

Committee of Adjustment AGENDA

CoA-07/2017

July 11, 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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7. Minutes for Approval

8. Adjournment

July 11 2017

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

**Re: Minor Variance Application A22/2017P (Groen)
Part of Lot 12, Concession 11
Town of Pelham
Roll No. NA**

The subject land, shown as Part 8 on the attached sketch, is an interior parcel of land situated approximately 365m west of Cream Street with no frontage on a public right-of-way. The property is situated between Foss Road and Sumbler Road being Part of Lot 12, Concession 11 in the Town of Pelham.

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

- **Section 7.4 (a) "Minimum Lot Frontage"** to permit a lot frontage of 5.72m, whereas 46m is required.

The owner will acquire Parts 5 & 7, fronting on Cream Street as part of concurrent consent applications, together with rights-of-way for ingress and egress over Parts 2, 3 & 4. (B18/2017P, B19/2017P & B20/2017P)

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

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

Regional Official Plan (Consolidated August 2015)

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

Policy 5.B.8.1 states in *Good General Agricultural Areas* consents to convey may be permitted if for a lot adjustment for legal or technical reasons such as correction to deeds and minor boundary adjustments which do not result in the creation of a new lot.

From the Department of



The subject application deals with an existing lot of record which was naturally severed as a result of the former Toronto-Hamilton-Buffalo Railway corridor effectively land locking several parcels from their original frontage on Foss Road.

Town of Pelham Official Plan (2014)

The Official Plan designates the subject parcel as 'Good General Agricultural Area'. The purpose of this designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agricultural.

Policy B2.1.3.2 states consents may be granted for technical purposes, such as to correct lot boundaries provided such an application does not create a new lot.

The subject application deals with a landlocked parcel and is intended to reconfigure an adjacent lot to provide for a frontage on Cream Street.

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

The Town of Pelham Zoning By-law identifies the subject parcel as 'Agricultural' (A). Permitted uses include agricultural / greenhouses, one single detached dwelling, home occupations, accessory uses to the foregoing and forestry / conservation uses.

Section 7.4 Regulation for dwellings permitted in the A zone

a) Minimum Lot Frontage	46m
Request	5.72m

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>The proposed lot frontage of 5.72m is minor overall because the reduction will not generally alter the actual mass of the parcel and therefore, the lands which would host a potential dwelling / accessory building are essentially unaltered.</p> <p>The reduced frontage, paired with the concurrent applications, allow the proponents to consolidate what could have otherwise been multiple driveways into a mutual driveway which has less of an impact on the natural heritage systems. No negative impacts are anticipated by the community.</p>
2. The variance is desirable for the development or use of the land.	Reducing the minimum lot frontage to 5.72m is desirable for the subject land because it will recognize the frontage shortfall and give legal status to develop a land locked parcel which would've otherwise continued to be an inaccessible lot.



	<p>Allowing for development of the reconfigured lot increases the value of land which was otherwise empty, under-performing and not contributing to the municipal tax-base because of a historical natural severance caused by the railway corridor.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The proposed reduction in lot frontage maintains the same because it will help correct an unfortunate circumstance caused by a previous natural severance via the Toronto-Hamilton-Buffalo Railway corridor by reconfiguring open space to facilitate a shared road access to Cream Street.</p> <p>The proposed variance is minor overall and will not obstruct any of the purposes or intentions of the Official Plan.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The proposed lot frontage reduction is less than what is required by By-law but still includes a satisfactory frontage for driveway access which would be accomplished through reciprocal rights-of-ways and legalize the inaccessible parcel, as the Zoning By-law was intended to do.</p> <p>Allowing for a reduced lot frontage permits the ability to develop the new parcel which was otherwise vacant, unused and land locked.</p>

On May 29th 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:

- Building Department (June 29, 2017)
 - No comment
- Public Works Department (June 29, 2017)
 - No comment
- Niagara Peninsula Conservation Authority (June 15, 2017)
 - {See appendix}
 - No objections.

No comments were received from the public.

Planning Comments

A pre-consultation meeting was held with the applicant and staff from the Town on February 16, 2017 to discuss the proposed applications. The dwelling situated at 770 Cream Street was constructed approximately one year ago following the extension of Cream Street. The owner of 770 Cream Street approached the owners of the two land locked parcels to discuss potential reconfigured lot boundaries to gain road access onto the improved road. The current application



deals with a reduction to the Zoning By-law's Minimum Lot Frontage requirement which seeks to legalize a potentially reconfigured lot which is being accompanied by one other Minor Variance and three Consent Applications.

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

The authorization of the 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 A22/2017P **be approved** subject to Consent Applications B18/2017P, B19/2017P, B20/2017P and Minor Variance Application A23/2017P being approved.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

File: A22/2017P

June 29, 2017

Address: Part of lot 12, Concession 11,

Owner: Trevor & Kristine Sider

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: June 29, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Matt Sferrazza, Engineering Technologist
RE: File A22/2017P
Part Lot 12, Concession 11

Public Works has completed a review of the variance application A22/2017P seeking to permit a frontage of 5.72m whereas 46m is required. The owner will acquire Parts 5 and 7, fronting Cream Street as part of concurrent consent applications together with rights-of-way for ingress and egress over Parts 2, 3 and 4.

It is noted that this application is being considered concurrently with variance application A23/2017P and conveyance applications B18/2017P, B19/2017P and B20/2017P.

Public Works has no comments.

Judy Sheppard

From: William Underwood
Sent: Wednesday, June 07, 2017 9:30 AM
To: Nancy Bozzato
Cc: Judy Sheppard
Subject: By-law variances

Hi Nancy,

Fire has no comments for variance File A22 and A23/2017P.

Thanks,

Will



William Underwood
Fire Prevention Officer
Fire & By-Law Services

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

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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June 15, 2017

Our File No.: PLCON201700688

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Applications for Consent and Minor Variance,
(B18/2017, B19/2017, B20/2017, A22/2017 and A23/2017)**

The Conservation Authority has reviewed the above noted applications and offers the following comments and recommendations for your hearing.

These applications have been made to facilitate several lot additions in order to provide driveway access to two land locked parcels abutting 770 Cream Street.

NPCA Regulations:

The subject property is traversed by Coyle Creek and is also impacted by the Upper Coyle Creek Wetland Complex. More specifically, the future proposed driveways will cross a portion of the creek and will be in close proximity to the identified wetland. It is noted that staff from the Ministry of Natural Resources and Forestry have recently been on site and have revised the wetland mapping for the property. This revision has resulted in a setback of approximately 11m from the wetland with the proposed new lot line (Part 4).

In accordance with NPCA policies, new development and site alterations are not permitted within a wetland feature. Further, any works proposed within a 30m buffer around the wetland will require NPCA approval (if permitted by the NPCA) and will require a Work Permit from this office.

Additionally, the crossing over Coyle Creek will require a Work Permit from our office prior to the construction of the driveway.

Region of Niagara's Natural Heritage Comments:

The section of Coyle Creek that will be crossed to allow for the future driveways has been identified as a Type 2 Important Fish Habitat. As well, the wetlands located on the property would be considered an Environmental Protection Area (EPA) within the Regional Official Plan.

Regional Policy 7.B.1.11 permits development and site alterations within the adjacent lands of a Fish Habitat and EPA provided it is demonstrated that there will be no negative impacts to the natural features or their ecological functions.

In this particular case, the railway crossing to the north of the subject properties has already heavily disturbed this area and bisected the watercourse. Given this, and due to the scope of the works (future driveway access for existing lots) and nature of the application (Lot Addition/ boundary adjustment), NPCA staff feel that this proposal should not serve to further impact the natural heritage features. Further, all appropriate mitigation measures to ensure protection to the features will be required by the NPCA through our Work Permit process.

Conclusion:

In light of the above, this office offers no objections to the approval of these applications subject to the requirement of obtaining a Permit from the NPCA prior to the commencement of any works on site.

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

Yours truly,



Sarah Mastroianni,
Watershed Planner

cc: Richard Wilson, Senior Development Planner, Niagara Region

July 11 2017

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

**Re: Minor Variance Application A23/2017P (Sider)
Part of Lot 12, Concession 11
Town of Pelham
Roll No. NA**

The subject land, shown as Part 6 on the attached sketch, is an interior parcel of land situated approximately 257.39m west of Cream Street with no frontage on a public right-of-way. The property is situated between Foss Road and Sumbler Road being Part of Lot 12, Concession 11 in the Town of Pelham.

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

- **Section 7.4 (a) "Minimum Lot Frontage"** to permit a lot frontage of 5.72m, whereas 46m is required.

The owner will acquire Part 4, fronting on Cream Street as part of concurrent consent applications, together with rights-of-way for ingress and egress over Parts 2, 3 & 5. (B18/2017P, B19/2017P & B20/2017P)

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

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

Regional Official Plan (Consolidated August 2015)

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

Policy 5.B.8.1 states in *Good General Agricultural Areas* consents to convey may be permitted if for a lot adjustment for legal or technical reasons such as correction to deeds and minor boundary adjustments which do not result in the creation of a new lot.

From the Department of

The subject application deals with an existing lot of record which was naturally severed as a result of the former Toronto-Hamilton-Buffalo Railway corridor effectively land locking several parcels from their original frontage on Foss Road.

Town of Pelham Official Plan (2014)

The Official Plan designates the subject parcel as 'Good General Agricultural Area'. The purpose of this designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agricultural.

Policy B2.1.3.2 states consents may be granted for technical purposes, such as to correct lot boundaries provided such an application does not create a new lot.

The subject application deals with a landlocked parcel and is intended to reconfigure an adjacent lot to provide for a frontage on Cream Street.

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

The Town of Pelham Zoning By-law identifies the subject parcel as 'Agricultural' (A). Permitted uses include agricultural / greenhouses, one single detached dwelling, home occupations, accessory uses to the foregoing and forestry / conservation uses.

Section 7.4 Regulation for dwellings permitted in the A zone

a) Minimum Lot Frontage	46m
Request	5.72m

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>The proposed lot frontage of 5.72m is minor overall because the reduction will not generally alter the actual mass of the parcel and therefore, the lands which would host a potential dwelling / accessory building are essentially unaltered.</p> <p>The reduced frontage, paired with the concurrent applications, allow the proponents to consolidate what could have otherwise been multiple driveways into a mutual driveway which has less of an impact on the natural heritage systems. No negative impacts are anticipated by the community.</p>
2. The variance is desirable for the development or use of the land.	Reducing the minimum lot frontage to 5.72m is desirable for the subject land because it will recognize the frontage shortfall and give legal status to develop a land locked parcel which would've otherwise continued to be an inaccessible lot.



	Allowing for development of the reconfigured lot increases the value of land which was otherwise empty, underperforming and not contributing to the municipal tax-base because of a historical natural severance caused by the railway corridor.
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The proposed reduction in lot frontage maintains the same because it will help correct an unfortunate circumstance caused by a previous natural severance via the Toronto-Hamilton-Buffalo Railway corridor by reconfiguring open space to facilitate a shared road access to Cream Street.</p> <p>The proposed variance is minor overall and will not obstruct any of the purposes or intentions of the Official Plan.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The proposed lot frontage reduction is less than what is required by By-law but still includes a satisfactory frontage for driveway access which would be accomplished through reciprocal rights-of-ways and legalize the inaccessible parcel, as the Zoning By-law was intended to do.</p> <p>Allowing for a reduced lot frontage permits the ability to develop the new parcel which was otherwise vacant, unused and land locked.</p>

On May 29th 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:

- Building Department (June 29, 2017)
 - No comment
- Public Works Department (June 29, 2017)
 - No comment
- Niagara Peninsula Conservation Authority (June 15, 2017)
 - {See appendix}
 - No objections.

No comments were received from the public.

Planning Comments

A pre-consultation meeting was held with the applicant and staff from the Town on February 16, 2017 to discuss the proposed applications. The dwelling situated at 770 Cream Street was constructed approximately one year ago following the extension of Cream Street. The owner of 770 Cream Street approached the owners of the two land locked parcels to discuss potential reconfigured lot boundaries to gain road access onto the improved road. The current application



deals with a reduction to the Zoning By-law's Minimum Lot Frontage requirement which seeks to legalize a potentially reconfigured lot which is being accompanied by one other Minor Variance and three Consent Applications.

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

The authorization of the 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 A23/2017P **be approved** subject to Consent Applications B18/2017P, B19/2017P, B20/2017P and Minor Variance Application A22/2017P being approved.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development

File: A23/2017P

June 29, 2017

Address: Part of lot 12, Concession 11,

Owner: Trevor & Kristine Sider

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- The Building Department has no comment.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: June 29, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Matt Sferrazza, Engineering Technologist
RE: File A23/2017P
Part Lot 12, Concession 11

Public Works has completed a review of the variance application A23/2017P seeking to permit a frontage of 5.72m whereas 46m is required. The owner will acquire Parts 4 fronting Cream Street as part of concurrent consent applications together with rights-of-way for ingress and egress over Parts 2, 3 and 5.

It is noted that this application is being considered concurrently with variance application A22/2017P and conveyance applications B18/2017P, B19/2017P and B20/2017P.

Public Works has no comments.

Judy Sheppard

From: William Underwood
Sent: Wednesday, June 07, 2017 9:30 AM
To: Nancy Bozzato
Cc: Judy Sheppard
Subject: By-law variances

Hi Nancy,

Fire has no comments for variance File A22 and A23/2017P.

Thanks,

Will



William Underwood
Fire Prevention Officer
Fire & By-Law Services

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

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June 15, 2017

Our File No.: PLCON201700688

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Applications for Consent and Minor Variance,
(B18/2017, B19/2017, B20/2017, A22/2017 and A23/2017)**

The Conservation Authority has reviewed the above noted applications and offers the following comments and recommendations for your hearing.

These applications have been made to facilitate several lot additions in order to provide driveway access to two land locked parcels abutting 770 Cream Street.

NPCA Regulations:

The subject property is traversed by Coyle Creek and is also impacted by the Upper Coyle Creek Wetland Complex. More specifically, the future proposed driveways will cross a portion of the creek and will be in close proximity to the identified wetland. It is noted that staff from the Ministry of Natural Resources and Forestry have recently been on site and have revised the wetland mapping for the property. This revision has resulted in a setback of approximately 11m from the wetland with the proposed new lot line (Part 4).

In accordance with NPCA policies, new development and site alterations are not permitted within a wetland feature. Further, any works proposed within a 30m buffer around the wetland will require NPCA approval (if permitted by the NPCA) and will require a Work Permit from this office.

Additionally, the crossing over Coyle Creek will require a Work Permit from our office prior to the construction of the driveway.

Region of Niagara's Natural Heritage Comments:

The section of Coyle Creek that will be crossed to allow for the future driveways has been identified as a Type 2 Important Fish Habitat. As well, the wetlands located on the property would be considered an Environmental Protection Area (EPA) within the Regional Official Plan.

Regional Policy 7.B.1.11 permits development and site alterations within the adjacent lands of a Fish Habitat and EPA provided it is demonstrated that there will be no negative impacts to the natural features or their ecological functions.

In this particular case, the railway crossing to the north of the subject properties has already heavily disturbed this area and bisected the watercourse. Given this, and due to the scope of the works (future driveway access for existing lots) and nature of the application (Lot Addition/ boundary adjustment), NPCA staff feel that this proposal should not serve to further impact the natural heritage features. Further, all appropriate mitigation measures to ensure protection to the features will be required by the NPCA through our Work Permit process.

Conclusion:

In light of the above, this office offers no objections to the approval of these applications subject to the requirement of obtaining a Permit from the NPCA prior to the commencement of any works on site.

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

Yours truly,



Sarah Mastroianni,
Watershed Planner

cc: Richard Wilson, Senior Development Planner, Niagara Region

July 11, 2017

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

**Re: Minor Variance Application A24/2017P (Prantera.Louws)
284 Pancake Lane, Pelham
Part of Lot 5, Concession 9
Roll No. 2732 030 012 05200**

The subject land is located on the southeast corner of Effingham Street and Pancake Lane, having 22.7m of frontage on Effingham Street, being Part of Lot 5, Concession 9 and known municipally as 284 Pancake Lane in the Town of Pelham.

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

- **Section 7.4 (e) "Minimum Exterior Side Yard"** seeking 7.8m whereas 8m is required.
- **Section 7.4 (f) "Minimum Side Yard"** seeking 6.4m whereas 9m is required.
- **Section 7.4 (g) "Minimum Rear Yard"** seeking 1.82m whereas 15m is required.

Proposal is to build an addition onto the existing residential dwelling which includes living space and an attached garage.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

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

Greenbelt Plan, 2017

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

Section 4.5 states that for lands falling within the Protected Countryside, *existing uses* are permitted. Single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force.

Section 4.5.4 states expansions to existing buildings or accessory structures which bring the use

more into conformity with this Plan are permitted subject to a demonstration of the following:

- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and
- b) The use does not expand into *key natural heritage features* or *key hydrologic features* or their associated *vegetation protection zones*.

The proposed variances demonstrate the above requisites.

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 7.4 Requirements for dwellings

- | | | |
|-------------------------------|-----|-----------------|
| e) Minimum Exterior Side Yard | 8m | Request = 7.8m |
| f) Minimum Side Yard | 9m | Request = 6.4m |
| g) Minimum Rear Yard | 15m | Request = 1.82m |

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

Minor Variance Test	Explanation
1. Is the variance minor in nature?	<p>e) The reduction of the exterior side yard setback by 20cm is minor overall because of the neighbourhood context, being located south of the Ridgeville hamlet and just west of the Fonthill settlement area; there are many small, rural residential lots with homes near the street. The 7.8m setback to the garage can still comfortably park vehicles lengthwise without encroaching onto the public road.</p> <p>f) The reduction of the side yard setback is minor overall because the extension will be flush with the south wall of the existing dwelling. The legal non-complying dwelling has not posed any adverse impacts to the abutting neighbour in terms of this setback. The proposed extension will continue to be buffered by a row of vegetation.</p> <p>g) The reduction of the rear yard setback is minor overall because even though by definition, the east yard is to the rear of Effingham Street, the original house was oriented nearest to the east lot line, effectively leaving the 'rear yard' unusable, besides for storage / parking. The subject application actually serves to capitalize on</p>

From the Department of



	<p>the undersized rear yard by erecting an attached garage while maximizing the open space area to the west for an amenity space and to locate the septic system.</p>
<p>2. Is the variance desirable for the development or use of the land?</p>	<p>e) The reduction of the exterior side yard is desirable for the property because it will aid in the accommodation of a modest dwelling on a lot which is unusually small. Even for rural residential lots which are typically 0.4ha in size, the subject land is 0.16ha.</p> <p>f) The reduction of the side yard setback is desirable for the property because it will provide flexibility for house designs on a very small (0.16ha) lot which would otherwise be so constrained, limited value added construction could occur.</p> <p>g) The reduction of the rear yard setback is desirable for the land because it will maximize the amenity area to the west and that which also supports the new septic system.</p>
<p>3. Does the variance maintain the general intent and purpose of the Official Plan?</p>	<p>e) The variance of the exterior side yard setback maintains the intent of the Official Plan because the agricultural character of the area is not compromised any more than what has already transpired with the various rural residential lots developed around the subject land.</p> <p>f) The reduction of the side yard setback does not compromise the general intent of the Official Plan because the community character is maintained, the use is permitted, and no adverse impacts will be felt by neighbours.</p> <p>g) The reduction of the rear yard setback does not compromise the general intent of the Official Plan because the community character is maintained, the use is permitted, and no adverse impacts will be felt by neighbours.</p> <p>The variances are appropriate given the site's rural residential context and meet the general intent of the Town Official Plan policies.</p>
<p>4. Does the variance maintain the general intent and purpose of the Zoning By-law?</p>	<p>e) The variance of the exterior side yard setback maintains the intent of the Zoning By-law because the deviation of 20cm is minimal with respect to how the dwelling will actually alter the streetscape.</p> <p>f) The reduction of the side yard setback maintains the intent of the Zoning By-law because ample spatial separation is maintained for drainage purposes / maintenance of the exterior walls. While still providing adequate separation from the adjacent property to the east.</p> <p>g) The reduction of the rear yard setback maintains the intent of the Zoning By-law for similar reasons;</p>

	drainage can still be dealt accommodated, and maintenance of the exterior walls is certainly manageable with the proposed setback distance to the east lot line.
--	--

On June 8th 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 (June 29, 2017)
 - No comments.
- Fire Department (June 13, 2017)
 - No comments.
- Building Department (June 29, 2017)
 - All necessary permits are required prior to construction commencing.
- Niagara Peninsula Conservation Authority (June 26, 2017)
 - {See appendix}
 - Due to the Highly Vulnerable Aquifer groundwater protection in the area, a Level IV (tertiary) sewage treatment system will be required to be installed which has a 75% nitrogen removal as certified under CAN-BNQ.
 - No objection to the minor variance application.
- Niagara Region Planning and Development Services (June 20, 2017)
 - {See appendix}
 - No record was found for the existing sewage system. An on-site inspection identified a septic tank to the west of the house which is believed to be connected to a legal non-conforming tile bed, also to the west.
 - The additional living space will exceed the 15% rule according the Ontario Building Code resulting in an increase in sewage flows and therefore a new sewage system is required to be installed to accommodate the addition.
 - Sufficient land is available for a replacement system.
 - Due to the Highly Vulnerable Aquifer groundwater protection in the area, a Level IV (tertiary) sewage treatment system will be required.
 - No objection to the minor variance application.

No comments from the public were received.

Planning Comments

The subject land is located on the southeast corner of Effingham Street and Pancake Lane, and is surrounded by rural residential housing on all sides. Planning staff note that the property is 1602m² (0.4 acres) in land area, is not farmed and is considered to be a rural residential lot.

The property falls within the Planning Permit Screening Areas of the Niagara Peninsula Conservation Authority, their full comments are attached.

Figure 1: 284 Pancake Lane - area of proposed addition (as viewed from Pancake Lane)



The subject land is a reasonable distance away from the nearest neighbour (Figure 1), and actually preserves the largest, most practical land for use as the amenity area and the only viable area for a new septic system. Therefore, given the lack of public comments, reducing the exterior side, rear and side yard setbacks will not negatively affect neighbouring properties as adequate spatial separation is still demonstrated and storm water runoff shall be contained on-site.

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.

To address the concerns raised by Niagara Region and NPCA staff, the applicant will be required to replace the septic system, outlined in the conditions.

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 A24/2017P **be approved**, subject to the following conditions:

THAT the applicant

- Obtain a sewage system permit which meets the requirements laid out by the Niagara Peninsula Conservation Authority and Niagara Region.

Submitted by,

Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: A24/2017P

June 29, 2017

Address: 284 Pancake Lane, Pelham

Owner: Joseph Prantera, Alexander Louws & Heather Prantera

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: June 29, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Matt Sferrazza, Engineering Technologist
RE: File A24/2017P
284 Pancake Lane

Public Works has completed a review of the variance application A24/2017P seeking relief to permit the following variances:

- Minimum Exterior Side Yard – seeking 7.8m whereas 8m is required
- Minimum Side Yard – seeking 6.4m whereas 9m is required
- Minimum Rear Yard – seeking 1.82m whereas 15m is required.

The owner is proposing to build an extension onto the existing residential dwelling and an attached garage.

Public Works has no comments.

Judy Sheppard

From: William Underwood
Sent: Tuesday, June 13, 2017 4:15 PM
To: Nancy Bozzato
Cc: Judy Sheppard
Subject: By-Law Variances

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Nancy,

Fire has no comments for the By-Law Variance Files A24 & A25/2017P.

Thanks,

Will



William Underwood
Fire Prevention Officer
Fire & By-Law Services

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

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you

June 26, 2017

Our File No.: PLMV201700691

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

Subject: Application for Minor Variance, (A24/2017P)
CON 9 PT LOT 5
284 Pancake Lane Pelham ON L0S1M0

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the above noted application and offers the following comments for your consideration:

The purpose of the minor variance application is to request relief for the side and rear yard setbacks to permit the construction of an addition to the existing dwelling.

Niagara Peninsula Conservation Authority:

The western lot line is traversed by a tributary to Coyle Creek. The NPCA regulates all proposed development and site alterations within this tributary as well as within 15m of the watercourse. The proposed addition will be located outside of the 15m buffer and will not have any impact to the adjacent tributary.

Niagara Region Natural Heritage:

As per the Memorandum of Understanding (MOU), the NPCA is to review and provide comments on planning applications as they relate to the Natural Environment on the Region's behalf. These comments are provided in that context.

The NPCA, through its work on Drinking Water Source Protection Planning has identified the subject lands as being located within a Highly Vulnerable Aquifer (HVA) area. Regional Policy 7.A.2.9 states that development and site alteration shall not have significant adverse impacts on ground water quality or quantity.

In order to satisfy the above noted policy, NPCA staff would recommend that a tertiary/Level IV septic system be installed which has 75 per cent nitrogen removal as certified under CAN-BNQ.

Conclusion:

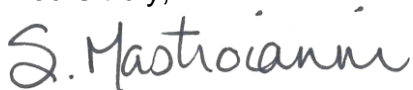
The NPCA would offer no objection to the minor variance application subject to the following condition:

1. That the proposed septic system to be installed at this property meet the requirements laid out in this letter.

Please send notice of the Committee's decision.

I trust this information will be of assistance to you. Should you have any further questions, please do not hesitate to contact me.

Yours truly,



Sarah Mastroianni,
Watershed Planner

cc: Caitlin Wood, Private Sewage System Inspector, Region of Niagara

Via Email Only

June 20, 2017

Our File: MV 17-029

Nancy Bozzato
Town Clerk/Secretary-Treasurer
Town of Pelham
20 Pelham Town Square P.O.Box 400
Fonthill Ontario
L0S 1E0

Dear Ms. Bozzato,

Re: Application for Minor Variance

Applicant: Joseph , Alexander & Heather Prantera

Location: 284 Pancake Lane, Town of Pelham

Town File: A24/2017P

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 has reviewed the application for the proposed construction of an addition to the existing dwelling with attached garage. No record was found for the installation of the existing sewage system on the property however, during our inspection a septic tank was located on the western side of the dwelling which is believed to be connected to a legal non-conforming tile bed, also located to the west. No visual defects were found at the time of our inspection and enough usable area is available on the lot for the installation of a new sewage system.

After speaking with the applicant, it was confirmed that 37 square meters of additional living space will be added to the existing 72 square meter dwelling. According to the Ontario Building Code, this additional living space over 15% of existing area results in an increase in sewage flows and therefore a new sewage system is required to be installed to accommodate the addition. Please note, the garage and unenclosed porch were not included in the living space calculations. Since the property is also within an area subject to groundwater protection (Highly Vulnerable Aquifer) and (increased development is occurring/development on the site is intensifying), a Level IV (tertiary) treatment system will be required as part of the new sewage system installation.

Therefore, we have no objection to the minor variance application, provided a sewage system permit including Level IV treatment is applied for through our department.

Sincerely,



Caitlin Wood
Private Sewage System Inspector
Planning and Development Services

c: Justin Noort, Development Approvals Technician, Development Services Division
Rick Wilson, Senior Planner, Development Services Division

July 11, 2017

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

**Re: Minor Variance Application A25/2017P (Moncrieff.Daurio)
264 Highway 20 West (Regional Road 20), Pelham
Part of Lot 5, Concession 8, Part 2 on 59R-7448
Roll No. 2732 020 010 13200**

The subject land is located on the south side of Highway 20 West, lying east of Effingham Street, being Part of Lot 5, Concession 8 and known municipally as 264 Hwy 20 West 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 b) "Minimum Side & Rear Yard"** to allow a 1.22m easterly side yard setback whereas 3m is required, to facilitate the construction of a detached garage.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

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

Greenbelt Plan, 2017

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

Section 4.5 states that for lands falling within the Protected Countryside, *existing uses* are permitted. Single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force.

Section 4.5.4 states expansions to existing buildings or accessory structures which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:

- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and
- b) The use does not expand into *key natural heritage features* or *key hydrologic features* or their associated *vegetation protection zones*.

The proposed variance demonstrates the above requisites.

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
 b) Minimum Side Yard & Rear Yard 3m Request = 1.22m

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

Minor Variance Test	Explanation
1. Is the variance minor in nature?	b) Reducing the easterly side yard setback to 1.22m is minor overall because sufficient distance still separates the lot line, providing access to exterior walls and the lot can accommodate drainage.
2. Is the variance desirable for the development or use of the land?	b) Reducing the required minimum side yard setback to 1.22m is desirable for the subject land because it will allow for greater use of the existing rear yard amenity space and because adequate separation is provided between the existing lot to the east.
3. Does the variance maintain the general intent and purpose of the Official Plan?	b) The variance to reduce the minimum side yard setback for the proposed accessory building does not compromise the intent of the Official Plan because rural aesthetics are maintained and no negative impacts should be felt by neighbours as drainage must be contained on site. Further, by reducing the side yard setback, greater distance buffers the proposed garage from the Greenbelt Natural Heritage Systems to the west. The variance is appropriate given the site's rural context and meets the general intent of the Town Official Plan policies.
4. Does the variance maintain the general intent and purpose of the Zoning By-law?	b) Reducing the easterly side yard setback for the proposed accessory building to 1.22m from a required 3m maintains the intent of the Zoning By-law because some spatial separation is maintained for drainage purposes / maintenance of the exterior walls. While

From the Department of



**Community Planning
& Development**

	still providing adequate separation from the adjacent property to the east.
--	---

On June 12th 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 (June 29, 2017)
 - No comments.
- Fire Department (June 13, 2017)
 - No comments.
- Building Department (June 29, 2017)
 - All necessary permits are required prior to construction commencing.
- Niagara Peninsula Conservation Authority (June 19, 2017)
 - {See appendix}
 - No concerns with the location of the proposed garage from a slope stability perspective.
 - The proposed garage will be located along the eastern lot line, as far away from the adjacent woodland as possible. NPCA staff consulted with the applicant and understands that a recently installed septic system is located in between the woodland and the proposed location of the garage.
 - No objections.
- Niagara Region Planning and Development Services (June 21, 2017)
 - {See appendix}
 - Proposed garage meets required setbacks to the septic tank / bed; however, the access to the rear yard (for servicing the sewage system) would be cut off with the placement of the garage as indicated on the site plan.
 - The location of the garage should be moved to allow for access to the rear yard while upholding the required setbacks to the sewage system.
 - We cannot approve the application as submitted.

Planning Comments

Planning staff note that the property is 0.37ha in land area, is not farmed and is considered to be a rural residential lot.

The subject land is located near the bottom of a topographic depression along Highway 20 West, and is surrounded by the following uses:

- North – Rural residential housing, and woodlands
- East – Rural residential housing
- South – Agricultural land, woodlands
- West – Agricultural land, woodlands and one single detached dwelling



Figure 1: 264 Highway 20 West (rear yard looking towards road)

The subject land is a reasonable distance away from any neighbours (Figure 1) and the proposed accessory building would be secondary in massing and orientation located to the rear of the existing residences. Therefore, reducing the side yard setback will not negatively affect any neighbouring properties as adequate spatial separation is maintained through setbacks and storm water runoff shall be contained on-site.

The property falls within the Planning Permit Screening Areas of the Niagara Peninsula Conservation Authority, their full comments are attached.

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.

To address the concerns raised by Niagara Region staff, it is recommended that the garage be moved back to achieve a 3m setback between the nearest corner of the dwelling and the garage so that there is appropriate space to access the septic system for maintenance servicing. It is noted that the garage must still maintain a minimum setback of 5m to the septic bed and 1.5m to the septic tank. There appears to be adequate space to achieve these setback requirements.

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 A25/2017P be **approved**, subject to the following conditions:

THAT the applicant

- Relocate the proposed accessory building in order to maintain a 3m setback between the nearest corner of the dwelling and that of the proposed detached garage for rear yard access and to maintain the required 1.5m setback to the septic tank and 5m to the septic bed.

Submitted by,

Curtis Thompson
Planner, B.URPI

Reviewed by,

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

File: A25/2017P

June 29, 2017

Address: 264 Hwy 20, Pelham

Owner: Matthew Moncrieff & Louise Daurio

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required prior to construction commencing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Memorandum

Public Works Department - Engineering

DATE: June 29, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Andrea Clemencio, Director of Public Works & Utilities
FROM: Matt Sferrazza, Engineering Technologist
RE: File A25/2017P
264 Highway 20 West

Public Works has completed a review of the variance application A25/2017P seeking relief to permit the following variances:

- Minimum Side Yard & Rear Yard – seeking 1.22m whereas 3m is required

The owner is proposing to build a detached garage.

Public Works has no comments.

Judy Sheppard

From: William Underwood
Sent: Tuesday, June 13, 2017 4:15 PM
To: Nancy Bozzato
Cc: Judy Sheppard
Subject: By-Law Variances

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Nancy,

Fire has no comments for the By-Law Variance Files A24 & A25/2017P.

Thanks,

Will



William Underwood
Fire Prevention Officer
Fire & By-Law Services

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

177 Highway 20 West
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Fonthill, ON L0S 1E0

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

June 19, 2017

Our File No.: PLMV201700727

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Application for Minor Variance, (A25/2017)
264 HWY 20**

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

This application has been made to seek relief of the required side yard setbacks for the purpose of constructing a detached garage.

NPCA Regulations:

NPCA mapping suggests that there are areas on this property that can be considered as having rolling topography and steeper slopes. The proposed detached garage will not impact these areas. As such, there are no concerns with this proposal from a slope stability perspective.

Niagara Region Natural Heritage Comments:

The Region of Niagara's Core Natural Heritage Map has identified a Significant Woodland along the south and west sections of the property. As this area also falls within the Natural Heritage System of the Greenbelt, this woodlot is considered to be an Environmental Protection Area (EPA). In accordance with Regional Policy 7.B.1.10, no new development is permitted within an EPA unless for conservation uses, wildlife management and passive recreational uses. The proposed garage will not be located within the EPA, however, it will be located within the adjacent lands of the feature.

Typically, a 30m vegetation protection zone is required for all new development and site alterations adjacent to an EPA located within the Natural Heritage System. In this particular case, the lot is not wide enough to meet this requirement for the proposed garage. In accordance with the Regional and Provincial policies, expansions to existing uses are permitted within Key Natural Heritage Features provided there is no reasonable alternative location and the works are directed away from the feature to the maximum extent possible. The impact on the feature must also be minimized to the maximum extent possible

The detached garage will be located along the eastern lot line, as far away from the adjacent woodland as possible. Further, after consultation with the applicant, NPCA staff understand that the proposed garage will be located further from the adjacent woodland than a recently installed septic bed and tank. As the proposed garage will be located as far from the woodland as possible on this lot and there is existing development and site alterations located closer to the woodland than the proposed building, NPCA staff are of the opinion that the approval of this proposal will not serve to negatively impact the adjacent natural features or their ecological functions.

Conclusion:

The Conservation Authority does not have any objections to the approval of this minor variance application.

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

Yours truly,

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

Sarah Mastroianni,
Watershed Planner

June 21, 2017

Via Email Only

Our File: MV-17-030

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: Matthew Moncrieff & Louise Daurio
Location: 264 Hwy 20 West, Pelham
Town File: A25/2017P

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

Private Sewage System Review

According to the plan submitted, the application is to permit the construction of a detached garage with requested relief regarding side yard setback. A septic permit was recently issued by our Department for the installation of a replacement sewage system located in the rear yard. The installation has now been completed but the final permit has yet to be issued. Although the proposed garage meets with the required setback distances from the sewage system (1.5 m to tank and 5 m to tile bed), the access to the rear yard would be cut off with the placement of the garage along the east lot line as indicated on the plan. Access to the rear yard is required for servicing of the sewage system, including septic tank pump out and repairs to the tile bed.

Therefore, we cannot approve of the application as submitted. The location of the garage should be moved so that access to the rear yard is made available and the setback requirements from the septic system continue to be met.

Yours truly,



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

cc: Justin Noort, Development Approvals Technician

July 11, 2017

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

**Re: Consent Application B18/2017P (Groen)
770 Cream Street, Pelham
Part of Lot 12, Concession 11
Roll No. 2732 010 018 00101**

The subject parcel, shown as Part 4 on the attached sketch, being Part of Lot 12, Concession 11, in the Town of Pelham has 5.72m of frontage on the west side of Cream Street, lying south of Foss Road.

Application is made for consent to partial discharge of mortgage and to convey 1287m² (Part 4) of land to merge with the abutting lot to the west (Part 6), subject to a right-of-way in perpetuity to benefit of Parts 5, 7 & 8. Application is also made for consent to convey a right-of-way in perpetuity over Parts 2 and 3, to the benefit of Parts 4, 5, 6, 7 & 8 for use as a shared driveway for ingress and egress purposes. Parts 1, 2 & 3 are to be retained for continued use of the dwelling known municipally as 770 Cream Street.

This application is being considered concurrently with Minor Variance Files: A22/2017P & A23/2017P, and Consent Files: B19/2017P and B20/2017P.

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

Regional Official Plan (Consolidated August 2015)

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

Policy 5.B.8.1 states in *Good General Agricultural Areas* consents to convey may be permitted if for a lot adjustment for legal or technical reasons such as correction to deeds and minor boundary adjustments which do not result in the creation of a new lot.

The subject application deals with an existing lot of record which was naturally severed as a result of the former Toronto-Hamilton-Buffalo Railway corridor effectively land locking several parcels from their original frontage on Foss Road.

Town of Pelham Official Plan (2014)

The Official Plan designates the subject parcel as 'Good General Agricultural Area'. The purpose of this designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agricultural.

Policy B2.1.3.2 states consents may be granted for technical purposes, such as to correct lot boundaries provided such an application does not create a new lot.

The subject application deals with a landlocked parcel and is intended to reconfigure an adjacent lot to provide for a frontage on Cream Street.

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

The Town of Pelham Zoning By-law identifies the subject parcel as 'Agricultural' (A). Permitted uses include agricultural / greenhouses, one single detached dwelling, home occupations, accessory uses to the foregoing and forestry / conservation uses.

Section 6.4 states no person shall erect and building in any zone unless the lot fronts upon an improved street (public highway, not including a private lane).

The consent application seeks to legalize the lots by way of providing frontage onto a public road.



Agency and Public Comments

On May 29th, 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:

- Public Works Department (June 30, 2017)
 - See conditions.
- Building Department (June 29, 2016)
 - The Building Department and Drainage Superintendent offer no comment at this time.
- Niagara Peninsula Conservation Authority (June 15, 2017)
 - {See appendix for full comments}
 - The railway crossing to the north of the subject lands has already heavily disturbed this area and bisected the watercourse. Given this, and due to the scope of the works (future driveway access for existing lots) and nature of the application (Lot addition / boundary adjustment), NPCA staff feel that this proposal should not serve to further impact the natural heritage features. Further, all appropriate mitigation measures to ensure protection to the features will be required by the NPCA through our Work Permit process.
 - No objections to the approval of these consent and minor variance applications subject to the requirement of obtaining an NPCA Work Permit prior to the commencement of any works on site.
- Niagara Region Planning & Development Services (July 7, 2017)
 - {See appendix}
 - Not opposed to boundary adjustments provided conditions are met.

Planning Staff Comments

The current application deals with a consent to partial discharge of mortgage and to convey Part 4 to merge with the abutting lot to the west (Part 6), subject to a right-of-way in perpetuity to the benefit of Parts 5, 7 & 8. Application is also made for consent to convey a right-of-way in perpetuity over Parts 2 & 3 to the benefit of Parts 4, 5, 6, 7 & 8 for use as a shared driveway for ingress / egress. Parts 1, 2 & 3 are to be retained for the continued use of the dwelling known municipally as 770 Cream Street.

A pre-consultation meeting was held with the applicant and staff from the Town on Thursday, February 16, 2017 to discuss the proposed applications. The dwelling situated at 770 Cream Street was constructed approximately one year ago following the extension of Cream Street. The owner of 770 Cream Street approached the owners of the two land locked parcels to discuss potential reconfigured lot boundaries to gain road access onto the improved road. At the meeting, staff discussed the need to confirm that the two land locked parcels are legally existing separate lots of record. This confirmation was required since policy does not permit new lot creation in the Agricultural Area for non-agricultural uses. Town staff conducted a title search and the Town's counsel has accepted the results of two separate land locked lots.



During the pre-consult, the need for an Environmental Impact Study (EIS) was raised due to the proposed development being located in proximity to a Provincially Significant Wetland (PSW). In follow up, a site visit was conducted by staff from the Ministry of Natural Resources & Forestry which resulted in a revised PSW. As a result, the NPCA through correspondence (see appendix) could be supportive of a consent which keeps the new lot lines at least 11m away from the new PSW boundary. NPCA staff also note that any works within 30m of the PSW will require a Works Permit from their office. At that point, the need for an EIS will be reviewed again, however, if the NPCA feels that by requesting certain mitigation measures to ensure no negative impacts to the adjacent wetlands through the Permit process, the need for an EIS may not be necessary.

It should be noted that in this particular site context, the former railway corridor abutting to the north has already heavily disturbed the ecological integrity of the area and bisected the watercourse. Given this, and due to the scope of the works proposed, NPCA staff feel that this proposal should not serve to further impact the natural heritage features.

Planning staff visited the site and note the recently extended Cream Street turn-around bulb is surrounded by a large and dense Significant Woodland. The existing driveway to 770 Cream Street (Figure 1) is planned to be a mutual driveway for the 3 reconfigured lots.



Figure 1: 770 Cream St frontage

Planning staff is of the opinion that the proposal is an appropriate boundary adjustment which serves to correct a landlocked parcel which was deeded as a result of the former natural severance caused by the Toronto-Hamilton-Buffalo Railway corridor bisecting existing lots of records.

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

- Merge Part 5 and 7 with Part 8.
- Merge Part 4 with Part 6.

- Obtain the appropriate NPCA Work Permit(s) prior to any on-site works commencing for the installation of the driveway.
- Re-register the existing easement onto the severed parcels for Parts 4 & 5 because Parts 4 & 5 cross an existing easement in favour of the Town, for the use of the turn-around-bulb. The applicant shall bear all costs associated with these works.
- Submit and receive an approved Driveway Entrance and Culvert Permit, issued through the Public Works Department for the installation / modification of the existing entrance. As this access is being proposed to be shared, it will be required that it is constructed wide enough to allow for unimpeded two-way traffic movement. The applicant shall bear all costs associated with these works.
- 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: B18/2017P

June 29, 2017

Address: Part of lot 12, Concession 11,
770 Cream St, Pelham

Owner: Gary & Meredith Groen

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: June 30, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B18/2017P
770 Cream Street

We have completed the review of the consent application B18/2017P related to the consent for partial discharge of mortgage and to convey 1287m² of land to merge with the abutting lot to the west, subject to a right-of-way in perpetuity to the benefit of Parts 5, 7 and 8. Application is also made for consent to convey a right of way in perpetuity over Parts 2 and 3, to the benefit of Parts 4, 5, 6, 7 and 8 for use as a shared driveway for ingress and egress purposes.

It is noted that this application is being considered concurrently with Minor Variance Files A22/2017P and A23/201P, Consent File B19/2017P and B20 2017P.

Public Works has the following suggested conditions:

- As Parts 4 and 5 of the proposed severed properties cross an existing easement in favour of the Town, for the use of the turn-around-bulb, the applicant shall re-register this existing easement onto the severed parcels for Parts 4 and 5. The applicant shall bear all costs associated with this work.
- The applicant shall submit and receive an approved Driveway Entrance and Culvert Permit, issued through the Public Works Department, for the installation/modification of the exiting entrance. As this access is being proposed to be shared, it will be required that it is constructed wide enough to allow for unimpeded two-way traffic to enter and exit the property. The applicant shall bear all costs associated with this work.

June 15, 2017

Our File No.: PLCON201700688

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Applications for Consent and Minor Variance,
(B18/2017, B19/2017, B20/2017, A22/2017 and A23/2017)**

The Conservation Authority has reviewed the above noted applications and offers the following comments and recommendations for your hearing.

These applications have been made to facilitate several lot additions in order to provide driveway access to two land locked parcels abutting 770 Cream Street.

NPCA Regulations:

The subject property is traversed by Coyle Creek and is also impacted by the Upper Coyle Creek Wetland Complex. More specifically, the future proposed driveways will cross a portion of the creek and will be in close proximity to the identified wetland. It is noted that staff from the Ministry of Natural Resources and Forestry have recently been on site and have revised the wetland mapping for the property. This revision has resulted in a setback of approximately 11m from the wetland with the proposed new lot line (Part 4).

In accordance with NPCA policies, new development and site alterations are not permitted within a wetland feature. Further, any works proposed within a 30m buffer around the wetland will require NPCA approval (if permitted by the NPCA) and will require a Work Permit from this office.

Additionally, the crossing over Coyle Creek will require a Work Permit from our office prior to the construction of the driveway.

Region of Niagara's Natural Heritage Comments:

The section of Coyle Creek that will be crossed to allow for the future driveways has been identified as a Type 2 Important Fish Habitat. As well, the wetlands located on the property would be considered an Environmental Protection Area (EPA) within the Regional Official Plan.

Regional Policy 7.B.1.11 permits development and site alterations within the adjacent lands of a Fish Habitat and EPA provided it is demonstrated that there will be no negative impacts to the natural features or their ecological functions.

In this particular case, the railway crossing to the north of the subject properties has already heavily disturbed this area and bisected the watercourse. Given this, and due to the scope of the works (future driveway access for existing lots) and nature of the application (Lot Addition/ boundary adjustment), NPCA staff feel that this proposal should not serve to further impact the natural heritage features. Further, all appropriate mitigation measures to ensure protection to the features will be required by the NPCA through our Work Permit process.

Conclusion:

In light of the above, this office offers no objections to the approval of these applications subject to the requirement of obtaining a Permit from the NPCA prior to the commencement of any works on site.

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

Yours truly,



Sarah Mastroianni,
Watershed Planner

cc: Richard Wilson, Senior Development Planner, Niagara Region

July 11, 2017

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

**Re: Consent Application B19/2017P (Groen)
770 Cream Street, Pelham
Part of Lot 12, Concession 11
Roll No. 2732 010 018 00101**

The subject parcel, shown as Part 5 on the attached sketch, being Part of Lot 12, Concession 11, in the Town of Pelham has 5.72m of frontage on the west side of Cream Street, lying south of Foss Road.

Application is made for consent to partial discharge of mortgage and to convey 1287m² (Part 5) of land to merge with the abutting lot to the west (Parts 7 & 8), subject to a right-of-way in perpetuity to benefit of Parts 4 & 6. Application is also made for consent to convey a right-of-way in perpetuity over Parts 2 and 3, to the benefit of Parts 4, 5, 6, 7 & 8 for use as a shared driveway for ingress and egress purposes. Parts 1, 2 & 3 are to be retained for continued use of the dwelling known municipally as 770 Cream Street.

This application is being considered concurrently with Minor Variance Files: A22/2017P & A23/2017P, and Consent Files: B18/2017P and B20/2017P.

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

Regional Official Plan (Consolidated August 2015)

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

Policy 5.B.8.1 states in *Good General Agricultural Areas* consents to convey may be permitted if for a lot adjustment for legal or technical reasons such as correction to deeds and minor boundary adjustments which do not result in the creation of a new lot.

The subject application deals with an existing lot of record which was naturally severed as a result of the former Toronto-Hamilton-Buffalo Railway corridor effectively land locking several parcels from their original frontage on Foss Road.

Town of Pelham Official Plan (2014)

The Official Plan designates the subject parcel as 'Good General Agricultural Area'. The purpose of this designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agricultural.

Policy B2.1.3.2 states consents may be granted for technical purposes, such as to correct lot boundaries provided such an application does not create a new lot.

The subject application deals with a landlocked parcel and is intended to reconfigure an adjacent lot to provide for a frontage on Cream Street.

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

The Town of Pelham Zoning By-law identifies the subject parcel as 'Agricultural' (A). Permitted uses include agricultural / greenhouses, one single detached dwelling, home occupations, accessory uses to the foregoing and forestry / conservation uses.

Section 6.4 states no person shall erect and building in any zone unless the lot fronts upon an improved street (public highway, not including a private lane).

The consent application seeks to legalize the lots by way of providing frontage onto a public road.

Agency and Public Comments

On May 29th, 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:

- Public Works Department (June 30, 2017)
 - See conditions.
- Building Department (June 29, 2016)
 - The Building Department and Drainage Superintendent offer no comment at this time.
- Niagara Peninsula Conservation Authority (June 15, 2017)
 - {See appendix for full comments}
 - The railway crossing to the north of the subject lands has already heavily disturbed this area and bisected the watercourse. Given this, and due to the scope of the works (future driveway access for existing lots) and nature of the application (Lot addition / boundary adjustment), NPCA staff feel that this proposal should not serve to further impact the natural heritage features. Further, all appropriate mitigation measures to ensure protection to the features will be required by the NPCA through our Work Permit process.
 - No objections to the approval of these consent and minor variance applications subject to the requirement of obtaining an NPCA Work Permit prior to the commencement of any works on site.
- Niagara Region Planning & Development Services (July 7, 2017)
 - {See appendix}
 - Not opposed to boundary adjustments provided conditions are met.

Planning Staff Comments

The current application deals with a consent to partial discharge of mortgage and to convey Part 5 to merge with the abutting lot to the west (Parts 7 & 8), subject to a right-of-way in perpetuity to the benefit of Parts 4 & 6. Application is also made for consent to convey a right-of-way in perpetuity over Parts 2 & 3 to the benefit of Parts 4, 5, 6, 7 & 8 for use as a shared driveway for ingress / egress. Parts 1, 2 & 3 are to be retained for the continued use of the dwelling known municipally as 770 Cream Street.

A pre-consultation meeting was held with the applicant and staff from the Town on Thursday, February 16, 2017 to discuss the proposed applications. The dwelling situated at 770 Cream Street was constructed approximately one year ago following the extension of Cream Street. The owner of 770 Cream Street approached the owners of the two land locked parcels to discuss potential reconfigured lot boundaries to gain road access onto the improved road. At the meeting, staff discussed the need to confirm that the two land locked parcels are legally existing separate lots of record. This confirmation was required since policy does not permit new lot creation in the Agricultural Area for non-agricultural uses. Town staff conducted a title search and the Town's counsel has accepted the results of two separate land locked lots.



During the pre-consult, the need for an Environmental Impact Study (EIS) was raised due to the proposed development being located in proximity to a Provincially Significant Wetland (PSW). In follow up, a site visit was conducted by staff from the Ministry of Natural Resources & Forestry which resulted in a revised PSW. As a result, the NPCA through correspondence (see appendix) could be supportive of a consent which keeps the new lot lines at least 11m away from the new PSW boundary. NPCA staff also note that any works within 30m of the PSW will require a Works Permit from their office. At that point, the need for an EIS will be reviewed again, however, if the NPCA feels that by requesting certain mitigation measures to ensure no negative impacts to the adjacent wetlands through the Permit process, the need for an EIS may not be necessary.

It should be noted that in this particular site context, the former railway corridor abutting to the north has already heavily disturbed the ecological integrity of the area and bisected the watercourse. Given this, and due to the scope of the works proposed, NPCA staff feel that this proposal should not serve to further impact the natural heritage features.

Planning staff visited the site and note the recently extended Cream Street turn-around bulb is surrounded by a large and dense Significant Woodland. The existing driveway to 770 Cream Street (Figure 1) is planned to be a mutual driveway for the 3 reconfigured lots.



Figure 1: 770 Cream St frontage

Planning staff is of the opinion that the proposal is an appropriate boundary adjustment which serves to correct a landlocked parcel which was deeded as a result of the former natural severance caused by the Toronto-Hamilton-Buffalo Railway corridor bisecting existing lots of records.

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

- Merge Part 5 and 7 with Part 8.
- Merge Part 4 with Part 6.

- Obtain the appropriate NPCA Work Permit(s) prior to any on-site works commencing for the installation of the driveway.
- Re-register the existing easement onto the severed parcels for Parts 4 & 5 because Parts 4 & 5 cross an existing easement in favour of the Town, for the use of the turn-around-bulb. The applicant shall bear all costs associated with these works.
- Submit and receive an approved Driveway Entrance and Culvert Permit, issued through the Public Works Department for the installation / modification of the existing entrance. As this access is being proposed to be shared, it will be required that it is constructed wide enough to allow for unimpeded two-way traffic movement. The applicant shall bear all costs associated with these works.
- 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: B19/2017P

June 29, 2017

Address: Part of lot 12, Concession 11,
770 Cream St, Pelham

Owner: Gary & Meredith Groen

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: June 30, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B19/2017P
770 Cream Street

We have completed the review of the consent application B19/2017P related to the consent for partial discharge of mortgage and to convey 1287m² of land to merge with the abutting lot to the west, subject to a right-of-way in perpetuity to the benefit of Parts 4 and 6. Application is also made for consent to convey a right of way in perpetuity over Parts 2 and 3, to the benefit of Parts 4, 5, 6, 7 and 8 for use as a shared driveway for ingress and egress purposes.

It is noted that this application is being considered concurrently with Minor Variance Files A22/2017P and A23/201P, Consent File B18/2017P and B20 2017P.

Public Works has the following comments:

- As Parts 4 and 5 of the proposed severed properties cross an existing easement in favour of the Town, for the use of the turn-around-bulb, the applicant shall re-register this existing easement onto the severed parcels for Parts 4 and 5. The applicant shall bear all costs associated with this work.
- The applicant shall submit and receive an approved Driveway Entrance and Culvert Permit, issued through the Public Works Department, for the installation/modification of the exiting entrance. As this access is being proposed to be shared, it will be required that it is constructed wide enough to allow for unimpeded two-way traffic to enter and exit the property. The applicant shall bear all costs associated with this work.

June 15, 2017

Our File No.: PLCON201700688

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Applications for Consent and Minor Variance,
(B18/2017, B19/2017, B20/2017, A22/2017 and A23/2017)**

The Conservation Authority has reviewed the above noted applications and offers the following comments and recommendations for your hearing.

These applications have been made to facilitate several lot additions in order to provide driveway access to two land locked parcels abutting 770 Cream Street.

NPCA Regulations:

The subject property is traversed by Coyle Creek and is also impacted by the Upper Coyle Creek Wetland Complex. More specifically, the future proposed driveways will cross a portion of the creek and will be in close proximity to the identified wetland. It is noted that staff from the Ministry of Natural Resources and Forestry have recently been on site and have revised the wetland mapping for the property. This revision has resulted in a setback of approximately 11m from the wetland with the proposed new lot line (Part 4).

In accordance with NPCA policies, new development and site alterations are not permitted within a wetland feature. Further, any works proposed within a 30m buffer around the wetland will require NPCA approval (if permitted by the NPCA) and will require a Work Permit from this office.

Additionally, the crossing over Coyle Creek will require a Work Permit from our office prior to the construction of the driveway.

Region of Niagara's Natural Heritage Comments:

The section of Coyle Creek that will be crossed to allow for the future driveways has been identified as a Type 2 Important Fish Habitat. As well, the wetlands located on the property would be considered an Environmental Protection Area (EPA) within the Regional Official Plan.

Regional Policy 7.B.1.11 permits development and site alterations within the adjacent lands of a Fish Habitat and EPA provided it is demonstrated that there will be no negative impacts to the natural features or their ecological functions.

In this particular case, the railway crossing to the north of the subject properties has already heavily disturbed this area and bisected the watercourse. Given this, and due to the scope of the works (future driveway access for existing lots) and nature of the application (Lot Addition/ boundary adjustment), NPCA staff feel that this proposal should not serve to further impact the natural heritage features. Further, all appropriate mitigation measures to ensure protection to the features will be required by the NPCA through our Work Permit process.

Conclusion:

In light of the above, this office offers no objections to the approval of these applications subject to the requirement of obtaining a Permit from the NPCA prior to the commencement of any works on site.

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

Yours truly,



Sarah Mastroianni,
Watershed Planner

cc: Richard Wilson, Senior Development Planner, Niagara Region

July 11, 2017

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

**Re: Consent Application B20/2017P (Sider)
Part of Lot 12, Concession 11, Pelham
Roll No. 2732 010 018 00101**

The subject parcel, shown as Part 7 on the attached sketch, being Part of Lot 12, Concession 11, is an interior parcel of land lying approximately 257.39m west of Cream Street, between Foss Road and Sumbler Road, in the Town of Pelham.

Application is made for consent to convey 532 m² of land (Part 7) to merge with the abutting lot to the west (Part 8) for use as a driveway. Part 6 will also be served through reciprocal rights-of-way over Parts 2, 3 & 5 for ingress / egress purposes. 9398m² of land (Part 6) is to be retained, for the construction of a single detached residential dwelling. Through File B18/2017P, the applicant will acquire ownership over Part 4, which will be subject to a right-of-way to the benefit of Parts 5, 6, 7 & 8.

This application is being considered concurrently with Minor Variance Files: A22/2017P & A23/2017P, and Consent Files: B18/2017P and B19/2017P.

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

Regional Official Plan (Consolidated August 2015)

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

Policy 5.B.8.1 states in *Good General Agricultural Areas* consents to convey may be permitted if for a lot adjustment for legal or technical reasons such as correction to deeds and minor boundary adjustments which do not result in the creation of a new lot.

The subject application deals with an existing lot of record which was naturally severed as a result of the former Toronto-Hamilton-Buffalo Railway corridor effectively land locking several parcels from their original frontage on Foss Road.

Town of Pelham Official Plan (2014)

The Official Plan designates the subject parcel as 'Good General Agricultural Area'. The purpose of this designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agricultural.

Policy B2.1.3.2 states consents may be granted for technical purposes, such as to correct lot boundaries provided such an application does not create a new lot.

The subject application deals with a landlocked parcel and is intended to reconfigure an adjacent lot to provide for a frontage on Cream Street.

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

The Town of Pelham Zoning By-law identifies the subject parcel as 'Agricultural' (A). Permitted uses include agricultural / greenhouses, one single detached dwelling, home occupations, accessory uses to the foregoing and forestry / conservation uses.

Section 6.4 states no person shall erect and building in any zone unless the lot fronts upon an improved street (public highway, not including a private lane).

The consent application seeks to legalize the lots by way of providing frontage onto a public road.

Agency and Public Comments

On May 29th, 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:

- Public Works Department (June 30, 2017)
 - See conditions.
- Building Department (June 29, 2016)
 - The Building Department and Drainage Superintendent offer no comment at this time.
- Niagara Peninsula Conservation Authority (June 15, 2017)
 - {See appendix for full comments}
 - The railway crossing to the north of the subject lands has already heavily disturbed this area and bisected the watercourse. Given this, and due to the scope of the works (future driveway access for existing lots) and nature of the application (Lot addition / boundary adjustment), NPCA staff feel that this proposal should not serve to further impact the natural heritage features. Further, all appropriate mitigation measures to ensure protection to the features will be required by the NPCA through our Work Permit process.
 - No objections to the approval of these consent and minor variance applications subject to the requirement of obtaining an NPCA Work Permit prior to the commencement of any works on site.
- Niagara Region Planning & Development Services (July 7, 2017)
 - {See appendix}
 - Not opposed to boundary adjustments provided conditions are met.

Planning Staff Comments

The current application deals with consent to convey 532 m² of land (Part 7) to merge with the abutting lot to the west (Part 8) for use as a driveway. Part 6 will also be served through reciprocal rights-of-way over Parts 2, 3 & 5 for ingress / egress purposes. 9398m² of land (Part 6) is to be retained, for the construction of a single detached residential dwelling. Through File B18/2017P, the applicant will acquire ownership over Part 4, which will be subject to a right-of-way to the benefit of Parts 5, 6, 7 & 8.

A pre-consultation meeting was held with the applicant and staff from the Town on Thursday, February 16, 2017 to discuss the proposed applications. The dwelling situated at 770 Cream Street was constructed approximately one year ago following the extension of Cream Street. The owner of 770 Cream Street approached the owners of the two land locked parcels to discuss potential reconfigured lot boundaries to gain road access onto the improved road. At the meeting, staff discussed the need to confirm that the two land locked parcels are legally existing separate lots of record. This confirmation was required since policy does not permit new lot creation in the Agricultural Area for non-agricultural uses. Town staff conducted a title search and the Town's counsel has accepted the results of two separate land locked lots.

During the pre-consult, the need for an Environmental Impact Study (EIS) was raised due to the proposed development being located in proximity to a Provincially Significant Wetland (PSW). In follow up, a site visit was conducted by staff from the Ministry of Natural Resources & Forestry which resulted in a revised PSW. As a result, the NPCA through correspondence (see appendix) could be supportive of a consent which keeps the new lot lines at least 11m away from the new PSW boundary. NPCA staff also note that any works within 30m of the PSW will require a Works Permit from their office. At that point, the need for an EIS will be reviewed again, however, if the NPCA feels that by requesting certain mitigation measures to ensure no negative impacts to the adjacent wetlands through the Permit process, the need for an EIS may not be necessary.

It should be noted that in this particular site context, the former railway corridor abutting to the north has already heavily disturbed the ecological integrity of the area and bisected the watercourse. Given this, and due to the scope of the works proposed, NPCA staff feel that this proposal should not serve to further impact the natural heritage features.

Planning staff visited the site and note the recently extended Cream Street turn-around bulb is surrounded by a large and dense Significant Woodland. The existing driveway to 770 Cream Street (Figure 1) is planned to be a mutual driveway for the 3 reconfigured lots.



Figure 1: 770 Cream St frontage

Planning staff is of the opinion that the proposal is an appropriate boundary adjustment which serves to correct a landlocked parcel which was deeded as a result of the former natural severance caused by the Toronto-Hamilton-Buffalo Railway corridor bisecting existing lots of records.

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

- Merge Part 5 and 7 with Part 8.
- Merge Part 4 with Part 6.

- Obtain the appropriate NPCA Work Permit(s) prior to any on-site works commencing for the installation of the driveway.
- Re-register the existing easement onto the severed parcels for Parts 4 & 5 because Parts 4 & 5 cross an existing easement in favour of the Town, for the use of the turn-around-bulb. The applicant shall bear all costs associated with these works.
- Submit and receive an approved Driveway Entrance and Culvert Permit, issued through the Public Works Department for the installation / modification of the existing entrance. As this access is being proposed to be shared, it will be required that it is constructed wide enough to allow for unimpeded two-way traffic movement. The applicant shall bear all costs associated with these works.
- 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: B20/2017P

June 29, 2017

Address: Part of lot 12, Concession 11,

Owner: Trevor & Kristine Sider

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: June 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 B20/2017P
Part Lot 12, Concession 11

We have completed the review of the consent application B20/2017P related to the consent to convey 532m² of land to merge with the abutting lot to the west for use as a driveway. Part 6 will also be served through reciprocal right-of-way over Parts 2, 3 and 5 for ingress and egress purposes. 9,398m² of land is to be retained, for the construction of a single family residential dwelling. Through B18/2017P, the applicant will acquire ownership over Part 4, which will be subject to right-of-way to the benefit of Parts 5, 6, 7 and 8.

It is noted that this application is being considered concurrently with Minor Variance Files A22/2017P and A23/2017P, Consent File B18/2017P and B19/2017P.

Public Works has the following suggested conditions:

- As Parts 4 and 5 of the proposed severed properties cross an existing easement in favour of the Town, for the use of the turn-around-bulb, the applicant shall re-register this existing easement onto the severed parcels for Parts 4 and 5. The applicant shall bear all costs associated with this work.

June 15, 2017

Our File No.: PLCON201700688

BY E-MAIL ONLY

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

Attention: Nancy Bozzato, Town Clerk / Secretary-Treasurer

**Subject: Applications for Consent and Minor Variance,
(B18/2017, B19/2017, B20/2017, A22/2017 and A23/2017)**

The Conservation Authority has reviewed the above noted applications and offers the following comments and recommendations for your hearing.

These applications have been made to facilitate several lot additions in order to provide driveway access to two land locked parcels abutting 770 Cream Street.

NPCA Regulations:

The subject property is traversed by Coyle Creek and is also impacted by the Upper Coyle Creek Wetland Complex. More specifically, the future proposed driveways will cross a portion of the creek and will be in close proximity to the identified wetland. It is noted that staff from the Ministry of Natural Resources and Forestry have recently been on site and have revised the wetland mapping for the property. This revision has resulted in a setback of approximately 11m from the wetland with the proposed new lot line (Part 4).

In accordance with NPCA policies, new development and site alterations are not permitted within a wetland feature. Further, any works proposed within a 30m buffer around the wetland will require NPCA approval (if permitted by the NPCA) and will require a Work Permit from this office.

Additionally, the crossing over Coyle Creek will require a Work Permit from our office prior to the construction of the driveway.

Region of Niagara's Natural Heritage Comments:

The section of Coyle Creek that will be crossed to allow for the future driveways has been identified as a Type 2 Important Fish Habitat. As well, the wetlands located on the property would be considered an Environmental Protection Area (EPA) within the Regional Official Plan.

Regional Policy 7.B.1.11 permits development and site alterations within the adjacent lands of a Fish Habitat and EPA provided it is demonstrated that there will be no negative impacts to the natural features or their ecological functions.

In this particular case, the railway crossing to the north of the subject properties has already heavily disturbed this area and bisected the watercourse. Given this, and due to the scope of the works (future driveway access for existing lots) and nature of the application (Lot Addition/ boundary adjustment), NPCA staff feel that this proposal should not serve to further impact the natural heritage features. Further, all appropriate mitigation measures to ensure protection to the features will be required by the NPCA through our Work Permit process.

Conclusion:

In light of the above, this office offers no objections to the approval of these applications subject to the requirement of obtaining a Permit from the NPCA prior to the commencement of any works on site.

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

Yours truly,



Sarah Mastroianni,
Watershed Planner

cc: Richard Wilson, Senior Development Planner, Niagara Region

July 11, 2017

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

**Re: Consent Application B21/2017P (4 High Street Inc.)
1022 Pelham Street, Pelham
Part of Lot 1, Concession 10, RP 59R-10892; Parts 4 & 7
Roll No. 2732 030 012 05720**

The subject parcel, shown as Part 1 on the attached sketch, has 33.40m of frontage on the south side of Welland Road, lying west of Pelham Street, being Part of Lot 1, Concession 10, RP 59R-10892; Parts 4 & 7 in the Town of Pelham.

Application is made for consent to convey 4249m² of land (Part 1) to create a new lot for residential development. Part 2, known municipally as 1022 Pelham Street, is to be retained for continued commercial use.

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

From the Department of

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

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

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

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

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

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

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

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

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

Regional Official Plan (Consolidated August 2015)

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

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

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

The subject site has obtained residential and commercial zoning which will aid in the integration of mixed land uses.

Town of Pelham Official Plan (2014)

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

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

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

Policy B1.8.4 Other Greenfield Overlay Lands in Fonthill – states that for the area located at the intersection of Pelham Street and Welland Road, the policies and land use permissions of the applicable land use designation shall apply provided that any application for development shall demonstrate that these sites can achieve the required population and/or employment density of 50 people and jobs per hectare.

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 services is available for the subject lands and will be addressed as part of the Site Plan Approval and Agreement process. The site is positioned near the southwest corner of Pelham Street and Welland Road, which is also within walking distance to neighbourhood commercial uses and an elementary school.

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

The subject property has split zoning; the commercial segment to the east (Part 2) is zoned 'NC-108' and the western segment (Part 1) is zoned 'RM1 (H)'. It should be noted that, at this time, it is not known if the proposed future residential development will request any Zoning By-law relief from the existing provisions of the RM1 zone. Also, the 'Holding' provision currently in place on Part 1 is for the purpose of ensuring an easement granting access for emergency vehicles onto the adjacent lands will need to be addressed before any development can ensue.

The permitted uses in the 'RM1 (H)' zone include:

- a) Triplex, semi-detached, duplex, boarding house, converted, street townhouse, block townhouse and Fourplex dwellings;
- b) Accessory buildings to the foregoing.

Agency and Public Comments

On May 29th, 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 / Drainage Superintendent (January 26, 2017)
 - No comment
- Public Works Department (June 30, 2017)
 - {See conditions}
 - It has been noted that servicing of the proposed lot will be facilitated through the site plan review and Agreement.

No comments were received from the public.

Planning Staff Comments

The subject application deals with the severance of the residential zoned lands at 1022 Pelham Street. Pelham Council had previously considered and approved the current Official Plan Amendment and Zoning By-law Amendments in place. The consent application has already been anticipated as the next progression of the property's development along with a subsequent site plan approval and plan of condominium, depending on the submitted proposal.

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

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

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



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

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

Staff note that the holding provision applied to the RM1 zoning cannot be lifted until such time that an easement granting access for emergency purposes onto the adjacent lands, municipally known as 1022 Pelham Street, legally described as Part of Concession 10, Part of Lot 1, RP 59R-10892; Parts 4 & 7, is registered on title. A further consent application will be required to establish the easement. The applicant is also advised that the lands are identified as being located in an area of archaeological potential and therefore, an archaeological assessment will be required to be submitted with the future site plan application.

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

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

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

THAT the applicant

- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works & Utilities.
- 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, B.URPI
Planner

Reviewed by,

Barb Wiens, MCIP, RPP

Director of Community Planning & Development



File: B21/2017P

June 29, 2017

Address: 1022 Pelham Street,

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

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: June 30, 2017
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk, Andrea Clemencio, Director of Public Works & Utilities
FROM: Matthew Sferrazza, Engineering Technologist
RE: File B21/2017P
1022 Pelham Street

We have completed the review of the consent application B21/2017P related to the conveyance of 4249m² of land to create a new lot for semi-detached residential use. Part 2, known municipally as 1022 Pelham Street, is to be retained for continued commercial use.

Public Works has the following comments:

- It has been noted that servicing of the proposed new property will be facilitated through a site plan review and agreement.

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 nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcels, to the satisfaction of the Director of Public Works & Utilities.