

AMENDMENT NO. 51
TO THE OFFICIAL PLAN
FOR THE TOWN OF PELHAM
PART 1 - PREAMBLE

1.1 TITLE

This Amendment when approved shall be known as Amendment No. 51 to the Official Plan for the Town of Pelham.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map identified as Schedule 'A'. This preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to amend the Village Residential Policies to permit a reduction in the lot area requirement for a single detached dwelling located at 750 Canboro Road.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located on the south side of Canboro Road, lying west of Garner Avenue. The lands are composed of part of Lots 12 and 13, Registered Plan No. 703, in the former Township of Pelham, now in the Town of Pelham.

1.5 BASIS

The subject lands are designated Village Residential according to the Town's Official Plan. This Amendment is intended to reduce the minimum lot area requirement to facilitate the subdivision of a parcel of land currently occupied by two residential dwellings. In subdividing the lands, the duplex dwelling known as 750 Canboro Road is to be converted into a single detached dwelling.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document, entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map identified as Schedule 'A', constitutes Amendment No. 51 to the Official Plan of the Town of Pelham.

2.2 DETAILS OF THE AMENDMENT

Text Amendment

The following subsection is added to Section 1.14.1:

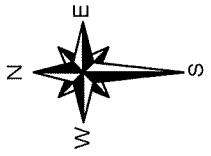
- “(i) Notwithstanding Policy 1.14.1, the minimum lot size for lands, shown as the subject lands on Schedule ‘A’ attached hereto and forming part of this Amendment, shall be 403 square metres.”

2.3 IMPLEMENTATION

This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment.

File No. AM-06/04
Applicants: Pentti and Paula Piironen
Assessment Roll No.: 2732-010-015-05500
Planning Report No.: P-05/05

L:\BY-LAWS\Official Plan\No. 51 Piironen 750 Canboro 2647.wpd



Metric Scale:
1:750

SCHEDULE 'A'

Official Plan Amendment No. 51



Subject Lands  - Part of Lots 12 & 13, Plan 703

BL 2647

**AMENDMENT NO. 51
TO THE
OFFICIAL PLAN**



THE REGIONAL MUNICIPALITY OF NIAGARA

OFFICIAL PLAN AMENDMENT NO. 51
Lot Area Reduction- Pentti and Paula Piironen

Town of Pelham

Amendment No. 51 to the Official Plan of the Town of Pelham, which was adopted by the Council of the Town of Pelham, is hereby approved under Section 17 of the Planning Act.

DATE: June 15, 2005



David J. Farley
Director of Planning and Development
Regional Municipality of Niagara

CERTIFIED COPY OF

BY-LAW NO. 2647 (2005)

ADOPTING OFFICIAL PLAN AMENDMENT NO. 51

THE CORPORATION OF THE
TOWN OF PELHAM

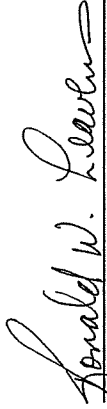
BY-LAW NO. 2647 (2005)

Being a by-law to adopt Amendment No. 51 to
the Official Plan of the Town of Pelham.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM IN
ACCORDANCE WITH THE PROVISION OF THE PLANNING ACT, R.S.O. 1990, AS
AMENDED, HEREBY ENACTS AS FOLLOWS:

- (1) Amendment No. 51 to the Official Plan of the Town of Pelham, consisting of the attached text and Schedule A, is hereby adopted.
- (2) THAT the Clerk is hereby authorized and directed to make application to the Regional Municipality of Niagara for approval of the aforementioned Amendment No. 51 to the Official Plan of the Town of Pelham.
- (3) THAT this by-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
7TH DAY OF MARCH, 2005 A.D.


MAYOR RONALD W. LEAVENS


CLERK CHERYL MICLETTE

THE CORPORATION OF
THE TOWN OF PELHAM
CERTIFIED A TRUE COPY


Clerk

AMENDMENT NO. 51
TO THE OFFICIAL PLAN
FOR THE TOWN OF PELHAM
PART 1 - PREAMBLE

1.1 TITLE

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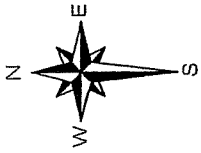
- "(i) Notwithstanding Policy 1.14.1, the minimum lot size for lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment, shall be 403 square metres."

2.3 IMPLEMENTATION

This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment.

File No. AM-06/04
Applicants: Pentti and Paula Piironen
Assessment Roll No.: 2732-010-015-05500
Planning Report No.: P-05/05

L:\BY-LAWS\Official Plan\No. 51 Piironen 750 Canboro 2647.wpd



Metric Scale:
1:750

SCHEDULE 'A'

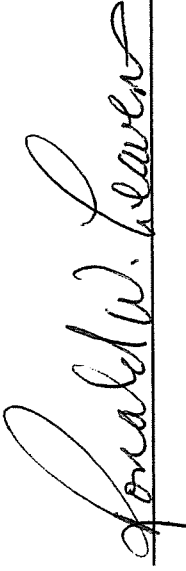
Official Plan Amendment No. 51



Subject Lands  - Part of Lots 12 & 13, Plan 703

TOWN OF PELHAM
CERTIFICATE
OFFICIAL PLAN OF THE
TOWN OF PELHAM
AMENDMENT NO. 51

The attached text and map constituting Amendment No. 51 to the Official Plan of the Town of Pelham, was prepared by the Pelham Planning Services Department and was adopted by the Corporation of the Town of Pelham by By-law No. 2647 (2005) in accordance with Section 17 of the Planning Act, R.S.O. 1990, as amended, on the 7th day of March, 2005.



MAYOR



CLERK

CERTIFIED COPY OF

BY-LAW NO. 2647 (2005)

ADOPTING OFFICIAL PLAN AMENDMENT NO. 51

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document, entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map identified as Schedule 'A', constitutes Amendment No. 51 to the Official Plan of the Town of Pelham.

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2.3 IMPLEMENTATION

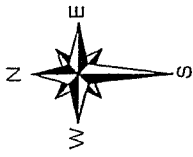
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File No. AM-06/04
Applicants: Pentti and Paula Piironen
Assessment Roll No.: 2732-010-015-05500
Planning Report No.: P-05/05

L:\BY-LAWS\Official Plan\No. 51 Piironen 750 Canboro 2647.wpd

THE CORPORATION OF
THE TOWN OF PELHAM
CERTIFIED A TRUE COPY

Shirley Mitchell
Clerk



Metric Scale:
1:750

SCHEDULE 'A'

Official Plan Amendment No. 51



Subject Lands  - Part of Lots 12 & 13, Plan 703

PART 3 - APPENDICES

Appendix A	Copy of all written submissions and comments and when they were received
Appendix B	Affidavit by an employee of the municipality certifying that, i) the requirements for the giving of notice and the holding of at least one public meeting or the alternative measures for informing and obtaining the views of the public set out in the official plan have been complied with, and ii) the requirements for the giving of notice of adoption have been complied with
Appendix C	Affidavit of an employee of the municipality listing all persons and public bodies that made oral submissions at a public meeting
Appendix D	Copy of the minutes of the public meeting December 13, 2004
Appendix E-1 E-2	Copy of planning report P-49/04, dated November 18, 2004 Copy of planning report P-05/05, dated February 2, 2005
Appendix F	Affidavit certifying that the information required under Section 6 (2) and provided by the municipality is true
Appendix G	List of public bodies given notice of proposed plan or amendment but which did not respond
Appendix H	Information re Applicant Initiating the Amendment

Appendix A

Copy of all written submissions and comments and when they were received

		<u>Received</u>
A-1	L. J. Hodge, P. Eng., Director of Operations Town of Pelham	Oct. 21, 2004
A-2	Regional Niagara Public Health Dept.	Nov. 3, 2004
A-3	E. Cronier, Director of Building & Enforcement Services Town of Pelham	Nov. 18, 2004
A-4	Regional Niagara Public Health Dept.	Dec. 2, 2004
A-5	John & Shirley Burger	Dec. 13, 2004
A-6	Regional Niagara Planning & Development Dept.	Jan. 13, 2005

File No. AM-6/04

Page 2 of 3

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATIONS

The subject lands are currently designated Village Residential according to the Town of Pelham Official Plan and zoned Residential Village 1 RV1 within Zoning By-law No. 1136 (1987), as amended.

Part 1 of the lands is currently occupied by a single detached dwelling known municipally 752 Canboro Road and a 'metal clad shed'. Part 1 measures 2025.5 square metres (21,781.49 square feet). A duplex dwelling known municipally as 750 Canboro occupies Part 2. Part 2 measures 4345.0 square metres (46,770.21 square feet). A Surveyor's Sketch, illustrating the location of buildings for both proposed parcels, is included as an attachment to this Notice for your information.

The policies of the Town's Official Plan require a minimum lot size of approximately 860.0 square metres (9,257.26 square feet). The Town's Zoning By-law requires a minimum lot area of 836.0 square metres (8,998.9 square feet). The provisions of the Zoning By-law also require that a residential dwelling must have a minimum of 1 parking space in a private garage or carport per dwelling unit.

The applicants intend to sever Part 1 from their land holding. In order to permit the consent they propose to amend the Official Plan and Zoning By-law as they affect Part 1 to permit reductions in the lot area requirement. It is also proposed that the Zoning By-law be amended to address the parking requirement.

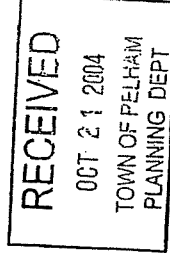
REQUEST FOR COMMENTS

Pursuant to Sections 17(15) and 34(15) of the Planning Act, R.S.O. 1990, as amended, you are hereby requested to provide comments regarding these applications by Monday, November 8, 2004. If the Town does not receive your agency's comments by the above noted date, Town Staff will assume that you have no objection. If your agency requires an extension in order to submit comments, please notify the Town at least one (1) week prior to the due date.

If you wish to be notified of the passing of the proposed Official Plan and Zoning By-law amendments, you must make a written request to the undersigned and such request must include the name and address to which such notice should be sent. Alternatively, the box at the bottom left of this Notice can be checked.

Further information regarding the application may be obtained by contacting the undersigned.

Craig Larmour, MCIP, RPP
Director of Planning Services
905.892.2607 Extension 16
clarmour@town.pelham.on.ca

AGENCY COMMENTS

OPS DEPT
Name of Agency

JAMIE LODGE
Person Submitting Comments

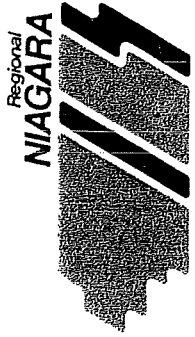
☐ NO OBJECTION

10/21/04
Date

COMMENTS (If additional space is required, please attach a separate sheet):

☐ Please send notice of the passing of the Official Plan and Zoning By-law Amendment.

(22)



PUBLIC HEALTH DEPARTMENT

The Regional Municipality of Niagara
INSPECTION DIVISION
573 Glenridge Avenue
St. Catharines, Ontario L2T - 4C2
Telephone: 905-688-3762 or 1-800-263-7248
Fax: 905-641-4994
E-mail address: inspect@regional.niagara.on.ca

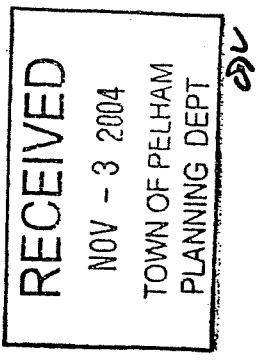
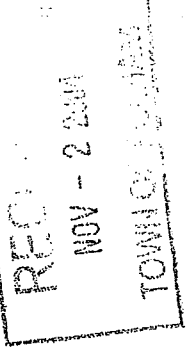
Appendix A-2

October 27, 2004

Town of Pelham
20 Pelham Town Square
P.O. box 400
Fonthill, Ontario
L0S 1E0

Attention: Craig Larmour, MCIP, RPP
Director of Planning

Dear Mr. Larmour:



RE: Proposed Official Plan and Zoning By-Law Amendments
South side of Canboro Road, Lying West of Garner Avenue
Part of Lots 12 and 13, Reg. Plan nka 703, 752 Canboro Road
Town of Pelham

This department offers no objection subject to the dwellings on Part I and Part II being serviced by municipal sewers.

If you have any questions regarding the above, please feel free to contact me at this office.

Yours truly,

Alphonse Wolf, C.P.H.A.(C)
For: Robin Williams, M.D., D.P.H., F.R.C.P.(C)
Medical Officer of Health
AAW:jc

See the back of the envelope for a return address.

...Dedicated to achieving a Healthier Niagara

File No. AM-6/04

Page 2 of 3

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATIONS

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The policies of the Town's Official Plan require a minimum lot size of approximately 860.0 square metres (9,257.26 square feet). The Town's Zoning By-law requires a minimum lot area of 836.0 square metres (8,998.9 square feet). The provisions of the Zoning By-law also require that a residential dwelling must have a minimum of 1 parking space in a private garage or carport per dwelling unit.

The applicants intend to sever Part 1 from their land holding. In order to permit the consent they propose to amend the Official Plan and Zoning By-law as they affect Part 1 to permit reductions in the lot area requirement. It is also proposed that the Zoning By-law be amended to address the parking requirement.

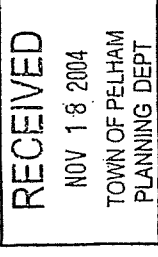
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Pursuant to Sections 17(15) and 34(15) of the Planning Act, R.S.O. 1990, as amended, you are hereby requested to provide comments regarding these applications by Monday, November 8, 2004. If the Town does not receive your agency's comments by the above noted date, Town Staff will assume that you have no objection. If your agency requires an extension in order to submit comments, please notify the Town at least one (1) week prior to the due date.

If you wish to be notified of the passing of the proposed Official Plan and Zoning By-law amendments, you must make a written request to the undersigned and such request must include the name and address to which such notice should be sent. Alternatively, the box at the bottom left of this Notice can be checked.

Further information regarding the application may be obtained by contacting the undersigned.

Craig Larmour, MCIP, RPP
Director of Planning Services
905.892.2607 Extension 16
clarmour@town.pelham.on.ca

AGENCY COMMENTS

BUILDING DEPT.
Name of Agency

☒ NO OBJECTION

Craig Larmour
Person Submitting Comments

Oct 18/04
Date

COMMENTS (If additional space is required, please attach a separate sheet):

None

☒ Please send notice of the passing of the Official Plan and Zoning By-law Amendment.



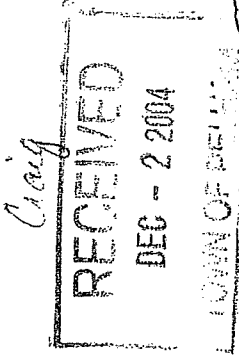
PUBLIC HEALTH DEPARTMENT
The Regional Municipality of Niagara
INSPECTION DIVISION
573 Glenridge Avenue
St. Catharines, Ontario L2T - 4C2
Telephone: 905-688-3762 or 1-800-263-7248
Fax: 905-641-4994
E-mail address: inspect@regional.niagara.on.ca

November 29, 2004

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

Attention: Craig Larmour, MCP, RPP

Dear Mr. Larmour:



RE: Proposed Official Plan and Zoning By-Law Amendments "REVISED"
South side of Canboro Road, Lying West of Garner Avenue
Part of Lots 12 and 13, Reg. Plan nka 703, 752 Canboro Road
Town of Pelham

This department offers no objection subject to the dwellings on Part I and Part II being serviced by municipal sewers.

If you have any questions regarding the above, please feel free to contact me at this office.

Yours truly,


Alphie Wolf, C.P.H.I.(C)
For: Robin Williams, M.D., D.P.H., F.R.C.P.(C)
Medical Officer of Health

/vd

...Dedicated to achieving a Healthier Niagara

John & Shirley Burger
746 Canboro Rd., Box 281
Fenwick, ON
L0S 1C0

905-892-3059

November 19, 2004

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

SUBJECT: Town Official Plan and Zoning By-Law Amendment
Application AM 06/04; Pentti and Paula Piironen
(Agent John Larocque), 752 Canboro Road, Fenwick, Ontario

To Chair, Councillor John Durley, and members of the General Committee,
Planning Services Division.

In October 2004 we received notice from the Town of Pelham concerning the proposed application of Pentti and Paula Piironen to permit the division of lands currently occupied by two separate residential dwellings located on the south side of Canboro Road, West of Garner Avenue, Part of Lot 12 and 13, Reg. Plan N.K.A. 752 Canboro Road, Fenwick.

Below are issues we feel need to be addressed:

Received at Town of Pelham 13, 2004 Public Meeting 051414

CONCERNING THE NOTICE OF A PUBLIC MEETING ON NOV. 22/04

1. On the explanation of the purpose of the application it is stated that Part #1 is 2025.5 sq. meters. It is also stated the duplex (2 apartments) consists of 4345.0 sq. meters. These figures are listed incorrectly. An error has made.
2. If the applicants intend to sever Part 1 from their land holdings and to convert the duplex apartment dwelling located on Part 2, into a single detached dwelling. At what point in time would this completed conversion take place?
3. Does this conversion take place before or after a severance is made?
4. Concerning the Parking Issue:
It is shown on the sketch, two parking places on the west side of the apartment to be created. Does this replace the parking area directly in front of the building?
5. Concerning Front Yard (presently parking lot with fire hydrant located in centre at sidewalk edge.)

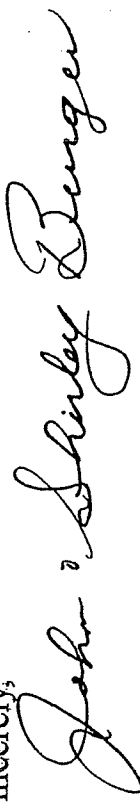
Question:

Because of heavy snow fall, where will the accumulation of snow be deposited? I'm sure the Piironen's do not want it in their westerly property and we certainly do not want it on ours (east side).

We feel because of the two new parking spaces created on the west side, we suggest that this front area be returned to a lawn which will ensure proper drainage for all concerned.

In closing, we wish to thank you for your consideration of the above issues.

Sincerely,



John & Shirley Burger



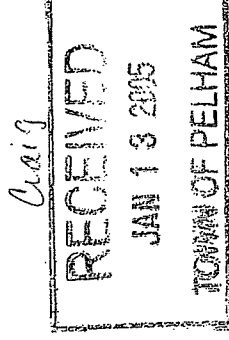
PLANNING AND DEVELOPMENT DEPARTMENT

The Regional Municipality of Niagara
3550 Schmon Parkway, P.O. Box 1042
Thorold, Ontario L2V 4T7
Telephone: 905-984-3630
Fax: 905-641-5208
E-mail: plan@regional.niagara.on.ca

January 11, 2004

File: D.10.M.19.21 (51)

Mr. Craig Larmour
Director of Planning Services
Town of Pelham
P.O. Box 400
20 Pelham Town Square
Fonthill, ON L0S 1E0



Dear Mr. Larmour:

Re: Provincial and Regional Comments
Proposed Official Plan and Zoning By-law Amendment
Pentti and Paula Piironen
Files: OPA 51, AM-06/04
Canboro Road, west of Garner Avenue
Town of Pelham

These applications are intended to permit a reduction in the lot area requirement for a proposed 0.14 acre (0.06 hectare) parcel that contains an existing dwelling. This will allow for the division of the 0.64 acre (0.26 hectare) subject land currently occupied by two existing single detached residential dwellings.

The subject property is located within the Region's Urban Area Boundary for Fenwick and is designated Village Residential in Pelham's Official Plan. Regional Planning staff note that the smaller 0.14 acre (566 square metre) proposed lot (i.e. identified as Part 2) would be less than the minimum lot size of approximately 860 square metres required under the Village Residential policies in Pelham's Official Plan. As well, the size of the conveyed parcel would not meet the minimum lot size of approximately 836 square metres required under Pelham's Zoning By-law. The residential lots surrounding the subject lands may be much larger in size than the proposed 0.14 acre parcel, however, the division of the subject parcel into two lots in order to separate the title should have little impact on the surrounding community for the two homes already both exist. Finally, it is noted that the 0.64 acre (0.26 hectare) subject site is serviced by full municipal services. The Town should ensure that each home is provided with independent water and sewer lines.

In conclusion, Regional Planning staff would not object to the proposed official plan and zoning by-law amendment from a Regional or Provincial planning perspective due to the fact that the separation of title for the two lots should not negatively impact the surrounding residential parcels.

Yours truly,



David J. Farley
Director of Planning Services

BD/

c: Ms. J. Larocque, The Larocque Group, 12 Lyman Street, St. Catharines, ON., L2R 5M7
Mr. W. Stevens, Regional Public Works

BD\PELHAM\Official Plan Amendments\OPA (Piiironen) Comments.doc

THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 51

PART OF LOTS 12 AND 13, PLAN 703
750 CANBORO ROAD

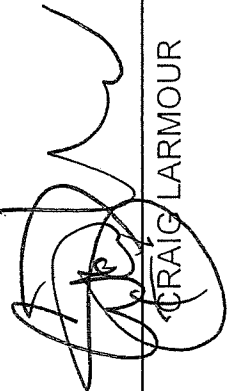
AFFIDAVIT

I, **CRAIG LARMOUR**, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF
PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS
FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as
such I have knowledge of the matters herein set forth.
- (2) The requirements for the giving of notice and the holding of one public meeting have been
complied with.
- (3) The requirements for the giving of notice of adoption have been complied with.

SWORN BEFORE ME AT THE TOWN OF PELHAM)
IN THE REGIONAL MUNICIPALITY OF NIAGARA)
THIS 14TH DAY OF MARCH, 2005 A.D.)


CHERYL MCLETTTE, CLERK


CRAIG LARMOUR

CHERYL MCLETTTE, Clerk,
Town of Pelham, a Commissioner,
for taking Affidavits in the
Regional Municipality of Niagara

THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 51

PART OF LOTS 12 AND 13, PLAN 703
750 CANBORO ROAD

AFFIDAVIT

I, CRAIG LARMOUR, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) The following member of the public made comments at the public meeting:

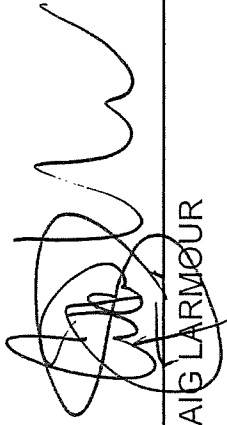
John Burger, 746 Canboro Road, Fenwick

SWORN BEFORE ME AT THE
TOWN OF PELHAM IN THE
REGIONAL MUNICIPALITY OF NIAGARA
THIS 14th DAY OF MARCH, 2005 A.D.

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CHERYL MICLETTE, CLERK

CHERYL MICLETTE, Clerk,
Town of Pelham, a Commissioner,
for taking Affidavits in the
Regional Municipality of Niagara


CRAIG LARMOUR

Meeting GC-33/04

GENERAL COMMITTEE
December 13, 2004

Minutes of a regular General Committee meeting held on Monday, December 13th, 2004 at 7:00 p.m. in the Council Chambers at the Town of Pelham Municipal Building, 20 Pelham Town Square, Fonthill.

ATTENDANCE:

Council:

Mayor R. Leavens
Councillor M. Allen
Councillor U. Brand
Councillor S. Cook
Councillor J. Durley
Councillor P. Papp
Councillor D. Urbanowicz

Staff:

Director of Planning Services, C. Larmour
Recording Secretary (Deputy Clerk) N. Bozzato

Other:

Brent Larocque, Agent for Applicants
Pentti and Paula Piironen, Applicants
David Schulz, Agent for Applicants
Interested Citizens

1. CALLED TO ORDER:

The meeting was called to order by Mayor R. Leavens.

2. ADOPTION OF AGENDA:

RECOMMENDATION – MOVED BY COUNCILLOR P. PAPP, SECONDED BY COUNCILLOR M. ALLEN – THAT an item be added to the agenda requesting consent to hold a special Council meeting on Wednesday, December 15, 2004, and that the 96-hour notice requirement be waived. CARRIED, CHAIR, MAYOR R. LEAVENS.

RECOMMENDATION - MOVED BY COUNCILLOR D. URBANOWICZ, SECONDED BY COUNCILLOR S. COOK - THAT the agenda, as amended, for the December 13th, 2004 regular General Committee meeting be adopted. CARRIED, CHAIR, MAYOR R. LEAVENS

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:

There were no disclosures of pecuniary interest noted by members of the Committee.

4. SPECIAL MEETING OF COUNCIL

RECOMMENDATION – MOVED BY COUNCILLOR J. DURLEY, SECONDED BY COUNCILLOR S. COOK – THAT a special meeting of the Town of Pelham Council be held on Wednesday, December 15, 2004 at 6:00 p.m. to consider a

matter under the Municipal Act, Subsection 239(c) being a proposed or pending acquisition or disposition of land by the municipality. CARRIED, CHAIR, MAYOR R. LEAVENS.

At this point in the meeting, Mayor R. Leavens vacated the Chair and Councillor J. Durley assumed the Chair, as Chair of the Planning Services Division.

5. PUBLIC MEETING UNDER THE PLANNING ACT:
(A) Town of Pelham Official Plan & Zoning By-law Amendment Application AM-06/04 – Pentti and Paula Piironen (Agent: Joan Larocque) – 752 Canboro Road:

Chair, Councillor J. Durley recited the required form of notice as per the Planning Act with respect to a public meeting.

Chair, Councillor Durley then introduced Town of Pelham Director of Planning Services Craig Larmour who noted that the Town of Pelham Council has not made a decision on this application to date, nor have they discussed the proposal. He summarized the applications as detailed in Report P-49/04.

Mr. Larmour noted that the lands are situated on the south side of Canboro Road, west of Garner Avenue in Fenwick. There are presently two dwellings on one parcel of land, whereas this is not permitted in the Zoning By-law or the Official Plan. Approval of these applications will facilitate a severance to permit separate ownership for each of the dwellings.

The original dwelling was converted to a duplex in the late 1800's or early 1900's, and the second dwelling was constructed in the early 1960's. If these applications are successful, the severance configuration will be submitted as per the sketch included in Report P-49/04.

Zoning deficiencies that would be created if the severance proposal is approved will be addressed through this zoning amendment application, if approved.

In accordance with Provincial Legislation, the application has been circulated to the pertinent government agencies, however few comments have been received to date and no objections have been submitted. One letter has been received from private citizens which has been provided to members of Council.

Mr. Larmour stated that a recommendation report will be forwarded to Pelham Council taking into account the public comments and agency reports received at a later date. He advised that all persons who have indicated an interest in this proposal through the sign-in sheets will be notified when such report is submitted.

APPLICANT'S PRESENTATION:

Mr. Larocque stated that information provided to him by the Town of Pelham indicates that a building permit was issued for the second dwelling in 1965. Should the severance proposal be successful, approval of these requested Zoning and Official Plan amendments will bring the property into conformity with the By-law. The applicants have indicated their willingness to revert the duplex back to a single-family dwelling to make the proposal more acceptable to the Town and neighbouring

residents. The second hydro line servicing the existing duplex will be removed through a condition of consent, if so required.

Mr. Larocque noted that the zoning amendment will address the deficient lot area and the fact that the dwelling does not have a garage or carport, which is required in the By-law. Each of the two dwellings is separately serviced for electricity, hydro, sewers and water, which connections are entirely contained within each of the proposed parcels. Noting that the dwellings are existing and that the duplex will become a single-family dwelling, Mr. Larocque submitted that the zoning amendments and subsequent severance will have little impact on the surrounding area and may actually improve the situation with the removal of the duplex unit.

PUBLIC INPUT:

Mr. John Burger, 746 Canboro Road, Fenwick, submitted a letter outlining his concerns regarding this proposal. Several areas of concern were raised however were deemed to be irrelevant to the applications, relating to such matters as snow removal and articles stored on individual private properties of the neighbouring residents.

Mr. Burger expressed concern that the existing paved portion for the duplex dwelling will be excessive when it reverts to single-family and he indicated a preference that the area be returned to a lawn. Mr. Burger stated that he does not object to the proposed severance of this property to facilitate separate ownership for each of the dwellings.

COMMITTEE INPUT:

In response to queries by Councillor Urbanowicz, Mr. Larmour stated that any conditions of a severance must be completed within one year from the date of giving the decision and if the conditions are not fully complete, the severance does not become finalized. Conversion of the dwelling from a duplex to single-family would require approval by the Chief Building Official. Councillor Urbanowicz then questioned if there is any intent to remove the pavement from the front yard of what will be the newly created lot and the area returned back to a more traditional front lawn. Mr. Larmour stated that the Committee of Adjustment could address this issue through conditions of consent as well.

Councillor Brand noted that all zoning amendments required will be addressed through this application and that severance conditions can address such matters as parking and requiring the dwelling to be returned to a single-family use. Any issues relating to lot coverage, lot area, and setback deficiencies will be addressed prior to the severance application being submitted, through this zoning amendment application.

The public meeting was declared closed by the Chair at approximately 7:35 p.m.

RECOMMENDATION - MOVED BY COUNCILLOR D. URBANOWICZ, SECONDED BY COUNCILLOR M. ALLEN – THAT the written correspondence submitted by John and Shirley Burger, 746 Canboro Road, dated November 19, 2004 regarding Official Plan and Zoning Amendment Application AM06/04, Pentti and Paula Piironen, be received. CARRIED, CHAIR, COUNCILLOR J. DURLEY

RECOMMENDATION – MOVED BY COUNCILLOR S. COOK, SECONDED BY COUNCILLOR D. URBANOWICZ – THAT Report P-49/04 re Town of Pelham

Official Plan & Zoning By-law Amendment Application AM-06/04 – Pentti & Paula Piironen (Agent: Joan Larocque) be received; AND THAT the recommendation contained therein be approved, as follows: “THAT the Committee recommend to Council that a recommendation report on this matter be presented at a subsequent meeting of the General Committee.” CARRIED, CHAIR, COUNCILLOR J. DURLEY.

(B) Town of Pelham Official Plan & Zoning By-law Amendment Application AM-07/04 - Josephine Lucchetta (Agent: David Schulz) - West side of Tanner Drive, lying north of Saddler Street, Part of Lot 177, Block 57, RP 59M-235:

Chair, Councillor J. Durley recited the required form of notice as per the Planning Act with respect to a public meeting.

Chair, Councillor Durley then deferred to the Town of Pelham Director of Planning Services Craig Larmour who noted that the Town of Pelham Council has not made a decision on this application to date, nor have they discussed the proposal. He summarized the applications as detailed in Report P-51/04.

Mr. Larmour noted that the lands are situated between Pelham Street and Tanner Drive, north of Homestead Boulevard. The application proposes to rezone the lands from R1 to R2 and is made pursuant to severance approval granted for several reciprocal boundary adjustments to facilitate creation of two single-family residential building lots. At the time the surrounding Plan of Subdivision was established the subject lands did not constitute a viable building lot and as such, was simply designated as a “Block” for future development. The appropriate land assemblies have now been approved and as such, the parcels may be utilized for development. The lots as proposed will comply with the R2 provisions of the Zoning By-law. Mr. Larmour described the proposal as an infilling situation, consistent with the existing neighbourhood.

APPLICANTS PRESENTATION:

Mr. Schulz submitted that the application appears to be straightforward and that there have not been any objections received from nearby property owners. Also, it was noted that there were no objections to the severance proposals.

PUBLIC INPUT:

No one was present in the gallery regarding these applications.

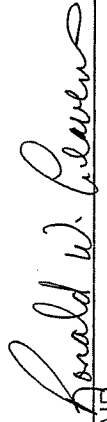
COMMITTEE INPUT:

It was recognized that an R1 zone requires a larger lot size than what is proposed and consistent with the surrounding area.

RECOMMENDATION – MOVED BY COUNCILLOR M. ALLEN, SECONDED BY COUNCILLOR S. COOK – THAT Report P-51/04 re Town of Pelham Official Plan & Zoning By-law Amendment Application AM-07/04 – Josephine Lucchetta (Agent: David Schulz) be received; AND THAT the recommendation contained therein be approved, as follows: “THAT the Committee recommend to Council that a recommendation report on this matter be presented at a subsequent meeting of the General Committee.” CARRIED, CHAIR, COUNCILLOR J. DURLEY.

6. ADJOURNMENT:

RECOMMENDATION - MOVED BY COUNCILLOR M. ALLEN, SECONDED BY COUNCILLOR S. COOK - THAT this regular meeting of the General Committee be adjourned until the next regular meeting scheduled for MONDAY, DECEMBER 20TH, 2004, unless sooner called by the Chair. CARRIED, CHAIR, COUNCILLOR J. DURLEY.



CHAIR



SECRETARY

PLANNING SERVICES REPORT

P-49/04

TO: Chair, Councillor John Durley, and Members of the General Committee,
Planning Services Division

FROM: Craig Larmour, Director of Planning Services

DATE OF REPORT: November 18, 2004

DATE OF MEETING: December 13, 2004

SUBJECT: Town Official Plan and Zoning By-law Amendment Application AM-06/04
Pentti and Paula Piironen (Agent: Joan Larocque)
752 Canboro Road

RECOMMENDATION

THAT the General Committee, Planning Services Division, receive Planning Services Report P-49/04 regarding Town Official Plan and Zoning By-law Amendment Application AM-06/04 – Pentti and Paula Piironen - Part of Lots 12 and 13, Registered Plan No. 703, former Township of Pelham, now Town of Pelham;

AND FURTHER THAT a Recommendation Report on this matter be presented at a subsequent meeting of the General Committee.

LOCATION, PURPOSE, BACKGROUND AND POLICY

1. Location

The subject lands are located on the south side of Canboro Road, lying west of Garner Avenue. The lands are legally described as part of Lots 12 and 13, Registered Plan No. 703, former Township of Pelham, now Town of Pelham. A map illustrating the location of the lands is included as Attachment No. 1 to this report.

2. Purpose

The applicant intends to amend the policies of the Town's Official Plan and provisions of the Zoning By-law in order to permit the division of lands currently occupied by two separate residential dwellings.

3. Background

Part 1 of the subject lands is currently occupied by a single detached dwelling known municipally 752 Canboro Road and a 'metal clad shed'. Part 1 measures 2023.5 square metres (21,781.49 square feet). A duplex dwelling known municipally as 750 Canboro occupies Part 2. Part 2 measures 403.65 square metres (4,345.0 square feet). A Surveyor's Sketch, illustrating the property dimensions and location of buildings, is included as Attachment No. 2 to this report.

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The applicants intend to sever Part 1 from their land holding and to convert the duplex dwelling, located on Part 2, into a single detached dwelling. In order to permit the consent they propose to amend the Official Plan and Zoning By-law as they affect Part 2 to permit a reduction in the lot area requirement. It is also proposed that the Zoning By-law be amended to address a parking deficiency related to Part 2.

4. Provincial Policy Statement

It is required that a municipality shall have regard to policy statements issued under the *Planning Act* in considering development proposals. Section 1 of the Provincial Policy Statement (PPS) provides policy promoting efficient, cost-effective development patterns.

Policy 1.1.1 a) states:

Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

Policy 1.2.1 states:

Provision will be made in all planning jurisdictions for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market area by:

- a) *maintaining at all times at least a 10-year supply of land designated and available for new residential development and residential intensification;*
- b) *maintaining at all times, where new development is to occur, at least 3-year supply of residential units with servicing capacity in draft approved or registered plans;*
- c) *encouraging housing forms and densities designed to be affordable to moderate and lower income households;*
- d) *encouraging all forms of residential intensification in parts of built-up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units available from residential intensification; and*
- e) *establishing cost-effective development standards for new residential development and redevelopment to reduce the cost of housing.*

5. Regional Policy Plan

The lands lie within the Fenwick Urban Area Boundary (UAB) as identified by the Regional Policy Plan. The following Sections of the Plan apply to the proposed development:

- 5.4 *Individual urban development proposals within urban areas will be dependent on the availability of adequate municipal water, sewer, stormwater and road services to meet the anticipated increased requirements resulting from the development. Individual*

Cont.../3

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P-49/04

development projects without the full range of urban services will only be permitted in special cases and under special circumstances where the lack of complete services will not be a detriment to the environment, the private development, the municipality or to the efficient use of land.

- 5.5 The primary responsibility for regulating the types, locations and densities of land uses within the defined urban areas rests with the local municipalities, through their official plans and zoning regulations. Each municipality is expected to prepare these plans with supporting information to regulate the development within their urban areas.

Despite the predominance given the local plans, several aspects of these local plans are considered to be of Regional significance and interest. Thus the Region expects these topics to be adequately covered in local documents, but the Region will maintain a continuing interest in them, and will review and comment on topics of Regional significance. These include:

- (a) the amount and distribution of low, medium and high density residential uses, and commercial and industrial uses;
- (b) policies supporting the provision of various forms of affordable housing within existing developed areas as well as in new subdivisions;
- (c) pedestrian as well as other transportation needs;
- (d) parks and recreation policies which consider demand, accessibility, and relationships to other land uses;
- (e) maps showing existing and proposed land uses, Regional and area municipal roads and community facilities (schools, parks, major institutions, etc.);
- (f) consideration of factors such as historic features, aesthetic values, adequate provision for public institutions, energy conservation, a distribution and density of buildings which contributes to a pleasing urban character, and the minimizing of conflicts between adjacent land uses.

In these respects, the Region considers that it shares an interest with the local municipalities in providing efficient, safe, attractive, and adequate facilities within the urban environment while recognizing that the detailed decisions will normally be the responsibility of the local municipality.

6. Town of Pelham Official Plan

The subject lands are located within the Fenwick Urban Area Boundary (UAB) and are designated Village Residential. The Village Residential policies are intended to permit the predominant use of land for single detached dwellings. Ancillary uses such as institutional uses, parks, schools, community facilities and public utility uses shall also be permitted.

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Development within the Village Residential designation is subject to a number of policies including subsection 1.14.1 which states:

All Village Residential development shall consist of larger than average lots to maintain a village atmosphere as opposed to typical small lot urban residential development. To this end the minimum lot size of full service lots shall be approximately 830 square metres. The minimum lot size of lots with private sewage facilities shall be approximately 3700 square metres.

7. Town of Pelham Zoning By-law No. 1136 (1987)

The subject lands are currently zoned Residential Village 1 RV1 according to Zoning By-law No. 1136 (1987), as amended. The RV1 Zone permits the use of lands for single detached dwelling use. The provisions of the RV1 Zone requires the provision of a minimum lot area of 836 square metres (8998.92 square feet). Further, subsection 6.16(a) of the Zoning By-law requires the provision of one parking space in a private garage or carport.

A copy of the RV1 Zone provisions is included as Attachment No. 3 for Committee's information and reference.

COMMENTS AND DISCUSSION

1. Agency Comments

The application was circulated to all internal departments and external agencies having an interest in this application. The following comments have been received to date:

- The Town's Building and Enforcement Services and Operations Department have no objection to the proposal.

2. Public Comments

Notice of the application was mailed to all assessed property owners within 120 metres of the boundaries of the subject lands. Additionally, a Public Notice sign was posted on the lands at the Canboro Road frontage. No written comments have been received to date.

3. Staff Comments

The purpose of this report is to make the Committee and public aware of the intent of the applications, the applicable policies and agency comments and to facilitate discussion between the interested parties.

A recommendation report will be prepared and presented to this Committee at a subsequent meeting of the General Committee.

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P-49/04

ATTACHMENTS

1. General Location Map
2. Surveyor's Sketch
3. Residential Village 1 RV1 Zone Provisions

Prepared by,

A stylized, handwritten signature in black ink, appearing to read 'Craig Lamour'.

Craig Lamour, MCIP, RPP
Director of Planning Services

Approved and Submitted by,

A stylized, handwritten signature in black ink, appearing to read 'Gord Cherney'.

Gord Cherney
Chief Administrative Officer

REPORT NO. P-49/04
ATTACHMENT NO. 1
PAGE NO. 1/1



Metric Scale:
1:2,500

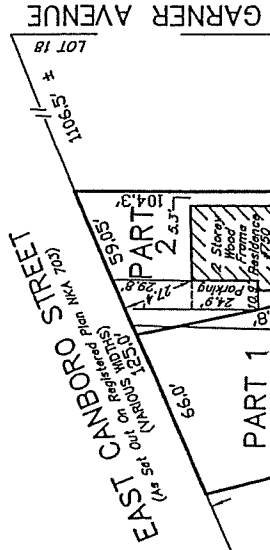
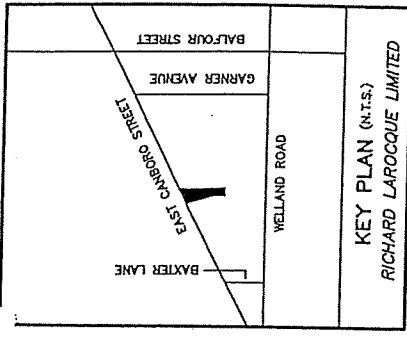
LOCATION MAP



Subject Lands  - Lots 12 & 13, Plan 703

REPORT NO. P-49104
ATTACHMENT NO. 2
PAGE NO. 1/1

PRELIMINARY SKETCH TO ACCOMPANY AN APPLICATION UNDER THE PLANNING ACT
LOTS 12 and 13
SOUTH SIDE OF CANBORO STREET
REGISTERED PLAN NOW KNOWN AS 703
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA
BRENT LAROCCUE O.L.S.



PART 2
Area of Dwelling = 1055 sq ft
Lot Area = 4345 sq ft
Percentage Coverage = 24%
Servicing is Contained Within Each Part

REGISTERED
PLAN
RESIDENTIAL
NK4 703

RESIDENTIAL

MAY 31, 2004
BRENT LAROCCUE
O.L.S.
RICHARD LAROCCUE LIMITED
ONTARIO LAND SURVEYORS & CONSULTANTS
12 LYMAN STREET, ST. CATHARINES
6279 HUGGINS STREET, NIAGARA FALLS
ONTARIO

THIS SKETCH IS PREPARED FOR AN APPLICATION
UNDER THE PLANNING ACT AND ALL DIMENSIONS
ARE TO BE CONFIRMED BY SURVEY.

THIS PLAN IS SUBJECT TO THE
WRITTEN REPORT DATED
MAY 31, 2004

© RICHARD LAROCCUE LIMITED
No person may copy, reproduce or disseminate this
plan in whole or in part without the written

DRAWN BY:
U.S.

CHECKED BY:
U.S.

DATE:
FILE: NS2003-024

REPORT NO. P-49/04
ATTACHMENT NO. 3
PAGE NO. 1/1

EXCERPT FROM TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), AS AMENDED
RESIDENTIAL VILLAGE 1 (RV1) ZONE Page 1 of 1

SECTION 9 - RESIDENTIAL VILLAGE 1 RV1 ZONE

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Village 1 RV1 Zone.

9.1 PERMITTED USES

- (a) One single detached dwelling on one lot and uses, buildings and structures accessory thereto;
- (b) Home occupations.

9.2 ZONE REQUIREMENTS

	With Sanitary Sewers & Water	With Municipal Water or No Municipal Services
(a) Minimum Lot Area	836 m ² (8,998.92 ft ²)	3700 m ² (39,827.77 ft ²)
(b) Minimum Lot Frontage	18 m (59.05 ft) 20 m (65.62 ft) on a corner lot	36 m (118.11 ft) 38 m (124.67 ft) on a corner lot
(c) Maximum Lot Coverage	35 percent	20 percent
(d) Minimum Front Yard	8 m (26.25 ft)	10 m (32.81 ft)
(e) Minimum Interior Side Yard	1.5 m (4.92 ft)	3 m (9.84 ft)
(f) Minimum Exterior Side Yard	5 m (16.4 ft)	6 m (19.69 ft)
(g) Minimum Rear Yard	7.5 m (24.61 ft)	7.5 m (24.61 ft)
(h) Maximum Height for a Dwelling	10.5 m (34.45 ft)	10.5 m (34.45 ft)
(i) Minimum Ground Floor Area for a Dwelling		
(i) one storey	93 m ² (1,001.08 ft ²)	93 m ² (1,001.08 ft ²)
(ii) two storeys	56 m ² (602.80 ft ²)	56 m ² (602.80 ft ²)

NOTE:

THIS EXCERPT IS PREPARED FOR PURPOSES OF CONVENIENCE ONLY,
AND FOR ACCURATE REFERENCE RECOURSE SHOULD BE HAD TO THE
ORIGINAL BY-LAW

PLANNING SERVICES REPORT

P-05/05

TO: Chair, Councillor John Durley, and Members of the General Committee,
Planning Services Division

FROM: Craig Larmour, Director of Planning Services

DATE OF REPORT: February 02, 2005

DATE OF MEETING: February 07, 2005

SUBJECT: Town Official Plan and Zoning By-law Amendment Application AM-06/04
Pentti and Paula Piironen (Agent: Joan Larocque)
752 Canboro Road

RECOMMENDATION

THAT the General Committee, Planning Services Division, receive Planning Services Report P-05/05, regarding Official Plan and Zoning By-law Amendment Application AM-06/04 – Pentti and Paula Piironen;

AND FURTHER THAT Official Plan and Zoning By-law Amendment Application AM-06/04, Pentti and Paula Piironen, be approved and that Staff be directed to prepare the necessary amendments for consideration by Council.

LOCATION, PURPOSE, BACKGROUND AND POLICY

1. Location

The subject lands are located on the south side of Canboro Road, lying west of Garner Avenue. The lands are legally described as part of Lots 12 and 13, Registered Plan No. 703, former Township of Pelham, now Town of Pelham. A map illustrating the location of the lands is included as Attachment No. 1 to this report.

2. Purpose

The applicant intends to amend the policies of the Town's Official Plan and provisions of the Zoning By-law in order to permit the division of lands currently occupied by two separate residential dwellings.

3. Background

Part 1 of the subject lands is currently occupied by a single detached dwelling known municipally 752 Canboro Road and a 'metal clad shed'. Part 1 measures 2023.5 square metres (21,781.49 square feet). A duplex dwelling known municipally as 750 Canboro occupies Part 2. Part 2 measures 403.65 square metres (4,345.0 square feet). A Surveyor's Sketch, illustrating the property dimensions and location of buildings, is included as Attachment No. 2 to this report.

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P-05/05

The applicants intend to sever Part 1 from their land holding and to convert the duplex dwelling, located on Part 2, into a single detached dwelling. In order to permit the consent they propose to amend the Official Plan and Zoning By-law, as they affect Part 2, to permit a reduction in the lot area requirement. It is also proposed that the Zoning By-law be amended to address a parking deficiency related to Part 2.

4. Provincial Policy Statement

It is required that a municipality shall have regard to policy statements issued under the *Planning Act* in considering development proposals. Section 1 of the Provincial Policy Statement (PPS) provides policy promoting efficient, cost-effective development patterns.

Policy 1.1.1 a) states:

Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

Policy 1.2.1 states:

Provision will be made in all planning jurisdictions for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market area by:

- a) *maintaining at all times at least a 10-year supply of land designated and available for new residential development and residential intensification;*
- b) *maintaining at all times, where new development is to occur, at least 3-year supply of residential units with servicing capacity in draft approved or registered plans;*
- c) *encouraging housing forms and densities designed to be affordable to moderate and lower income households;*
- d) *encouraging all forms of residential intensification in parts of built-up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units available from residential intensification; and*
- e) *establishing cost-effective development standards for new residential development and redevelopment to reduce the cost of housing.*

5. Regional Policy Plan

The lands lie within the Fenwick Urban Area Boundary (UAB) as identified by the Regional Policy Plan. The following Sections of the Plan apply to the proposed development:

- 5.4 *Individual urban development proposals within urban areas will be dependent on the availability of adequate municipal water, sewer, stormwater and road services to meet the anticipated increased requirements resulting from the development. Individual development projects without the full range of urban services will only be permitted in special cases and under special circumstances where the lack of complete services will not be a detriment to the environment, the private development, the municipality or to the efficient use of land.*

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P-05/05

5.5 The primary responsibility for regulating the types, locations and densities of land uses within the defined urban areas rests with the local municipalities, through their official plans and zoning regulations. Each municipality is expected to prepare these plans with supporting information to regulate the development within their urban areas.

Despite the predominance given the local plans, several aspects of these local plans are considered to be of Regional significance and interest. Thus the Region expects these topics to be adequately covered in local documents, but the Region will maintain a continuing interest in them, and will review and comment on topics of Regional significance. These include:

- (a) the amount and distribution of low, medium and high density residential uses, and commercial and industrial uses;
- (b) policies supporting the provision of various forms of affordable housing within existing developed areas as well as in new subdivisions;
- (c) pedestrian as well as other transportation needs;
- (d) parks and recreation policies which consider demand, accessibility, and relationships to other land uses;
- (e) maps showing existing and proposed land uses, Regional and area municipal roads and community facilities (schools, parks, major institutions, etc.);
- (f) consideration of factors such as historic features, aesthetic values, adequate provision for public institutions, energy conservation, a distribution and density of buildings which contributes to a pleasing urban character, and the minimizing of conflicts between adjacent land uses.

In these respects, the Region considers that it shares an interest with the local municipalities in providing efficient, safe, attractive, and adequate facilities within the urban environment while recognizing that the detailed decisions will normally be the responsibility of the local municipality.

6. Town of Pelham Official Plan

The subject lands are located within the Fenwick Urban Area Boundary (UAB) and are designated Village Residential. The Village Residential policies are intended to permit the predominant use of land for single detached dwellings. Ancillary uses such as institutional uses, parks, schools, community facilities and public utility uses shall also be permitted.

Development within the Village Residential designation is subject to a number of policies including subsection 1.14.1 which states:

All Village Residential development shall consist of larger than average lots to maintain a village atmosphere as opposed to typical small lot urban residential development. To this end the minimum lot size of full service lots shall be approximately 830 square metres. The minimum lot size of lots with private sewage facilities shall be approximately 3700 square metres.

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P-05/05

7. Town of Pelham Zoning By-law No. 1136 (1987)

The subject lands are currently zoned Residential Village 1 RV1 according to Zoning By-law No. 1136 (1987), as amended. The RV1 Zone permits the use of lands for single detached dwelling use. The provisions of the RV1 Zone requires the provision of a minimum lot area of 836 square metres (8998.92 square feet). Further, subsection 6.16(a) of the Zoning By-law requires the provision of one parking space in a private garage or carport.

A copy of the RV1 Zone provisions is included as Attachment No. 3 for Committee's information and reference.

COMMENTS AND DISCUSSION

1. Agency Comments

The application was circulated to all internal departments and external agencies having an interest in this application. The following comments have been received to date:

- The **Regional Planning and Development Department** has indicated they have no objection from a Regional or Provincial planning perspective due to the fact that the separation of title for the two lots should not negatively impact the surrounding residential parcels.
- The **Town's Building and Enforcement Services and Operations Department** and the **Regional Public Health Department** have each indicated that they have no objection to the proposal.

2. Public Comments

A public meeting was convened by the Town on Monday, December 13, 2004. The following correspondence was received at that meeting:

- **Mr John Burger and Mrs Shirley Burger** have submitted correspondence outlining their concern with respect to the development of the subject lands. A copy of their correspondence is included as Attachment No. 4.

3. Staff Comments

As noted previously, the applicants intend to sever Part 1 from their land holding and to convert the duplex dwelling, located on Part 2, into a single detached dwelling. In order to permit the consent they propose to amend the Official Plan and Zoning By-law as they affect Part 2 to permit a reduction in the lot area requirement. It is also proposed that the Zoning By-law be amended to address a parking deficiency related to Part 2.

As Committee is aware, the two dwellings have existed on the subject lands for approximately 40 years. The property owners have informed that they have been content in being landlord of the duplex dwelling during this time, however, a number of personal factors have given cause to separating ownership of the two dwellings. In order to minimize the impact of the proposal, the applicants have committed to reducing the intensity of the use through the conversion of the duplex dwelling to a single detached dwelling.

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P-05/05

Planning Staff note that both dwellings are in good repair and that it is not likely that either dwelling would be removed from the lands in order to accommodate compliance with the Zoning By-law.

Concerning the lot area requirement, the Official Plan and Zoning By-law require in excess of 830 square metres, whereas Part 2 consists of 403.65 square metres. The 403.65 square metres represents the amount of land presently provided for the exclusive use of 750 Canboro Road (Part 2). The proposed amendments represent a significant reduction in the lot area requirement, however, it is recognized that the division of the property will do little to alter the condition as it exists today. While the area seems minimal, the location of the dwelling on the lot complies with all setback requirements of the Zoning By-law thereby providing suitable amenity area.

With respect to the proposed Zoning By-law Amendment concerning the lack of a parking space within a garage or carport, Planning Staff are of the opinion that the lands do offer suitable area for the accommodation of the required parking on site.

On this basis, Planning Staff are in support of the requested Official Plan and Zoning By-law Amendments.

However, Planning Staff do have some concern with respect to the paved parking area in the front yard of 750 Canboro Road. Planning Staff are of the opinion that the paved area lacks aesthetic appeal and presents unnecessary points of conflict with the sidewalk and with the fire hydrant located in the middle of the lot frontage. In addition, the neighbours to the east have highlighted discord with the applicants concerning the clearing of snow from the paved area. Recent snowfall appears to give weight to this concern as snow removed from the paved area has been cleared and deposited at the easterly limit spilling onto the neighbouring property.

In order to address this matter, Planning Staff recommend that the amending Zoning By-law contain a provision that will limit the width of the driveway to a maximum of 3.3 metres as illustrated on the Surveyor's Sketch (Attachment No. 2).

For Committee's information, the conversion of the dwelling and removal of the paved parking area in the front yard of 750 Canboro Road will be addressed by conditions of consent approval of the associated application for severance. In order to secure the consent approval, the applicants must fulfil the conditions within one year of the consent application being approved by the Committee of Adjustment.

ATTACHMENTS

1. General Location Map
2. Surveyor's Sketch
3. Residential Village 1 RV1 Zone Provisions
4. Mr John Burger correspondence, dated November 19, 2004

Prepared by,

Approved and Submitted by,

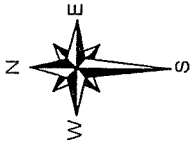


Craig Lamour, MCIP, RPP
Director of Planning Services



Gord Cherney
Chief Administrative Officer

REPORT NO. P-05/05
ATTACHMENT NO. 1
PAGE NO. 1/1



Metric Scale:
1:2,500

LOCATION MAP



Subject Lands  - Lots 12 & 13, Plan 703

REPORT NO. P-05/05
 ATTACHMENT NO. 2
 PAGE NO. 1/1

PRELIMINARY SKETCH TO:
 LOTS 12 and 13
 SOUTH SIDE OF CANBORO STREET
 REGISTERED PLAN NOW KNOWN AS 703
 TOWN OF PELHAM

REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 IN. = 50 FT.

BRENT LAROCCQUE O.L.S.

EAST CANBORO STREET
 (As set out on Registered plan NKA 703)
 1106.51' ±

PART 1
 AREA =
 0.50 Acres

LOT 11

LOT 12

LOT 13

LOT 14

RESIDENTIAL

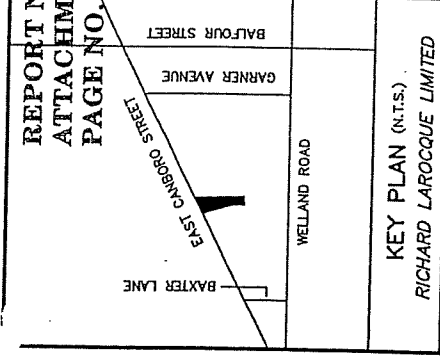
REGISTERED

PLAN

NKA 703

RESIDENTIAL

PART 2
 Area of Dwelling = 1056 sq ft
 Lot Area = 4345 sq ft
 Percentage Coverage = 24%
 Servicing is Contained Within Each Part



KEY PLAN (N.T.S.)
 RICHARD LAROCCQUE LIMITED

RESIDENTIAL

LOT 10

MAY 31, 2004
 BRENT LAROCCQUE
 O.L.S.

RICHARD LAROCCQUE LIMITED

ONTARIO LAND SURVEYORS & CONSULTANTS

12 LYMAN STREET, ST. CATHARINES
 6279 HUGGINS STREET, NIAGARA FALLS
 ONTARIO

THIS SKETCH IS PREPARED FOR AN APPLICATION
 UNDER THE PLANNING ACT AND ALL DIMENSIONS
 ARE TO BE CONFIRMED BY SURVEY.

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 No person may copy, reproduce or alter this
 plan in whole or in part without the written
 permission of RICHARD LAROCCQUE LIMITED

DRAWN BY:
 MS

CHECKED BY:
 BL

DATE:
 MAY 31, 2004

FILE: NS2003-024
 DWG. FILE: NS2003-024-1

EXCERPT FROM TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), AS AMENDED
RESIDENTIAL VILLAGE 1 (RV1) ZONE

Page 1 of 1

SECTION 9 - RESIDENTIAL VILLAGE 1 RV1 ZONE

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Village 1 RV1 Zone.

9.1 PERMITTED USES

- (a) One single detached dwelling on one lot and uses, buildings and structures accessory thereto;
- (b) Home occupations.

9.2 ZONE REQUIREMENTS

	With Sanitary Sewers & Water	With Municipal Water or No Municipal Services
(a) Minimum Lot Area	836 m ² (8,998.92 ft ²)	3700 m ² (39,827.77 ft ²)
(b) Minimum Lot Frontage	18 m (59.05 ft) 20 m (65.62 ft) on a corner lot	36 m (118.11 ft) 38 m (124.67 ft) on a corner lot
(c) Maximum Lot Coverage	35 percent	20 percent
(d) Minimum Front Yard	8 m (26.25 ft)	10 m (32.81 ft)
(e) Minimum Interior Side Yard	1.5 m (4.92 ft)	3 m (9.84 ft)
(f) Minimum Exterior Side Yard	5 m (16.4 ft)	6 m (19.69 ft)
(g) Minimum Rear Yard	7.5 m (24.61 ft)	7.5 m (24.61 ft)
(h) Maximum Height for a Dwelling	10.5 m (34.45 ft)	10.5 m (34.45 ft)
(i) Minimum Ground Floor Area for a Dwelling		
(i) one storey	93 m ² (1,001.08 ft ²)	93 m ² (1,001.08 ft ²)
(ii) two storeys	56 m ² (602.80 ft ²)	56 m ² (602.80 ft ²)

NOTE:

THIS EXCERPT IS PREPARED FOR PURPOSES OF CONVENIENCE ONLY,
AND FOR ACCURATE REFERENCE RECOURSE SHOULD BE HAD TO THE
ORIGINAL BY-LAW

REPORT NO. P-05/05
ATTACHMENT NO. 4
PAGE NO. 1/2

John & Shirley Burger
746 Canboro Rd., Box 281
Fenwick, ON
L0S 1C0

905-892-3059

November 19, 2004

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

SUBJECT: Town Official Plan and Zoning By-Law Amendment
Application AM 06/04; Pentti and Paula Piironen
(Agent John Larocque), 752 Canboro Road, Fenwick, Ontario

To Chair, Councillor John Durley, and members of the General Committee,
Planning Services Division.

In October 2004 we received notice from the Town of Pelham concerning the proposed application of Pentti and Paula Piironen to permit the division of lands currently occupied by two separate residential dwellings located on the south side of Canboro Road, West of Garner Avenue, Part of Lot 12 and 13, Reg. Plan N.K.A. 752 Canboro Road, Fenwick.

Below are issues we feel need to be addressed:

Received at Town L. 17 and 13, Fenwick, Ontario

CONCERNING THE NOTICE OF A PUBLIC MEETING ON NOV. 22/04

1. On the explanation of the purpose of the application it is stated that Part #1 is 2025.5 sq. meters. It is also stated the duplex (2 apartments) consists of 4345.0 sq. meters. These figures are listed incorrectly. An error has

made.

2. If the applicants intend to sever Part 1 from their land holdings and to convert the duplex apartment dwelling located on Part 2, into a single detached dwelling. At what point in time would this completed conversion take place?

3. Does this conversion take place before or after a severance is made?

4. Concerning the Parking Issue:

It is shown on the sketch, two parking places on the west side of the apartment to be created. Does this replace the parking area directly in front of the building?

5. Concerning Front Yard (presently parking lot with fire hydrant located in centre at sidewalk edge.)

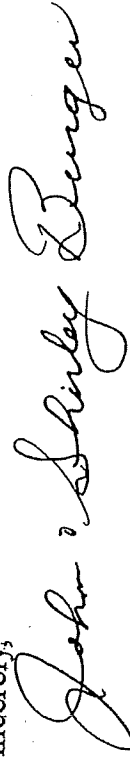
Question:

Because of heavy snow fall, where will the accumulation of snow be deposited? I'm sure the Piironen's do not want it in their westerly property and we certainly do not want it on ours (east side).

We feel because of the two new parking spaces created on the west side, we suggest that this front area be returned to a lawn which will ensure proper drainage for all concerned.

In closing, we wish to thank you for your consideration of the above issues.

Sincerely,



John & Shirley Burger

THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 51

PART OF LOTS 12 AND 13, PLAN 703
750 CANBORO ROAD

AFFIDAVIT

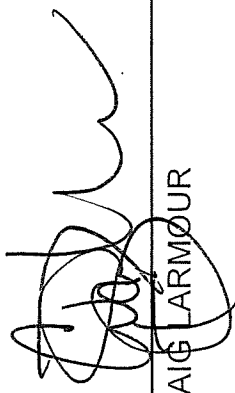
I, **CRAIG LARMOUR**, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) The information required under Section 6(2) of Ontario Regulation 198/96 attached as Schedule "A" is provided and is true.

SWORN BEFORE ME AT THE TOWN OF PELHAM)
IN THE REGIONAL MUNICIPALITY OF NIAGARA)
THIS 14TH DAY OF MARCH, 2005 A.D.)
)
)
)
)
)


CHERYL MILETTE, CLERK

CHERYL MILETTE, Clerk,
Town of Pelham, a Commissioner,
for taking Affidavits in the
Regional Municipality of Niagara


CRAIG LARMOUR

SCHEDULE A

1. Pelham Council is submitting an Official Plan Amendment.
2. The proposed Amendment does not replace an existing official plan.
3.
 - (i) The lands are described as Part of Lots 12 and 13, Plan 703, former Township of Pelham, now Town of Pelham.
 - (ii) The proposed Amendment affects approximately 403 square metres.
 - (iii) The proposed Amendment does not change, replace or delete a policy in the Official Plan.
 - (iv) Not applicable.
 - (v) The proposed Amendment adds a policy to the Official Plan.
 - (vi) The purpose of the policy Amendment is to amend the Village Residential policies to permit a reduction in the lot area requirement for a single detached dwelling located at 750 Canboro Road.
 - (vii) The subject land are designated Village Residential according to the Town's Official Plan. The predominant use of land in this category shall be single-family dwellings. A limited number of multiple family dwellings, which may also include senior citizen accommodations, may also be permitted on full services. Ancillary uses which shall also be permitted are institutional uses, parks, schools, community facilities and public utility uses.
 - (viii) The proposed Amendment does not change or replace a designation.
 - (ix) Not applicable.
 - (x) The proposed Amendment would permit a reduction in the lot area requirement for a single detached dwelling located at 750 Canboro Road
 - (xi) The subject land is also affected by a Zoning By-law Amendment application. There are no other lands within 120 metres of the subject land that are the subject of a consent application.
 - (xii) The associated Zoning By-law Amendment application is known as File No. AM-6/04 and the Town of Pelham is the approval authority considering the application. The purpose of the Zoning By-law Amendment application is to permit the severance of the lands by allowing a reduction in the lot area requirement and address a parking deficiency related to the subject land.

Appendix G-1

LIST OF PUBLIC BODIES GIVEN NOTICE OF PROPOSED PLAN OR AMENDMENT BUT WHICH DID NOT RESPOND

ATTN MANAGER
PLANNING & TRANSPORTATION
DIST SCHOOL BRD OF NIAGARA
191 CARLTON ST
ST CATHARINES ON L2R 7P4

D MANICCIA MGR OF OPERATIONS
NIAGARA CATHOLIC DISTRICT SCHOOL BOARD
427 RICE RD
WELLAND ON L3C 7C1

MANAGER LAND SERVICES
ENBRIDGE CONSUMERS GAS
P O BOX 650
TORONTO ON M1K 5E3

ATTN SECRETARY
ENBRIDGE CONSUMERS GAS
P O BOX 1051
THOROLD ON L2V 5A8

BELL CANADA
RIGHT OF WAY CONTROL CTR
100 BOROUGH DR FLR 5 BLUE
TORONTO ON M1P 4W2

DIRECTOR OF FIRE SERVICES
TOWN OF PELHAM

LAND USE PLANNING SECTION
REAL ESTATE SERVICES
HYDRO ONE NETWORKS INC
483 BAY ST 15TH FLR
TORONTO ON M5G 2P5

ATTN PENNY CHRISTIE
MUNICIPAL ASSESSMENT CORP
P O BOX 1270
ST CATHARINES ON L2R 7A7

Appendix H-1

AMENDMENT BEING INITIATED BY:

APPLICANT - Pentti Piironen and Paula Piironen
752 Canboro Road
Fenwick ON L0S 1C0
(905) 892-5333

AGENT - Joan Larocque
The Larocque Group
17 Lyman Street
St. Catharines ON L2R 5M7
(905) 688-1413

REGIONAL PROCESSING FEE TO BE PAID BY APPLICANT