

07-2024

July 2, 2024

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, via Livestream: www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

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

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.
4. **Approval of Agenda**
5. **Disclosure of Pecuniary Interest and General Nature Thereof**
6. **Requests for Withdrawal or Adjournment**
7. **Applications for Minor Variance**

7.1	A13-2024P - 304 Welland Road	1
	1. Town of Pelham Planning	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building	
	4. Niagara Region	
	5. Louise Engel and David Johnson	

8. Applications for Consent

8.1	B11-2024P - 1395 Station Street	16
	1. Town of Pelham Planning	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building	
	4. Niagara Region	
	5. Hydro One	
	6. Mary Tucker	

8.2	B12-2024P - 690 Quaker Road	38
	1. Town of Pelham Planning	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building	
	4. Enbridge	
	5. Hydro One	

9. Adjournment



**Community Planning and Development Department
Committee of Adjustment**

Tuesday, July 02, 2024

Minor Variance Application: A13-2024P

Municipal Address: 304 Welland Road
Legal Description: Part Lot 6, Concession 10
Roll number: 2732 020 013 16300

Nature and Extent of Relief/ Permission Applied for:

The subject land is located on the south side of Welland Road, lying west of Effingham Street, being Part of Lot 6, Concession 10, in the Town of Pelham.

The subject land is zoned Specialty Agriculture (SA) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate the construction of a covered porch.

The applicant seeks relief from the following section(s) of the Zoning By-law:

- a) **Section 5.2.3 "Maximum Lot Coverage"** – to permit a maximum lot coverage of 13.5% whereas the Bylaw allows a maximum lot coverage of 10%.

For context, the existing dwelling was damaged by fire. The owners submitted a building permit application to repair the dwelling. As part of the scope of work the owners are proposing to construct a new covered porch. With the addition of the covered porch, the property exceeds the maximum permitted lot coverage of 10%.

The parcel has approximately 30 metres of frontage and is 1,857 m² in area. Surrounding land uses include rural residential development and agricultural uses. The parcel is privately serviced, with the septic tank located to the front of the dwelling.

Applicable Planning Policies:

Planning Act, R.S.O. 1990, c.P.13

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the Zoning By-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4)

Official Plan are maintained (the “Four Tests”). A discussion of the four tests is included below.

Provincial Policy Statement (PPS) (2020)

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

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town’s Heritage Master Plan identifies this area as having high archaeological resource potential. Notwithstanding the site displays potential, the area of the covered porch has been disturbed. As such, staff will waive the requirement for an archaeological assessment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The Provincial Policy Statement (PPS) designates the subject land within the ‘Prime Agricultural Area’ and more specifically within a Specialty Crop Area. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations.

The proposed minor variance will permit an addition to an existing single detached dwelling and is in keeping with the policies of the PPS.

Greenbelt Plan (2017)

The lands are in the “Niagara Peninsula Tender Fruit and Grape Area” designation within the Protected Countryside Designation of the Greenbelt Plan.

Section 3.1.2 (Specialty Crop Area Policies) states that for lands falling within *specialty crop areas* of the *Protected Countryside* all types, sizes and intensities of agricultural uses and *normal farm practices* shall be promoted and protected.

Planning staff note that the property is 1,857.14 m² in land area and is an existing lot used for residential use. The use is not changing as a result of the application.

Staff are of the opinion that the proposed variance does not conflict with the Greenbelt Plan.

Growth Plan for the Greater Golden Horseshoe (2020)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019, that affect a planning matter will conform to this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The lands are within the Prime Agricultural Area in the Provincial Agricultural System. Prime agricultural areas, including specialty crop areas are intended to be protected for long term agricultural use. The existing residential use of the lands is not proposed to change as a result of the application.

Accordingly, Staff is of the opinion that the proposed variance is in keeping with the policies of the Growth Plan.

Niagara Region Official Plan (2022)

The Region of Niagara adopted a new Official Plan on June 23, 2022. Approval was granted by the Province on November 7, 2022. The new Region of Niagara Official Plan ("NOP") provides the policy guidance for future development across the Region. The Region's Official Plan designates the lands as within the Speciality Crop Area of the Region's Agricultural Land Base. Regional policies aim to protect agricultural land for the long-term. Existing residential uses are supported in the Specialty Crop Area designation.

Furth, Regional staff commented on the application and provided no objection to the proposal. Town Staff is satisfied that the proposed development is in keeping with the purpose and intent of the Region of Niagara Official Plan.

Town of Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect natural heritage features.

The local Official Plan designates the subject lands 'Specialty Agricultural' according to Schedule 'A.' The purpose of the Specialty Agricultural designation is to implement the Greenbelt Plan and to recognize the importance of croplands. Single detached dwellings are a permitted use in the Specialty Agricultural designation.

In making a determination of whether a variance is minor, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. The impact of the proposed variances is minimal.

Section E1.5 states in part:

... applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

Planning staff note that the property is 1,857.14 m² in land area and is used for residential purposes. Adequate area and building setbacks are available to manage the drainage from the addition of the covered porch without adversely impacting adjacent properties and that no concerns exist with respect to private servicing. The existing residential use on the subject property is permitted.

Planning staff are of the opinion the proposed variance conforms with the Town of Pelham Official Plan.

Town of Pelham Comprehensive Zoning By-law 4481 (2022)

The Committee of Adjustment, in accordance with 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	Test Response/Explanation
The variance is minor in nature.	<p>Section 5.2.3 "Maximum Lot Coverage"</p> <p>Yes, the variance is minor in nature. No negative impacts are anticipated on the adjacent properties in terms of drainage, visual impacts or with respect to private servicing. Adequate yard setbacks will be maintained. The covered porch is relatively small in area in comparison to the lot area. The increased coverage amounts to approximately 3.5% of the entirety of the lot. As such, staff are of the opinion the variance is minor in nature.</p>
The variance is desirable for the development or use of the land.	<p>Section 5.2.3 "Maximum Lot Coverage"</p> <p>Yes, the variance is desirable for the development or use of the land. The increase in lot coverage is desirable as it will facilitate the construction of an appropriate addition to the existing dwelling and expand the amenity area through the addition of a covered porch. The covered porch is not anticipated to have a negative impact on the ability of the site to maintain adequate drainage or private servicing. As such, staff are of the opinion the variance is desirable.</p>
The variance maintains the general intent and purpose of the Zoning By-law.	<p>Section 5.2.3 "Maximum Lot Coverage"</p> <p>Yes, the variance maintains the general intent and purpose of the Zoning By-law. The intent of the maximum lot coverage provision of the By-law is to maintain adequate space for landscaping, leisure, drainage, and private servicing to maintain compatibility and ensure protection of health and the environment. Further the use is permitted in the SA zone.</p> <p>The increase in lot coverage for accessory structures is not anticipated to have any a negative impact on space for landscaping, leisure, drainage or private servicing.</p>

	As such, staff are of the opinion the variance maintains the general intent and purpose of the Zoning By-law.
The variance maintains the general intent and purpose of the Official Plan.	<p>Section 5.2.3 "Maximum Lot Coverage"</p> <p>Yes, the variances maintain the general intent and purpose of the Official Plan. The intent of the Official Plan through the Good General Agricultural designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture.</p> <p>The requested variance should have no impact on the agricultural viability of the surrounding area and will not compromise the objectives of the Official Plan, with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities.</p> <p>The proposal is generally consistent in built form, scale, and massing with existing development and the character of the area.</p> <p>As such, staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.</p>

Agency and Public Comments:

On May 30, 2024 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 Division
 - A Building permit is required for the construction of the requested front porch, should variance be granted.
- Public Works Department
 - No comments.
- Niagara Region Growth Management and Planning Division
 - Archaeological Resources - The subject property falls within the Region’s mapped area of archaeological potential, as identified on Schedule ‘K’ of the Niagara Official Plan (NOP). Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.
 - Regional staff note that the Town of Pelham has a Heritage Master Plan. As such, Town staff should be satisfied that any local archaeological provisions / requirements have been met. Should the Town require an archaeological assessment for the proposed development, staff request

that all applicable reports and a Ministry letter of acknowledgement are circulated to the Region.

- Private Servicing - No sewage system permit was found for the existing sewage bed on the property; however, the septic tank was replaced in 2019 and approved by the Region's Private Sewage System department. According to the permit, the septic bed is located in the rear yard and the proposed porch is in the front yard and will not encroach on the existing sewage system or add in sewage flows. Therefore, based on the information submitted, Region staff offer no objection to the application from a private servicing perspective.

No public comments were received at the time of writing this report.

Planning Staff Comments:

Based on the analysis given in above sections, staff is of the opinion the proposal:

- makes efficient use of the land;
- will not result in overbuilding of the property;
- will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties; and,
- should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff.

The applicant is advised of the potential for archaeological resources and the requirement to notify the appropriate government ministries should archaeological remains/resources or human remains be encountered during construction.

The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Planning Staff Recommendation:

Planning staff recommend that minor variance file A13/2024P **be approved** subject to the following condition(s):

THAT the applicant:

- That all necessary building permits be acquired prior to construction commencing, to the satisfaction of the Chief Building Official.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

**Engineering Department
Committee of Adjustment Report**

For

**A13-2024P
304 Welland Road**

June 14, 2024

Town staff have reviewed the following documentation for the purpose of **A13-2024P – 304 Welland Road** Minor Variance application for:

The subject land is zoned Specialty Agriculture (SA) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made, to facilitate the construction of a covered porch.

The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 5.2.3 “Maximum Lot Coverage” – to permit a maximum lot coverage of 13.5% whereas the Bylaw allows a maximum lot coverage of 10%.

Introduction:

The subject land is located on the south side of Welland Road, lying west of Effingham Street, being Part of Lot 6, Concession 10, in the Town of Pelham.

The subject land was damaged due to fire. At the restoration stage, the applicant is requesting the variance as a covered porch total footage did not comply with the zoning regulations. The As-built porch and the proposed area indicates the existing construction is approximately 240 m², with the proposed porch is slightly larger. The allowed by the bylaw is 10% of the lot. Our lot is approximately 1830 m² meaning the lot coverage allowed is 183m². The difference is 57m².

Analysis:

General Comments

Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.

Public Works offer the following conditions:

- Public Work has no conditions.

Sarah Leach

To: Andrew Edwards
Subject: RE: Comments for 690 Quaker Road, 1395 Station Street & 304 Welland Road

From: Belinda Menard <BMenard@pelham.ca>
Sent: Wednesday, June 19, 2024 3:58 PM
To: Andrew Edwards <AEdwards@pelham.ca>
Subject: Comments for 690 Quaker Road, 1395 Station Street & 304 Welland Road

Sarah & Andrew,

At this time, building has no comments, regarding 690 Quaker Road and 1395 Station Street.

Regarding 304 Welland Road, a [Building permit is required for](#) the construction of the requested front porch, [should variance be granted](#).

Should there be any questions regarding the Building permit process, please direct those inquiries to building-info@pelham.ca

Respectfully,
Belinda Menard



Belinda Menard, Dipl., Const. Eng. Tech.
Building Inspector, Community Planning & Development
Town of Pelham
D: 905-980-6667 | E: bmenard@pelham.ca
T: 905-892-2607 x326
20 Pelham Town Square | PO Box 400 | 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.

Sarah Leach

From: Macdonald, Carling <Carling.Macdonald@niagararegion.ca>
Sent: Monday, June 10, 2024 3:32 PM
To: Sarah Leach
Cc: Andrew Edwards
Subject: 304 Welland Road (File No. A13-2024) - Regional Comments

Hi Sarah,

Please see the Region's comments for 304 Welland Road (File A13-2024) below.

Regional Comments – 304 Welland Road

Archaeological Resources

The subject property falls within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the Niagara Official Plan (NOP). Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Regional staff note that the Town of Pelham has a Heritage Master Plan. As such, Town staff should be satisfied that any local archaeological provisions / requirements have been met. Should the Town require an archaeological assessment for the proposed development, staff request that all applicable reports and a Ministry letter of acknowledgement are circulated to the Region.

Private Servicing

No sewage system permit was found for the existing sewage bed on the property; however, the septic tank was replaced in 2019 and approved by the Region's Private Sewage System department. According to the permit, the septic bed is located in the rear yard and the proposed porch is in the front yard and will not encroach on the existing sewage system or add in sewage flows. Therefore, based on the information submitted, Region staff offer no objection to the application from a private servicing perspective.

Kindly,
Carling



Carling MacDonald
Development Planner
Growth Management and Planning Division

Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7

P: (905) 980-6000 ext. 3387

W: www.niagararegion.ca

E: Carling.Macdonald@niagararegion.ca



My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

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

From: [REDACTED]
To: [clerks pelham](#)
Subject: A13-2024P
Date: Monday, June 10, 2024 11:19:39 AM

To Whom It May Concern,

We are writing to express our support of the application A13-2024P. We have no concerns about the minor variance in the application and believe that the Town of Pelham should grant relief to facilitate the construction of the covered porch.

with best regards,

Louise Engel
David Johnson

[REDACTED]



**Community Planning and Development Department
Committee of Adjustment**
Tuesday, July 02, 2024

Consent Application: B11-2024P

Municipal Address: 1395 Station Street

Legal Description: Firstly: Part Lots 15 and 16, Plan 717, Part 1 on Plan 59R-11979 and Part 4 on Plan 59R-17255; Secondly: Part Lots 14 and 15, Plan 717 - Part 1 on Sketch

Roll number: 2732 030 004 03400

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 21.71m on the east side of Station Street, lying south of Summersides Boulevard in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 1,173 square metres of land (Part 1), for future development. Part 2 is to be retained for future development. 1395 Station Street was previously a four-unit multi residential building that has been demolished. The subject property has historically been used for industrial purposes. Development of Part 2 will be subject to future Planning Act applications. Part 1 is exempt from future Planning Act applications due to recent amendments to the Planning Act, provided the existing zone regulations are met.

Surrounding land uses include low to medium density residential development.

Applicable Planning Policies:

Planning Act (Consolidated April 2022)

Section 53 (1) states a landowner 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 (PPS) (2020)

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

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject lands are in a “Settlement Area”, the Fonthill Urban Settlement Area, according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, and avoids adverse impacts to provincial interest, public health, safety, and the quality of the human environment. Planning staff are of the opinion that the requested consent is consistent with the PPS. The consent will allow for appropriate development and *intensification* as part of future Planning Act applications on Part 2 and compliance with existing zone regulations on Part 1.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town’s Heritage Master Plan identifies this area as having high archaeological resource potential. The applicant submitted an archaeological assessment with the application. No archaeological resources were identified through the Stage 2 property assessment and it was determined that no further archaeological assessment of the property is required. The applicant also appended the Ministry of Citizenship and Multiculturalism clearance letter.

Planning staff are of the opinion the application for consent is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2020)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019, that affect a planning matter will conform to this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The Growth Plan contains various guiding principles which are intended to guide decisions of how land is developed. The guiding principles include building compact, vibrant, and complete communities, managing and encouraging development in appropriate locations, and optimizing the use of existing infrastructure.

The subject lands are designated ‘Delineated Built-Up Area’ according to the Growth Plan. The proposed consent will facilitate the future development of the lands. The proposed consent will result in two separate parcels to allow development to proceed independently. Future redevelopment will be counted toward the Town’s *delineated built boundary* intensification targets.

Accordingly, Staff is of the opinion that the proposed application for consent is in keeping with the policies of the Growth Plan.

Niagara Region Official Plan (2022)

The Niagara Region adopted a new Official Plan in June of 2022. The Official Plan was forwarded to the Province and received approval in November of 2022. The Regional Official Plan (ROP) designates the subject lands as 'Delineated Built-Up Area' in the 'Urban Area' designation.

Policy 2.2.2.5 now requires that across the Region 60% of all residential units occurring annually are to be in the Built-Up Areas and in Pelham, this translates into an annual intensification rate of 25% of new residential units within the Built-Up Area. The principal objective is to increase housing choice and affordability across the Region to meet future housing needs.

Policy Section 2.3.1 provides the policy direction with regards to a mix a housing options and specifically policy 2.3.1.1 states that the development of a range and mix of densities, lot, and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life. Policy 2.3.2.3 sets that target that 20% of all new rental housing is to be affordable and 10% of all new ownership housing is to be affordable.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

Future development applications will be reviewed for conformity with these policies. The current application proposes to separate the property into two parcels so they can be developed independently.

Regional staff provided comments and offered no objections to the consent as the proposal does not conflict with Provincial or Regional interests and planning policy.

Town of Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The subject property, Part 1, is designated Urban Living Area/Built Boundary. Part 2 is within the East Fonthill Secondary Plan Area and within the "Built Boundary". Part 2 is designated Medium Density Residential on Schedule A5 East Fonthill Secondary Plan Area – Land use Plan.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

Policy B1.1.3 states that in considering residential intensification proposals (only applicable to Part 1), the following criteria are applicable:

- a) Schedules A1 and A2 to this Plan identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration for other sites in the Urban Living Area designation provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with an arterial or collector road;
 - ✓ Part 1 is located on Station Street, approximately 80 metres south of Summersides Boulevard which is identified as a Collector Road.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed. Within the identified intensification areas identified on Schedules A1 and A2 the implementing Zoning By-law may establish minimum and maximum densities of between 10 and 25 units per hectare;
 - ✓ No redevelopment proposal is being considered at this time. Development will be required to comply with existing zone regulations unless further applications are made.
- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
 - ✓ Future development of Part 1 will be required to meet the zone regulations or conform to this Policy through future applications.
- d) Notwithstanding items (b) and (c), the creation of new freehold or vacant condominium infill lots through the consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the Urban Living Area designation;
 - ✓ At this time, no development proposal has been provided for Part 1.

- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification. The establishment of accessory apartments shall occur in accordance with Policy B1.1.4 and Council may reduce the application fee for such amendments under the Town's Tariff of Fees By-law;
 - ✓ At this time, no development proposal has been provided for Part 1.
- f) The provision of affordable housing in intensification areas will be encouraged; and,
 - ✓ At this time, no development proposal has been provided for Part 1.
- g) The Town will consider innovations for responsive processing of applications and amendments in the future including tools such as Conditional Zoning Amendments implementing a Development Permit system and the streamlining of processing concurrent development applications.
 - ✓ N/A to the consent application.

Policy D5.2.1 states that for any consent application, the Committee of Adjustment shall be satisfied that (among other things) the proposed lot:

- a) Fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
 - ✓ Satisfied. Both the severed and retained parcels will have direct access from a public road.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ No traffic hazards are anticipated. Public Works staff did not identify any traffic concerns.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Satisfied. Both the severed and retained parcels are in keeping with the standards of the zoning by-law. Future Planning Act applications will be required to move forward with development of Part 2. Part 1 will be required to meet the zone regulations or make further Planning Act applications.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Satisfied. Both the severed and retained lot will have an appropriate or planned water supply and means of sewage disposal.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ A lot grading / drainage plan will be required as a condition of approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Satisfied. The proposed consent will facilitate future development of both parcels. The proposed lot dimensions will not hinder future development.

- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ There are no environmental features identified on the subject lands.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
 - ✓ Satisfied. Regional staff did not object as the proposal does not conflict with Provincial or Regional interests and planning policy.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ Not applicable.

The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. The applicant submitted an Archaeological Assessment with the application. No archaeological materials or features were located during the test pit survey, and as such no further archaeological assessment was recommended for the Study Area. The applicant also appended the Ministry of Citizenship and Multiculturalism clearance letter.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan.

Town of Pelham Zoning By-law 4481 (2022)

The lands are zoned Village Commercial (VC) and Residential Development (RD). The newly created lots will comply with the regulations of the Zoning By-law.

Future Planning Act applications will be required to develop Part 2. Part 1 will be required to meet existing zone regulations or make Planning Act applications.

On May 30, 2024, 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 Division
 - No comments.
- Public Works Department
 - Applicant should confirm that no existing utilities shall cross property line, relocation shall be the applicant's responsibility.
 - Please note that under Town's policy, only one service is allowed per lot.
 - A Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.

- Niagara Region
 - The consent application does not conflict with Provincial and Regional Urban Area policies. As such, Regional Growth Strategy and Economic Development staff offer no objection, provided a letter of reliance from a QP is provided with future development applications and a copy of the RSC is obtained prior to the issuance of a building permit.

One (1) public comment was received and is summarized as follows:

- Mary Tucker
 - Expressed concern with the future development of the lands – opposed to commercial or high-density development; Expressed concern with construction impacts; Expressed concern with infrastructure on Station Street (traffic, stormwater).

Planning Staff Comments:

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning & Development Services on May 16, 2024 to discuss the subject application. In addition, a consent sketch and planning justification brief was provided in support of the proposed development. Planning staff reviewed the planning justification brief and agreed with its conclusions.

The subject property has historically been used for industrial purposes and the proposal will introduce a more sensitive (residential) use. In accordance to the Environmental Protection Act, 1990 and Ontario Regulation 153/04 ("O. Reg. 153/04"), a change in use of this nature requires the filing of a Record of Site Condition ("RSC") on the Ministry of the Environment, Conservation and Parks' ("MECP") Environmental Site Registry to demonstrate that the site is suitable for this type of sensitive use. Accordingly, a Phase 1 and 2 ESA was prepared for the site. Field work was completed to remediate two areas of contaminants. No further remedial efforts are required.

Staff will require a letter of reliance from a qualified person be provided with future development applications for Part 2 and prior to issuance of a building permit on Part 1 to indicate that, despite any limitations or qualifications included in the Phase 1 and 2 ESA, the Region is authorized to rely on all information and opinions provided in the reports submitted.

With respect to the public comments received, Town staff recognize the importance of preserving existing character, analyzing impacts on infrastructure and services, and ensuring new development does not create adverse impacts in terms of traffic, drainage, and safety. Future development applications for Part 2 will be reviewed to ensure compatibility with the surrounding neighbourhood, to mitigate impacts on local infrastructure and ensure adequate capacity. Residents will have opportunities to participate in future public meetings, provide feedback, and voice concerns throughout the planning and development stages. It is the goal of Community Planning and Development staff to ensure new development aligns with the long-

term vision as outlined in the Town's Official Plan, balancing growth with neighbourhood character, and quality of life for existing and future residents of the Town.

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

Planning Staff Recommendation:

Planning staff recommend that minor variance file B11/2024P **be approved** subject to the following condition(s):

THAT the applicant:

- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$436, 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.
- That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
- A Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.
- The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.
- The applicant shall provide the associated storm sewer oversizing fees for Part 1 (1,173 square metres) in the amount of \$11,556.32. The cost sharing fee for the remaining Part 2 (7,948 square metres) of 1395 Station Street is \$219,859.68. This will be required at time of development submission.
- That the applicant provide a payment of \$1000.00 to the Town for a Street tree to be planted on the boulevard in front of the property as part of the Station Street road reconstruction.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

**Engineering Department
Committee of Adjustment Report**

For

**B11-2024P
1395 Station Street**

July 2, 2024

Town staff have reviewed the following documentation for the purpose of **B11-2024P – 1395 Station Street** consent application for:

Application is made for consent to partial discharge of mortgage and consent to convey 1,173 square metres of land (Part 1), for future development. Part 2 is to be retained for future development.

This application is in congruent with application B13-2022P- 1399 Station Street.

Introduction:

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 21.71m on the east side of Station Street, lying south of Summersides Boulevard in the Town of Pelham.

1395 Station St. was previously a 4-unit multi residential building that has been demolished. It also provided access to a commercial business, Zwierschke Brothers Septic Services. That business has closed, and the buildings removed.

There is a multiple residential development immediately adjacent to the south and a single detached dwelling to the north. Station St., further south is developed on both sides with mainly single detached dwellings.

In 2022, application is made for consent to partial discharge of mortgage and consent to convey 1938 square metres of land from 1399 Station Street (Part 2), to be added to the abutting property to the south (Part 5 of 1395 Station Street), for future development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1399 Station Street.

This application is made for consent to partial discharge of mortgage and consent to convey 1,173 square metres of land (Part 1), for future development. Part 2 is to be retained for future development.

This application is in congruent with application B13-2022P- 1399 Station Street.

Analysis:

Proposed Severance

See attached conditions below.

General Comments

Applicant should confirm that no existing utilities shall cross property line, relocation shall be the applicant's responsibility.

Please note that under Town's policy, only one service is allowed per lot.

A Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.

Public Works offer the following conditions:

- That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
- A Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.
- The applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot, to the satisfaction of the Director of Public Works, or designate.
- The applicant shall provide the associated storm sewer oversizing fees for Part 1 (1173 square metres) in the amount of \$11,556.32. The cost sharing fee for the remaining Part 2 (7948 square metres) of 1395 Station Street is \$219,859.68. This will be required at time of development submission.

Sarah Leach

To: Andrew Edwards
Subject: RE: Comments for 690 Quaker Road, 1395 Station Street & 304 Welland Road

From: Belinda Menard <BMenard@pelham.ca>
Sent: Wednesday, June 19, 2024 3:58 PM
To: Andrew Edwards <AEdwards@pelham.ca>
Subject: Comments for 690 Quaker Road, 1395 Station Street & 304 Welland Road

Sarah & Andrew,

At this time, building has no comments, regarding 690 Quaker Road and 1395 Station Street.

Regarding 304 Welland Road, a **Building permit is required** for the construction of the requested front porch, **should variance be granted**.

Should there be any questions regarding the Building permit process, please direct those inquiries to building-info@pelham.ca

Respectfully,
Belinda Menard



Belinda Menard, Dipl., Const. Eng. Tech.
Building Inspector, Community Planning & Development
Town of Pelham
D: 905-980-6667 | E: bmenard@pelham.ca
T: 905-892-2607 x326
20 Pelham Town Square | PO Box 400 | 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.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

June 19, 2024

File Number: PLCS202400663

Sarah Leach
Deputy Clerk/Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Leach:

Re: Regional and Provincial Comments
Application Type: Consent
Town File Number: B11-2024P
Owner/Applicant: [REDACTED]
Location: 1395 Station Street, Pelham

Regional Growth Strategy and Economic Development staff have reviewed the consent application for 1395 Station Street in the Town of Pelham (“subject property”).

The applicant is proposed a consent for partial discharge of mortgage and consent to convey 1,173m² of land (“Part 1”) for future development. “Part 2” is to be retained for future development.

Staff note that a pre-consultation meeting attended by Regional staff, Town staff, the agent and the property owner was held on May 16, 2024 to discuss the future residential development proposed for the subject property.

The following comments are provided from a Regional and Provincial perspective to assist the Committee in their review of the application.

Provincial and Regional Policies

The subject property is located within a Settlement Area under the *Provincial Policy Statement, 2020* (“PPS”), designated Delineated Built-Up Area in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* (“Growth Plan”) and *Niagara Official Plan, 2022* (“NOP”).

The NOP, PPS and Growth Plan together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. NOP Policy 2.2.1.1 regarding development in urban areas outlines support for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods as part of managing growth.

Archaeological Potential

According to Schedule 'K' of the NOP, the subject property is located outside the Region's mapped area of archaeological potential. However, staff note that the property is identified as having archaeological potential in the Town's Heritage Master Plan. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Regional staff have reviewed the *Stage 1 and 2 Archaeological Assessment* prepared by AS&G Archaeological Consulting (dated May 17, 2023). No archaeological resources were identified through the Stage 2 property assessment and it was determined that no further archaeological assessment of the property is required. Staff are in receipt of the acceptance letter from the Ministry of Citizenship and Multiculturalism (dated May 23, 2023) confirming that the report has been entered into the Ontario Public Register of Archaeological Reports without technical review.

Based on the conclusions/findings of the *Stage 1 and 2 Archaeological Assessment*, Regional staff have no further archaeological requirements. Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, staff offer the following archaeological advisory clause (to be included in future development agreements):

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

For additional information on archaeology in Niagara, please visit:
<https://pre.niagararegion.ca/culture-and-environment/archaeology.aspx>.

Site Condition

The subject property has historically been used for industrial purposes and the proposal will introduce a more sensitive (residential) use. In accordance to the *Environmental Protection Act, 1990* and Ontario Regulation 153/04 ("O. Reg. 153/04"), a change in use of this nature requires the filing of a Record of Site Condition ("RSC") on the Ministry of

June 19, 2024

the Environment, Conservation and Parks' ("MECP") Environmental Site Registry to demonstrate that the site is suitable for this type of sensitive use.

Regional staff have reviewed the *Phase 1 and Phase 2 Environmental Site Assessment* (ESA) reports prepared by Oakhill Environmental Inc. (dated November 2022 and April 2023, respectively). Five Areas of Potential Environmental Concern (APECs) were identified in the Phase 1 ESA and further investigated through the Phase 2 ESA. The Phase 2 ESA identified contaminants in two distinct areas on the site, including the area west of the maintenance building and the grass areas along the northern property boundary. A supplemental investigation was recommended for these two areas of the site.

Accordingly, staff have reviewed the *Remedial Activities and Confirmatory Sampling* report, prepared by Oakhill Environmental Inc. (dated October 2023), which outlines the excavation and sampling of contaminated soils on the site (conducted from August 1, 2023 - September 28, 2023). It was determined by the Qualified Persons (QP) that no further remedial efforts are required.

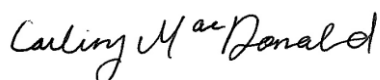
Staff request that a letter of reliance from a QP be circulated to the Region with future development applications to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted. This can be managed through future development applications. Additionally, a copy of the RSC shall be obtained prior to the issuance of a building permit.

Conclusion

The consent application does not conflict with Provincial and Regional Urban Area policies. As such, Regional Growth Strategy and Economic Development staff offer no objection, provided a letter of reliance from a QP is provided with future development applications and a copy of the RSC is obtained prior to the issuance of a building permit.

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca.

Kind regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region

Jodi Legros

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>
Sent: Wednesday, June 12, 2024 3:09 PM
To: Jodi Legros
Subject: Pelham - 1395 Station Street - B11-2024P

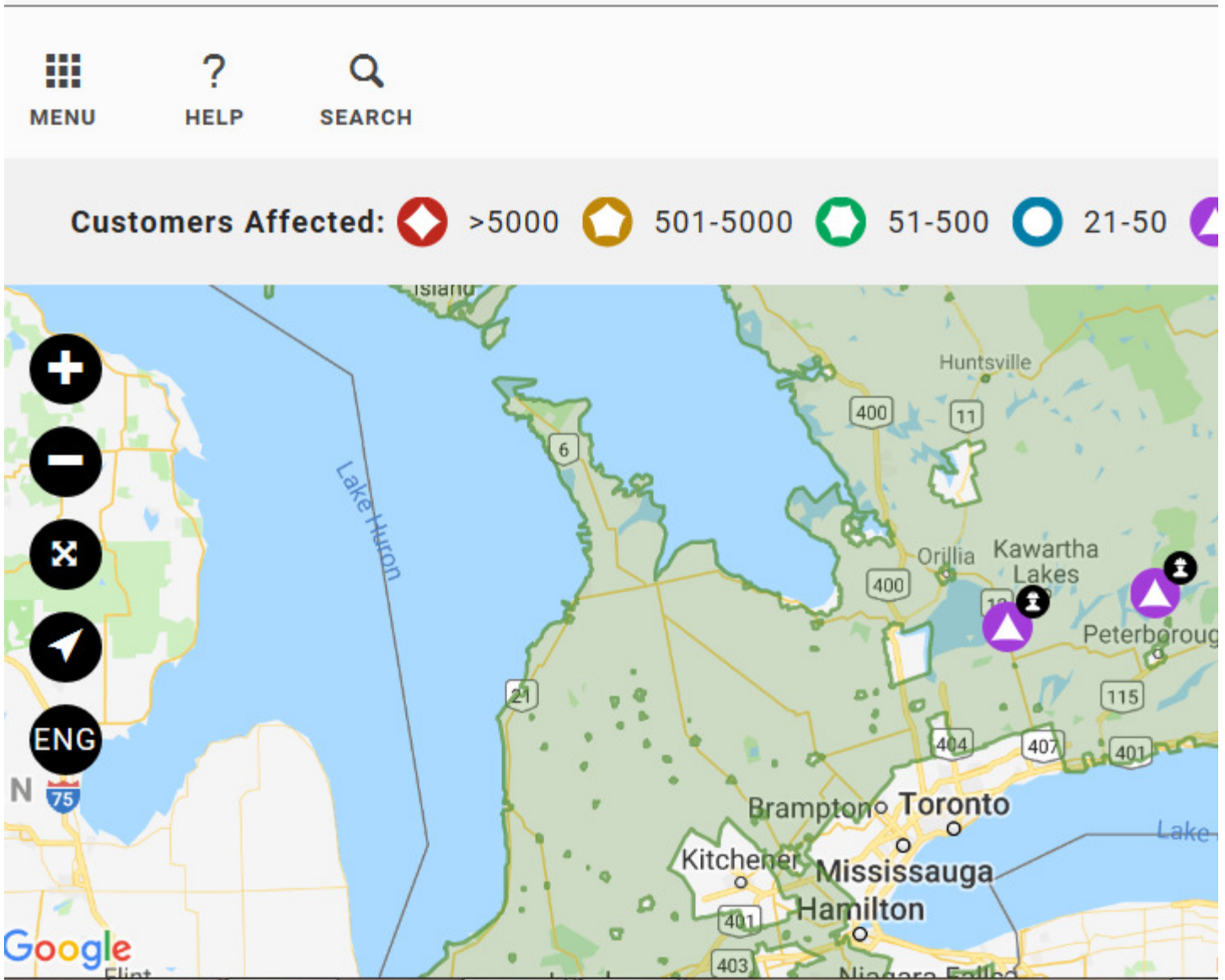
Hello,

We are in receipt of your Application for Consent, B11-2024P dated May 30th, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

Sarah Leach

From: [REDACTED]
Sent: Tuesday, June 4, 2024 9:13 AM
To: Sarah Leach
Subject: File # B11-2024P - 1395 Station Street

Good morning, Sarah,

We have received a notice regarding application to allow "future development" on the above-noted lands. Our understanding was that the original house was demolished in order to permit the sale and development of the property. Of course, no one has been able to tell what development exactly is planned for that section.

We've responded to a couple of these notices concerning this lot and the vacant lands behind it. The key points concerning we identify for this one are:

1. [REDACTED]. We're directly affected by the type and nature of development that occurs on that parcel. We do not want to be facing commercial development, nor have addition of high-density residences liable to draw an unsavoury population by its nature (not a suggestion that all residents of high-density dwellings are unsavoury), nor noise-generating development.
2. We don't want to spend any more construction seasons being disturbed in the early morning by construction equipment. Until one lives with the morning assault of back-up signals at 5 am, one cannot appreciate how harmful it is. We have suffered this nonsense for part or all of nearly every season in the past 25 years. The Town must accept and take the initiative to require - not suggest - that all contractors follow the laws protecting the residents from the abuse of noise during normal sleep hours. We have an 11 pm to 7 am noise restriction for a reason. We shouldn't have to make complaints about businesses that uniformly violate the protection; it should be stated in writing to every developer, and required to be hand-delivered to the management and foremen/supervisors of every sub-contractor, that they shall follow the by-law, and every infraction including the first will incur substantial penalties. That is the only way that any of them will decide it's worth more to them to respect the neighbours (at least in deed) than to wave their hand and claim that "forgiveness is easier than asking permission."
3. The Town has yet to properly upgrade the infrastructure on Station Street to accommodate either existing use and traffic or what has already been developed. We have narrow lanes, no shoulders, deep ditches full of stinky muck and garbage on both sides of the street, no storm sewers, no bike lanes, no suitable road-side parking, and the Steve Bauer Trail, supposed to be a hiking/biking trail, is a narrow, muddy pathway bordered by those same deep ditches, making it an unsuitable solution to the need for safe biking or west-side walking. Until these improvements are made - we were told in 1996 that the Town was "going to" upgrade Station Street, in response to discussions about the ditches in particular - increasing density simply worsens 100% of the existing problems for existing residents. The solution to this problem includes:

1. culverting all the ditches - open-bottom culverts that allow the passage of water into the soil is the ideal solution, with filling and packing to allow a hard-surface finish (asphalt or tar-and-chip) with a well-marked, designated bike lane of at least 4' width for safe cycling - gives us better, wider, more accessible roadways better able to accommodate the traffic and allow the safe use of bikes in our busy uptown area.
 2. Storm drains at the low places to direct water into those culverts rather than allowing pooling/standing water.
 3. Replace the narrow, uneven sidewalk on the east side of Station street with a 40 - 48" wide walk, properly levelled through its length to eliminate tripping hazards and difficulties for those using canes, walkers, pushing strollers, or requiring scooters for mobility.
 4. Widen and improve the Bauer Trail; if it's going to remain a "natural" surface, add pea gravel to eliminate the patches that become mud (slippery) and/or mud puddles with every wet event.
4. Ensure the communication of rules of the road to cyclists and pedestrians. As the local population has increased exponentially, we have had an huge increase in bikes riding down the middle of lanes and refusing to stay to the right or ride single-file, failing to stop at stop-signs, not yielding right-of-way to pedestrians at crossings, failing to signal turns. This is dangerous for them, discourteous to vehicular traffic, and illegal. We have also seen a ridiculous increase in runners and joggers using the driving lanes instead of the sidewalks, all over town. They run down the middle of the lane, many don't move over for approaching traffic. This applies when sidewalks are available. We hear a lot of noise about cars not "respecting" bikes; my experience, which is considerable due to travelling our area roads regularly, is that the bike riders do not respect the laws applicable to their use of the road, nor the cars for which the road was built. The exceptions have become rare, and most offenders are adults, not children, eliminating any excuse or justification for their behaviour. For clarification, the problem occurs on roads with wide shoulders as much as Station Street where they lack. The 406 overpass on Port Robinson Road has a 6' shoulder; the bikers still ride down the middle of the driving lane, and often curse if they are honked at to move over. In other words, enforcement is the issue, because they believe they are free to do what they please. As population increased, so has car traffic, and this behaviour from runners & cyclists has become a serious problem requiring attention from the three levels of government responsible for the roads.

Thank you for receiving this letter and submitting it for the discussion concerning development of the Station Street property and issues related to it.

Yours truly,

Mrs. Mary E Tucker


Consent Application: B12-2024P

Municipal Address: 690 Quaker Road

Legal Description: Lot 177, Part 1 on Plan 59R-16661 (Part 2 on Sketch)

Roll number: 2732 030 019 04200

Location of Lands and Purpose of Application:

The subject parcel, shown as Parts 1 and 2 on the attached sketch, is an interior parcel of land on the north side of Quaker Road, lying west of Line Avenue being Lot 177, Part 1 on Plan 59R-16661 in the Town of Pelham.

Application is made for consent to convey an easement in perpetuity over Part 2, to the benefit of 698 Quaker Road to permit access and maintenance to an existing accessory structure. Part 1 is to be retained for future residential use of property known municipally as 690 Quaker Road.

Council approved Zoning By-law Amendment application AM-11-2022 on May 6, 2022 which rezoned 690 Quaker Road from the Neighbourhood Commercial (NC) to a site-specific Residential Multiple 1 (RM1) zone and is subject to a Holding Symbol. As part of the site-specific zoning, the zone regulations permitted the neighbour's existing accessory building to encroach into the 1.5 metre planting strip. An easement is now sought to permit legal access to and encroachment of the accessory structure in perpetuity.

Applicable Planning Policies:

Planning Act

Section 53 (1) states a landowner 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. The Committee of Adjustment has delegated authority to approve consents.

Provincial Policy Statement (PPS) (2020)

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

The subject lands are located in a "Settlement Area", the Fonthill Urban Settlement Area, according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

The easement will facilitate the neighbouring property owner legal access to the existing accessory structure in perpetuity. Settlement areas support densities and mixes of land use that allow the efficient use of land and infrastructure (1.1.3) including residential uses and accessory uses.

Planning staff are of the opinion the requested application for consent to establish an easement is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2020)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform to this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. The easement will facilitate the neighbouring property owner legal access to the existing accessory structure and will not offend any policies of the Growth Plan. The Growth Plan policies also support residential uses and accessory uses in a Settlement Area.

Planning staff are of the opinion the proposed application for consent conforms with the Growth Plan.

Niagara Region Official Plan (2022)

The lands are located in a Settlement Area and are designated Built-Up Area. Establishment of the easement does not offend any Regional Official Plan policies. Residential uses and accessory uses are permitted in the Settlement and Built-Up Areas. Planning staff are of the opinion the proposed consent conforms to the Regional Official Plan.

Town of Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage

features. The property is designated Urban Living Area/Built Boundary in the Town of Pelham Official Plan. The residential accessory structure is a permitted use in this designation.

The Town's Official Plan policies related to consents do not explicitly speak to the granting of easements. Establishment of the easement does not offend any Official Plan policies. The residential accessory structure is a permitted use in the

As such, staff are of the opinion that the proposed easement conforms with the policies of the Official Plan.

Town of Pelham Comprehensive Zoning By-law 4481 (2022)

The lands are zoned RM1-132 (H) according to the Town's Comprehensive Zoning By-law. The Holding symbol prohibits development on the subject property until acknowledgement from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) confirming that all archaeological resource concerns on the subject property have met licensing and resource conservation requirements.

No new zoning permissions are necessary to facilitate the application as the site-specific zoning permits encroachment of the existing accessory building into the 1.5m width planting strip.

Agency and Public Comments:

On June 5, 2024, 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 Division
 - No comments.
- Public Works Department
 - Applicant should confirm that no existing utilities shall cross property line, relocation shall be the applicant's responsibility.
 - A Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.
 - A comprehensive Lot Grading and Drainage Plan will be required, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.

No public comments were received at the time of writing this report.

Planning Staff Comments:

The proposed easement is to facilitate an access to an existing accessory structure in favour of the neighbouring property owner. The proposed easement is intended to include access for maintenance purposes and is intended to be in perpetuity. Easements to ensure the necessary access can be provided when encroachments occur.

Planning Staff Recommendation:

Planning staff recommend that minor variance file B12/2024P **be approved** subject to the following condition(s):

THAT the applicant:

- That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- That the final certification fee of \$436, 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.
- Applicant should confirm that no existing utilities shall cross property line, relocation shall be the applicant's responsibility.
- A comprehensive Lot Grading and Drainage Plan will be required, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.

Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

**Engineering Department
Committee of Adjustment Report**

For

**B12-2024P
690 Quaker Road**

July 2, 2024

Town staff have reviewed the following documentation for the purpose of **B12-2024P – 690 Quaker Road** consent application for:

Application is made for consent to convey an easement in perpetuity over Part 2, to the benefit of 698 Quaker Road to permit access and maintenance to an existing accessory structure. Part 1 is to be retained for continued use of the residential property known municipally as 690 Quaker Road.

This application is in congruent with application AM-11-2021 690 Quaker Road

Introduction:

The subject lands are located on the north side of Quaker Road in the Town of Pelham, near the municipal boundary with the City of Welland, having the municipal address of 690 Quaker Road. The subject lands are approximately 907 square meters in area and have approximately 22.55 meters of frontage on Quaker Road.

The subject parcel, shown as Part 2 on the attached sketch, is an interior parcel of land on the north side of Quaker Road, lying west of Line Avenue being Lot 177, Part 1 on Plan59R-16661 in the Town of Pelham.

The property owner is seeking to construct a three-unit townhouse on the subject lands. The proposed end units will have 8 meters of frontage and the proposed interior unit will have 6.5 meters of frontage, representing the total width of the townhouse dwelling unit. The conceptual townhouse maintains a 1.5-meter setback from the side lot lines and generous front and rear yard setbacks are provided to maintain an appropriate scale of development and to ensure a consistent streetscape along Quaker Road.

Application is made for consent to convey an easement in perpetuity over Part 2, to the benefit of 698 Quaker Road to permit access and maintenance to an existing accessory structure. Part 1 is to be retained for continued use of the residential property known municipally as 690 Quaker Road.

This application is in congruent with application AM-11-2021 690 Quaker Road

Analysis:

Proposed Severance

See attached conditions below.

General Comments

Applicant should confirm that no existing utilities shall cross property line, relocation shall be the applicant's responsibility.

A Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.

Public Works offer the following conditions:

A comprehensive Lot Grading and Drainage Plan will be required, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.

Sarah Leach

From: Belinda Menard
Sent: Wednesday, June 19, 2024 2:27 PM
To: Andrew Edwards
Cc: Sarah Leach
Subject: Comments for 690 Quaker Road, 1395 Station Street & 304 Welland Road

Sarah & Andrew,

At this time, building has no comments, regarding 690 Quaker Road and 1395 Station Street.

Regarding 304 Welland Road, an additional fee for the construction of the requested front porch and rear roof, if granted, could be added to the current open permit as an amendment. Revised drawings will be required to amend the current open permit, should this variance be granted.

Should there be any questions regarding the Building permit process, please direct those inquiries to building-info@pelham.ca

Respectfully,
Belinda Menard



Belinda Menard, Dipl., Const. Eng. Tech.

Building Inspector, Community Planning & Development

Town of Pelham

D: 905-980-6667 | E: bmenard@pelham.ca

T: 905-892-2607 x326

20 Pelham Town Square | PO Box 400 | 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.

Jodi Legros

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: Monday, June 10, 2024 9:41 AM
To: Jodi Legros; clerks pelham
Subject: RE: Notice of Hearing - File B12/2024P

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details: <https://www.enbridgegas.com/safety/digging-safety-for-contractors>

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact ONTLands@enbridge.com.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Jodi Legros <JLegros@pelham.ca>
Sent: Wednesday, June 5, 2024 9:27 AM
To: NPEI (jim.sorley@npei.ca) <jim.sorley@npei.ca>; Municipal Planning <MunicipalPlanning@enbridge.com>; Hydro One (LANDUSEPLANNING@HYDROONE.COM) <LANDUSEPLANNING@HYDROONE.COM>
Subject: [External] Notice of Hearing - File B12/2024P

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good morning,

Please find attached Notice of Hearing for Committee of Adjustment file:

- **B12-2024P 690 Quaker Road**

Comments are due by: **June 19, 2024.**

Regards,



Jodi Legros

Legislative and Committee Coordinator, Clerks Department
Town of Pelham

D: 905-980-6664 | E: Jlegros@pelham.ca

T: 905-892-2607 x322

20 Pelham Town Square | PO Box 400 | 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.

Jodi Legros

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>
Sent: Monday, June 17, 2024 5:18 PM
To: Jodi Legros
Subject: Pelham - 690 Quaker Road - B12-2024P

Hello,

We are in receipt of your Application for Consent, B12-2024P dated June 5th, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map

Customers Affected:  >5000  501-5000  51-500  21-50 



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com