelham

Owner: Jasper Michael Pala

Agent: Stephen Kaiser

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comments,

- The Building Department has no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

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CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B17/2017P
1611 Lookout Street

We have completed the review of the consent application B17/2017P related to the consent for partial discharge of mortgage and to convey 1951m² of land for single family residential use. 4459m² of land is to be retained for continued single family residential use. This application is being considered concurrently with file B16/2017P.

Public Works has the following comments:

- The proposed lots partially front existing Town of Pelham sanitary gravity sewer main as the existing sanitary sewer ends approximately 8m north of the southern property line for 1611 Lookout Street. It should also be noted that minimum cover restriction may hinder any extension of the existing sewer main based on current elevation information.
- The proposed lots do front existing Town of Pelham 200mm, PVC, watermain.
- It has been noted that there are existing servicing at property line for the existing building located on 1611 Lookout Street which are not currently in service.

Public Works has the following proposed conditions:

- That the owner submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage neither relies upon nor negatively impact neighbouring properties, to the satisfaction of the Director of Public Works & Utilities.
- That the owner enters into a Development Agreement with the Town to include:
 - Extension of the municipal sanitary sewer main along Lookout Street northward to the most northern point of the subject properties (Part 1), in accordance with requirements of the Ministry of Environment, Region of Niagara, and Town of Pelham.

- The servicing works shall include that all lots be individually serviced with a sanitary lateral and water service in accordance with current Town standards. Decommissioning of all septic to be in accordance with Ministry of Environment and Region of Niagara
- Installation of entrances is to be as per Town of Pelham standards.
- Extension of the existing sidewalk to the northern limit of the subject properties.
- Extension of street lighting to the northern limit. This may be achieved through installation of standard cobrahead luminaires on existing hydro poles on west side of street.
- That the owner submits a functional servicing report encompassing all subject properties ensuring adequate water pressure is available for proposed new buildings along with adequate fire flows.
- If the existing services are planned for reuse, confirmation of existing services and condition must be conducted by exposing the services at the property line and visual inspection by Town staff. If the existing services are not to be reused, they are to be decommissioned by disconnecting the water service at the main stop.
- For existing dwellings that are located south of the proposed development, which could be affected by any work corresponding to the extension of the sanitary sewer main, all servicing for these properties is to be maintained during the duration the construction operation to extend said sewer.
- Trench restoration will be permitted for works corresponding to the extension of the existing sanitary sewer south of 1611 Lookout Street.
- Full width road resurfacing will be required for works corresponding to the extension of the existing sanitary sewer fronting the proposed property.
- The owner shall bear all costs associated with these works (design, construction, etc.)

Sarah Leach

From: Moyle, Jacqueline <jacqueline.moyle@bell.ca>
Sent: Monday, May 08, 2017 2:37 PM
To: Sarah Leach
Subject: 905-17-234 - 1611 Lookout St. - B16/2017P, B17/2017P

Hi Sarah,

Re: File No: B16/2017P, B17/2017P

Details:

- Consent Application
- 1611 Lookout St.
- Part Lot 3 Conc. 7
- Bell File 905-17-234

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

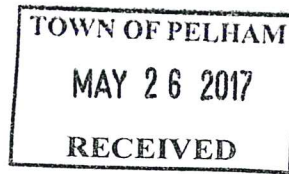
Should you have any questions or concerns, please do not hesitate to contact me.

Thanks,
Jacquie

Jacqueline Moyle
External Liaison
Bell Canada Right of Way

The Bell logo, consisting of the word "Bell" in a bold, serif font.

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



Lookout Street,
Ridgeville, Ontario,
LOS 1M0

Town of Pelham,
Attention Nancy Bozzato,
Hand delivered

re. Proposed proposed severances on Lookout Street, DWG FILE 17-0048-2&3.

Dear Ms. Bozzato,

I am writing about proposals to subdivide two large lots on Lookout Street to accommodate one existing home and six lots for new homes. When the new subdivision was created between Haist and Lookout, the lots fronting on Lookout were almost twice as wide as those in the main subdivision. This presumably was to make these new lots consistent with the frontages of the existing homes on both sides of Lookout Street. The resulting frontages were about 32M, making them comparable To the narrowest lots on the Street. The two sketches do not show the proposed lots in the context of the existing homes on the street. I have therefore prepared 3 very rough sketches on photo-mosaics which also show the subdivision layout. These sketches are described below.

Applicant's Proposal

This proposal results in 2 new lots with widths of 21.34M and four at 22.86M or about 2/3 the width of any other lot on the street, including those recently built in conjunction with the main subdivision. Assuming that these new homes will be "Macmansions" crammed onto the new lots, this will create an abrupt change in the appearance of the street.

Alternative 1

This alternative retains the larger lot for the existing house but divides the remaining lands into 4 new lots with frontages of about 33.5M or a little more than the narrower lots on the street. This proposal will create problems for the two owners of the existing lots as it changes the existing boundary line between the two properties. But with a little effort this should be soluble. It does have the major benefit of retaining a consistent appearance throughout the street.

Alternative 2

This alternative resolves the problems created by the lot boundary change in Alternative 1 above. Part 1 and 2, on plan 3 would be joined to create single lot of 42.68M, while the lands shown on plan 2 would be divided in 2 to create 2 lots of 43.72M. As a sub-alternative this part would be divided into 3 lots at 30.48M. Slightly less than the smaller existing lots but comparable.

For your consideration,


Stephen Radbone

APPLICANT'S PROPOSAL

PART 1

PART 2

PART 3

PART 4

PART 1

PART 2

PART 3

W. 10th Street

W. 11th Street

W. 12th Street

ALTERNATIVE 1

PART 1

PART 2

PART 3

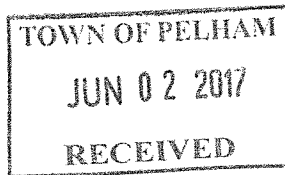
PART 4

PART 5

Maple Street

Maple Street

Maple Street



Lookout Street,
Ridgeville, Ontario,
LOS 1M0

Town of Pelham,
Attention Nancy Bozzato,
Hand delivered

re. Proposed proposed severances on Lookout Street, DWG FILE 17-0048-2&3.

Dear Ms. Bozzato,

I am writing about proposals to subdivide two large lots on Lookout Street to accommodate one existing home and six lots for new homes. When the new subdivision was created between Haist and Lookout, the lots fronting on Lookout were almost twice as wide as those in the main subdivision. This presumably was to make these new lots consistent with the frontages of the existing homes on both sides of Lookout Street. The resulting frontages were about 32M, making them comparable To the narrowest lots on the Street. The two sketches do not show the proposed lots in the context of the existing homes on the street. I have therefore prepared 3 very rough sketches on photo-mosaics which also show the subdivision layout. These sketches are described below.

Applicant's Proposal

This proposal results in 2 new lots with widths of 21.34M and four at 22.86M or about 2/3 the width of any other lot on the street, including those recently built in conjunction with the main subdivision. Assuming that these new homes will be "Macmansions" crammed onto the new lots, this will create an abrupt change in the appearance of the street.

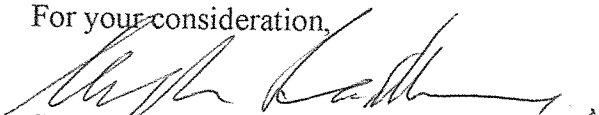
Alternative 1

This alternative retains the larger lot for the existing house but divides the remaining lands into 4 new lots with frontages of about 33.5M or a little more than the narrower lots on the street. This proposal will create problems for the two owners of the existing lots as it changes the existing boundary line between the two properties. But with a little effort this should soluble. It does have the major benefit of retaining a consistent appearance throughout the street.

Alternative 2

This alternative resolves the problems created by the lot boundary change in Alternative 1 above. Part 1 and 2, on plan 3 would be joined to create single lot of 42.68M, while the lands shown on plan 2 would be divided in 2 to create 2 lots of 43.72M. As a sub-alternative this part would divided into 3 lots at 30.48M. Slightly less than the smaller existing lots but comparable.

For your consideration,


Stephen Radbone

APPLICANTS' PROPOSAL

- PART 1
- PART 2
- PART 3
- PART 4
- PART 1
- PART 2

100th Street

100th Street

100th Street

100th Street

Meeting #: CoA-05/2017
Date: Tuesday, May 2, 2017
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
 20 Pelham Town Square, Fonthill

Members Present James Federico
 Wayne Lockey
 John Klassen

Staff Present Nancy Bozzato
 Judy Sheppard

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

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

3. **Disclosure of Pecuniary Interest and General Nature Thereof**

There were no pecuniary interests disclosed by any of the members present.

4. **Requests for Withdrawal or Adjournment**

There were no requests for withdrawal or adjournment received.

5. **Applications for Minor Variance**

5.1 File A14/2017P - Andrea Noreen Stubbings

Purpose of Application:

The subject land is zoned Residential "R2" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of section 6.1(c) to allow a height of 5.8 metres whereas 3.7 metres is allowed, to construct a 1.5 storey garage.

Representation:

Andrea Noreen Stubbings, 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

Comments:

The owner, Andrea Stubbings, 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 James Federico**

Application for relief from section 6.1(c) of the Zoning By-law No. 1136(1987) to allow a height of 5.8 metres whereas 3.7 metres is allowed, to construct a 1.5 storey garage is hereby:

GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the urban context and scale, orientation and distance from the street which helps it appear secondary to the primary dwelling and no negative impacts are anticipated by the adjacent neighbors.**
- 2. The general purpose and intent of the Zoning By-Law is maintained given the situational context while still standing smaller in scale to the principle dwelling and there is plenty of open space on the site. The added height will not adversely impact the residential nature of the lot or the surrounding natural areas of the Niagara Escarpment.**
- 3. The intent of the Official Plan is maintained in that it encourages uses which are compatible with the character of the neighbourhood.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that the variance will allow for appropriate storage**

of personal belongings without causing undue hardships on the neighbours.

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 are required prior to construction commencing for the new accessory building, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

5.2 File A15/2017P - Todd Dube and Sheri Sykes

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 section relief of the following:

Section 7.7(a) - "Maximum Lot Coverage" to allow for 5.5% of lot coverage whereas 1% is allowed for accessory building, and provided the overall lot coverage does not exceed 10%.

Section 7.7(b) - "Minimum Side Yard & Rear Yard" requesting 2.44 metres from the east lot line, whereas 3 metres is required.

Section 7.7(d) - "Maximum Building Height" requesting 4.31 metres height whereas 3.7 metres is allowed.

Representation:

Todd Dube and Sheri Sykes, 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

Comments:

The owners, Todd Dube & Sheri Sykes, had no comments.

Ms. Sykes inquired regarding clarification of the drainage comment in the Planning Report. Ms. Bozzato advised that those concerns will be answered by the Director of Public Works.

Public Comments

There were no comments received from the public.

Members Comments:

Member Federico addressed the comments that were in the Planning Report regarding a shipping container that is located near the eastern lot line.

Mr. Dube advised that he plans to address those concerns with the appropriate Town staff.

Moved By James Federico

Seconded By John Klassen

Application for relief from the following Zoning By-law No.

1136(1987) provisions in Section 7.7:

- 1. Relief from Section 7.7(a) - to permit a maximum lot coverage of 5.5% whereas 1% is allowed for accessory buildings, and provided the overall lot coverage does not exceed 10%; is hereby: GRANTED**
- 2. Relief from Section 7.7(b) to permit a minimum side yard setback of 2.44 metres from the east lot line, whereas 3 metres is required; is hereby: GRANTED**
- 3. Relief from Section 7.7d) to permit a maximum building height of 4.31 metres whereas 3.7 metres is allowed; is hereby: GRANTED**

The above decisions are based on the following reasons:

- 1. The variance is minor in nature in that sufficient distance separates the lot line, providing access to exterior walls therefore, there are no negative impacts anticipated.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that adequate open space is maintained and there are no negative impacts on the rural residential nature of the lot or the surrounding countryside.**
- 3. The intent of the Official Plan is maintained in that there are no negative impacts for any natural heritage feature or neighbouring**

properties.

4. The proposal is desirable for the appropriate development and/or use of the land in that relief will offer more flexibility in terms of property usage.

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 decisions are subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing for the new accessory building, to the satisfaction of the Town of Pelham Chief Building Official.

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

Carried

5.3 File A16/2017P - Daniel and Stephanie Tasich

Purpose of Application:

The subject land is zoned Residential "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of section 6.1(c) for a maximum height of 5.4 metres whereas 3.7 metres is required to facilitate construction of an accessory storage building.

Representation:

Daniel and Stephanie Tasich, registered owner and Jack Barnardi, authorized agent, appeared on behalf of the application.

Correspondence Received:

1. Town of Pelham Planning Department
2. Town of Pelham Building Department

3. Town of Pelham Fire and By-law Services Department

Comments:

The agent, Mr. Barnardi, provided the following comments:

- They agree with the recommendation from the planning department
- The main reason for the proposed design is to minimize the impact on the larger trees to the south

Public Comments:

Robert Hougham, Haist Street, commented on the size of his property, the cost of landscaping and the fact that he had it professionally landscaped with cedar trees and advised that had that proposed structure been there when he purchased his property, he would not have purchased it. He objects to the proposed development because it takes away from their view. Mr. Hougham further commented that there are no trees on that proposed development and there is a second dwelling unit in the basement.

Mr. Barnardi responded to Mr. Hougham's comments by saying that the Zoning By-law controls this development and it is all accessory to a single family dwelling. Mr. Barnardi commented that if there is an assumption that something commercial is going to be developed there, it is not true.

Jeff Reuter, Edward Avenue, commented on the height of the back of the building and the fact that it is a sloping lot which will minimize the impact and he requested that the committee take that into consideration.

Mr. Barnardi advised that factors such as a sloping lot and minimizing height impacts will be considered during the design of the development.

Esther Hougham, Haist Street, inquired regarding the maximum lot coverage for the height and commented that the proposed development is 3 feet from her lot and the fence is 6 feet height which means it will be 3 time the height of her fence which provides very little usable backyard space. She further commented that it has windows.

Members Comments

Mr. Klassen inquired as to whether the Planning Staff has visited the property and taken a look at the view that is in dispute.

Mr. Bernardi commented that in order to further minimize the impact of the view, the applicant would have to remove trees and they would receive much controversy for removing trees.

Mrs. Tasich commented that they will be doing professional landscaping to make the whole yard to flow and look lovely with a seating area. Mrs. Tasich advised that they are retiring and the intent is to have this as their final retirement home/retreat.

Mr. Bernardi commented that the elevations are the same as the south with a gable roof and there will be no windows on that side.

Esther Hougham said she would like to reiterate that the building will be 3 times the length of her house.

Mr. Federico asked Ms. Hougham to remain at the podium and asked her about the trees on her side, whether it is her intent to keep the cedar trees that she had planted during the landscaping and allow them to grow 20 feet.

Ms. Hougham said yes, she plans to keep the cedar trees and let them grow.

Mr. Lockey, Chair, commented that a person has a right to the view to their property line and the proposed building, in our opinion, does not provide a danger to any neighbours or to passing traffic. The height would be needed because of the size of the building, to get proper slope on the roof.

The members had no further comments.

Moved By John Klassen

Seconded By James Federico

Application for relief from section 6.1(c) of the Zoning By-law No. 1136(1987) to increase the maximum height to 5.4 metres whereas 3.7 metres is required, to facilitate construction of an accessory storage building is hereby:

GRANTED

The above decision is based on the following reasons:

1. The variance is minor in nature as the proposed increase in height helps the accessory building to appear secondary to the primary dwelling given the urban context and scale, orientation and distance from the street, therefore no negative impacts are anticipated by the

adjacent neighbors or the users of the Steve Bauer Trail behind the lots.

2. The general purpose and intent of the Zoning By-Law is maintained as the requested height increase allows for adequate open space given the situational context while still standing smaller in scale to the principle dwelling and will not negatively impact the residential nature of the lot or the open space areas to the west (Steve Bauer Trail).

3. The intent of the Official Plan is maintained in that there is some light vegetation scattered around the rear of the lands which buffer the neighbours of the Steve Bauer Trail and users of the trail itself.

4. The proposal is desirable for the appropriate development and/or use of the land in that it will allow for appropriate storage of personal belongings using a smaller building footprint without causing any adverse impacts on the surrounding neighbourhood. It is noted that the accessory building is well designed and will fit into the residential context and is complimentary to the existing dwelling.

5. This application is granted without prejudice to any other application in the Town of Pelham.

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

The above decision is subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing for the new accessory building, to the satisfaction of the Town of Pelham Chief Building Official.

2. That a Niagara Peninsula Conservation Authority permit is required, prior to the issuance of a building permit.

Carried

5.4 File A17/2017P - Lonny and Kathleen Demers

Purpose of Application:

The subject land is zoned Agricultural "A" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicants are seeking relief of section 7.7(d) to permit a maximum building height of 4.3 metres whereas 3.7 metres is allowed, to construct a detached garage.

Representation:

Lonny and Kathleen Demers, 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

Comments:

Mr. Demers advised that they had just applied for the building permit for the house last week.

Public Comments

There were no comments received from the public.

Members Comments

Mr. Klassen questioned whether the applicant is building the garage as a single dwelling apart from the house.

Mr. Demers confirmed he was building a garage as a single dwelling apart from the house.

The members had no further comments.

Moved By James Federico

Seconded By John Klassen

Application for relief from section 7.7(d) of the Zoning By-law No. 1136(1987) to increase the maximum building height to 4.3 metres whereas 3.7 metres is allowed, to facilitate construction of a detached garage, is hereby:

GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the rural context and scale, orientation and distance from the street which helps it appear secondary to the surrounding dwellings and no negative impacts are anticipated by the adjacent neighbors.**
- 2. The general purpose and intent of the Zoning By-Law is maintained given the rural context and mature woodlot encompassing the structure and adequate open space is maintained**

and will not adversely impact the rural residential nature of the lot or the surrounding countryside.

3. The intent of the Official Plan is maintained in that it permits uses which are compatible with the agricultural character.

4. The proposal is desirable for the appropriate development and/or use of the land in that it will allow for improved storage and use of the owner's property without causing any adverse impacts to the neighbours.

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 the location of the proposed garage must be on the east side of the house and there will be no living area / plumbing included within it, to the satisfaction of the Region of Niagara Planning and Development Services, Private Sewage Systems.

2. That the applicant must obtain a building permit for the main use dwelling concurrent with the construction of the garage, to the satisfaction of the Chief Building Official.

3. That all necessary building permits are required prior to construction commencing for the new accessory building, to the satisfaction of the Chief Building Official.

Carried

5.5 File A18/2017P - Bastiaan and Margaretha Brouwer

Purpose of Application:

The subject land is zoned Agricultural "A" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicants are seeking relief of section 7.4(f) to decrease the minimum side yard to 2.5 metres whereas 9 metres is required, to facilitate the construction of an addition to the existing dwelling.

Representation:

Bastiaan and Margaretha Brouwer, 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

Comments:

Mr. and Mrs. Brouwer had no comments:

Public Comments

There were no comments received from the public.

Members Comments

The Members had no comments.

Moved By James Federico

Seconded By John Klassen

Application for relief from section 7.4(f) of the Zoning By-law No. 1136(1987) to reduce the minimum Side Yard setback to 2.5 metres whereas 9 metres is required, to facilitate construction of an addition to the existing dwelling, is hereby:

GRANTED

The above decision is based on the following reasons:

1. **The variance is minor in nature in that storm water runoff will be managed onsite and will not cause any negative impacts on neighbours.**
2. **The general purpose and intent of the Zoning By-Law is maintained in that it maintains a satisfactory setback while maintaining a more usable amenity area.**
3. **The intent of the Official Plan is maintained in that it will not detract from the primary role of the agricultural area to protect land suitable for agricultural production and will have no adverse impact.**
4. **The proposal is desirable for the appropriate development and/or use of the land in that it increases the livable floor space and provides more practical rear yard 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 the applicant must obtain an Niagara Peninsula Conservation Authority (NPCA) Work Permit prior to the issuance of a building permit, to the satisfaction of NPCA.**
- 2. That the applicant must circulate the building permit plans to Niagara Region Private Sewage Systems staff to ensure no increase of sewage flows, and that written confirmation be provided to the Chief Building Official.**
- 3. That all necessary building permits must be obtained prior to construction commencing for the new accessory building, to the satisfaction of the Chief Building Official.**

Carried

5.6 File A19/2017P - Jack and Kathryn Benes

Purpose of Application:

The subject land is zoned Residential 1 "R1" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicant is seeking relief of section 13.2(g) to decrease the minimum rear yard setback to 5.2 metres whereas 7.5 metres is required, to permit construction of an addition to the existing dwelling.

Representation:

Jack Miroslav and Kathryn Ann Benes, 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

Comments:

Mr. Benes advised that the entire first floor of the dwelling will be made accessible.

Public Comments

There were no comments received from the public.

Members Comments

The Members had no comments.

Moved By John Klassen

Seconded By James Federico

Application for relief from section 13.2(g) of Zoning By-law No. 1136(1987) to decrease the minimum rear yard setback to 5.2 metres whereas 7.5 metres is required, to permit construction of an addition to the existing dwelling, is hereby:

GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that the impact is less impactful in scale and proximity.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained in that it will facilitate the appropriate incremental development of an existing house while providing adequate outdoor amenity area.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will provide a more flexible building footprint and allow the owners to construct an accessible kitchen.**
- 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 are required prior to construction commencing for the new accessory building, to the satisfaction of the Chief Building Official.**

Carried

7. Minutes for Approval

Moved By John Klassen

Seconded By Wayne Lockey

That the minutes of the April 4, 2017, Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

Moved By James Federico

Seconded By John Klassen

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned at 5:21 p.m. until the next regular meeting scheduled for June 6, 2017 at 4:00 p.m.

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato