

Committee of Adjustment Agenda

CofA 04-2025

April 7, 2025

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**

The Town of Pelham is situated on treaty land, steeped in the rich history of the First Nations such as the Hatiwendaronk, Haudenosaunee and the Anishinaabe, including the Mississaugas of the Credit First Nation. This territory is covered by the Upper Canada Treaties and is protected by the Dish With One Spoon Wampum Agreement. Today, many First Nations, Métis, and Inuit people from across Turtle Island live and work in Niagara. The Town of Pelham stands in solidarity with all Indigenous peoples, past and present, acknowledging that our high standard of living is a result of the resources and lasting friendship of Indigenous peoples.
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	A5-2025P 952 Foss Road	1
	<ul style="list-style-type: none"> 1. Town of Pelham Planning 2. Town of Pelham Public Works 3. Town of Pelham Building 4. Niagara Region 5. Jan VanZanten 6. Kate and Shawn Baskin 7. Jeanne and Larry Murray 8. Jonathon Giles 9. Jim Sauders 10. Jess Dreyer 	
7.2	A34-2024P Block 150 75 and 77 Marie Street	33
	<ul style="list-style-type: none"> 1. Town of Pelham Planning 2. Town of Pelham Public Works 3. Town of Pelham Building 4. Marcia Kelly 5. Martin and Elena Sykora 	
8.	Applications for Consent	
8.1	B5-2025P 968 Church Street	49
	<ul style="list-style-type: none"> 1. Town of Pelham Planning 2. Town of Pelham Public Works 3. Town of Pelham Building 4. Niagara Region 5. Hydro One 	
9.	Minutes for Approval	73
	<ul style="list-style-type: none"> 1. February 3, 2025 2. March 3, 2025 	
10.	Adjournment	

Town of Pelham Committee Report
Committee of Adjustment
Monday, April 07, 2025

Minor Variance Application: A5-2025P

Municipal Address: 952 Foss Road

Legal Description: CON 11 PT LOT 19

Roll Number: 2732 010 018 06900

Prepared By: Andrew Edwards, Town Planner

Department: Community Planning and Development

Nature and Extent of Relief/Permission Applied for:

The subject land is located on the south side of Foss Road, lying east of Regional Road 24 (Victoria Avenue), being PT LT 18-19 CON 11 PELHAM AS IN AA90547 & RO178802 EXCEPT RO432695 & PT 1, 59R2623; S/T PE15944, in the Town of Pelham.

The subject land is zoned A-14 & EP1 in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made to rectify zoning deficiencies associated with the on-farm diversified uses (OFDUs) which have been established on the property. The applicant seeks relief from the following section(s) of the Zoning By-law:

- a) **Section 3.2.2(a) - On-Farm Diversified Uses** – to permit on-farm diversified uses notwithstanding the uses are not directly related to the existing permitted agricultural use(s) on the lot and shall primarily serve the existing permitted agricultural use(s) on the lot and the existing permitted agricultural use(s) on surrounding lots in the area;
- b) **Section 3.2.2(b) - On-Farm Diversified Uses** – to permit on-farm diversified uses notwithstanding the product is not produced by, or derived from, the principal agricultural use(s) on the lot as the primary source of the majority of the product;
- c) **Section 3.2.2(k)(iii) - On-Farm Diversified Uses** – requesting two retail outlets be permitted on the lot whereas a maximum of one retail outlet is permitted; and
- d) **Section 10 (A-14) – Exceptions** – requesting a minimum of 7 m² gross leasable floor area dedicated to the sale of products produced or manufactured on the farm property is permitted, where a minimum of 50% (25 m²) of the total retail area is required.

The lands are approximately 36 hectares in area and have approximately 215 metres of frontage on Foss Road. Historically, the property was used as a farm implement and recreational vehicle (Sea-Doos, snowmobiles etc.) dealership. The lands currently contain a building, gravel access and parking area, a manicured lawn, asphalt testing track, and man-made pond. The rear of the property contains a wooded area and agricultural uses. The subject lands are zoned Agricultural-14(A-14) Zone. The A-14 zone permits the use of the property for a farm produce retail store; processing of locally grown farm produce and value-added products; retail sale of locally grown farm produce and value-added products produced or manufactured on the property.

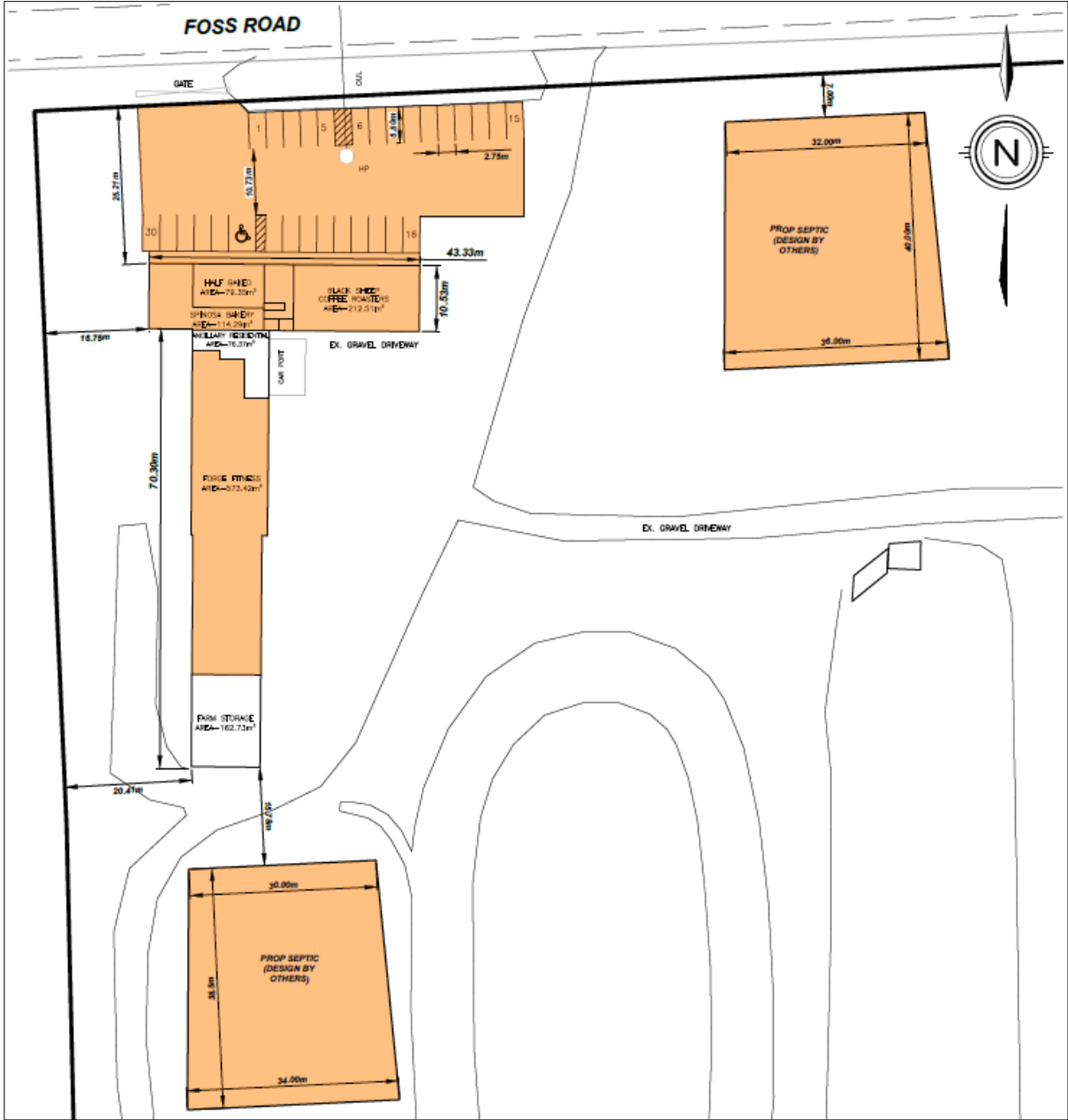
The current owners acquired the property in 2021 and established a number of ancillary uses within the existing building, including a café (Black Sheep Coffee Roasters), a bakery (Spinosa's Bakery/Half Baked Bagel Co.), and a personal training and fitness studio (Forge Fitness). In addition, the building contains a residential dwelling unit on the second floor, as well as storage areas. Staff note the variances are not related to whether the OFDUs are permitted. Rather they relate to the OFDUs not being directly related to the agricultural use of the property (i.e., the product prepared and sold for consumption and sale is not directly sourced on site, nor in the immediate area).

The current private sewage system is undersized to accommodate the sewage flows generated by the uses on the property, and a new sewage system is required to service the property. A new sewage system application was submitted to install two new sewage systems to accommodate the uses on the property. The septic permit was issued in November 2024, requiring the owner to receive planning approval.

There are approximately 11.46 hectares of cropland on the property.

Figure 1 shows the site plan provided by the applicant.

Figure 1. Site Plan



Applicable Planning Policies:

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

Section 45 (1) states that the Committee of Adjustment may authorize a minor variance for provisions of the Zoning By-law, in respect of the land, as in its opinion it 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 Planning Statement (2024)

The Provincial Planning Statement (PPS), 2024 came into effect on October 20, 2024, and replaced the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

The subject lands are within the Prime Agricultural Area. Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. All types, sizes and intensities of agricultural uses and normal farm practices are promoted and protected in accordance with Provincial standards.

Provincial and Regional policies permit a full range of agricultural, agriculture-related and on-farm diversified uses within prime agricultural areas. Agriculture-related and OFDUs are intended to complement the principal agricultural uses on the property and in the surrounding area, and contribute to the sustainability and viability of the farming operation. The PPS states that on-farm diversified uses shall be compatible with, and shall not hinder surrounding agricultural operations.

There appears to be a poultry barn on the adjacent property to the east (928 Foss Road). The PPS and Regional policies require that new development, including lot creation, and new or expanding livestock facilities comply with the Minimum Distance Separation (MDS) formulae developed by OMAFRA. These formulae require setbacks to be calculated between new or expanding livestock facilities and new uses to minimize impacts, such as odour impacts. MDS I applies in this scenario.

Town staff completed the MDS calculation which resulted in a required setback of 129 metres to a Type A land use (less sensitive), and a minimum of 258 metres to a Type B land use (more sensitive). The building maintains a setback of approximately 375 metres to the poultry barn, and as such, would comply with MDS formulae.

The Ontario Ministry of Agriculture, Food and Rural Affairs' ("OMAFRA") *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* ("OMAFRA Guidelines") provide criteria to consider when determining the classification of uses in prime agricultural areas.

The PPS, NOP and OMAFRA Guidelines define OFDUs as those that are secondary to the principal agricultural use of the property, and are limited in area; these can include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. These uses are to be considered based on the following criteria:

1. Located on a farm;

- ✓ Response: The proposed OFDUs are located on agricultural lands that are used for agricultural production, with approximately 11.46 hectares readily available to be planted for the purpose of cash crops (leased to a local farmer).

2. Secondary to the principal agricultural use of the property;

- ✓ Response: The main use of the property is a farm for cash cropping. From a spatial perspective, the proposed OFDUs are secondary to the property's principal agricultural use. All OFDUs are less than 500 m² in area, and the majority of the site is used for crop planting. Approximately 11.46 hectares of the site have been leased to a local farmer for cash crop rotation. The applicant indicated the lands were planted in 2024 and will continue to be used for the growing of crops.

3. Limited in area;

- ✓ Response: OMAFRA Guidelines recommend that OFDUs are limited to a maximum of 2% lot coverage with further limitations on the gross floor area ("GFA") of the buildings used for OFDUs (e.g. 20% of the 2%). The size of the parcel is 36.02 hectares. In order to adhere to the recommended size limit, the total area of the proposed OFDU (and all aspects related to it) would need to be no larger than 0.72 hectares (7,200 m²) in area.
- ✓ The Guidelines note that "limited in area" calculations should account for all aspects related to an OFDU, including any buildings, outdoor storage areas, landscaped areas, berms, wells and septic systems, parking areas and new access roads, and that the lot area coverage ratio should be based on the size of the individual parcel of land where the use is located and not the total area of a farm operation. In accordance with Section 2.3.1(3) of the OMAFRA Guidelines, the adaptive re-use of existing buildings can be discounted 50% from the recommended 2% lot area calculation.
- ✓ The OFDUs are located within an existing structure and utilize the existing gravel parking area. The OFDUs, including the private servicing and parking required to support the uses, are approximately 1.28% of the land area (refer to Table 1). The use is limited in area to under 2% in line with OMAFRA guidelines. No active agricultural lands are proposed to be removed from production.

Table 1. On-Farm Diversified Use Areas

Component of OFDU	Area	% of Total Lot Area
Fitness Studio and Gym Mezzanine*	781.8 m2 (390.9 m2)	0.11%
Bakery*	144.2 m2 (72.1 m2)	0.02%
Sandwich Store*	56.3 m2 (28.15 m2)	0.01%
Coffee Roasters*	250.6 m2 (125.3 m2)	0.03%
Driveway/parking area	1,420 m2	0.39%
Septic System	2,580 m2	0.72%
TOTAL	5,030 m2 (4,616.45 m2)	1.28%

*The re-use of existing structures has been discounted by 50% (in brackets) in accordance with the recommendations of the OMAFRA Guidelines (Section 2.3.1(3)).

4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
 - ✓ Response: The PPS language related to uses that are not directly related to agriculture (fitness centre) suggests that in prime agricultural areas, these operations must be at a reasonable scale, as discussed under the “secondary to...” and “limited in area” criteria.
 - ✓ The proposed café, bakery and bagel shop are similar to examples for permitted OFDUs provided in Figure 3 of the OMAFRA Guidelines (e.g. café/small restaurant, food store). In addition, Table 2 identifies ‘value-added process’ uses (e.g. food processing) as a category of OFDU with no restriction on what can be processed or its origin.

5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.
 - ✓ Response: Based on the size and scale nature of the proposed OFDUs (all less than 500 m2) and their location within the existing building, the uses are not anticipated to negatively impact surrounding agricultural operations. There is adequate area on site to accommodate parking. Noise is not anticipated to be an issue given the nature of the businesses. Due to the size of the operation, high traffic volumes are not anticipated. The character of the area will be maintained as no new construction is proposed. The proposed OFDU is not anticipated to hinder surrounding agricultural operations in terms of traffic, noise, or agricultural character of the area.

OMAFRA guidelines raise servicing as a crucial component in considering OFDUs. Appropriate servicing levels (water and wastewater) must be available to sustain the use. Regional staff offered no objection to the application from a private servicing perspective, provided a new sewage system is installed in accordance with the *Ontario Building Code* to accommodate the proposed OFDUs on the property.

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. Staff acknowledge that no new development is proposed with this application. As such, an archaeological assessment is not required.

Staff are of the opinion the variances are consistent with the Provincial Planning Statement and OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

Niagara Official Plan (2022)

The Niagara Official Plan (NOP), 2022 provides the policy guidance for future development across the Region. The Niagara Official Plan is applicable in the Town of Pelham. The subject lands are identified within the Prime Agricultural Area according to the NOP.

Policy 4.1.2.3 states: "In specialty crop areas and prime agricultural areas, all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected, and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted." The variances will facilitate an OFDU that is secondary to the principal agricultural use of the property.

Policy 4.1.7.5 states: "Agriculture-related uses and on-farm diversified uses shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan." As noted above, in the opinion of staff, the proposed OFDUs are consistent with the PPS.

Development within prime agricultural areas must be privately serviced in accordance with NOP policy 5.2.3.3. As noted, Regional staff offered no objection to the application from a private servicing perspective, provided a new sewage systems is installed in accordance with the *Ontario Building Code* to accommodate the proposed OFDUs on the property. This has been included as a recommended condition of approval.

Regional staff have reviewed the application and have not expressed objection to the proposal. As such, staff are of the opinion the proposed variances conform to the 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 lands are designated Good General Agricultural in the Town's Official Plan and are considered prime agricultural lands. The primary intention for 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.

Official Plan Amendment 15 to the Town's Official Plan (OPA 15) was approved in August 2022. OPA 15 added new policies to the Official Plan which deal with on-farm diversified uses. The following policies apply, in accordance with B2.1.5:

- a) *On-farm diversified uses may be permitted in accordance with the policies of this Plan. Allowing a range of appropriate on-farm uses contributes to economically sustainable agriculture in the Town and facilitates broader access to local food and beverages, agricultural products, VQA wines while preserving the agricultural land base and maintaining the agricultural landscape.*
 - ✓ Response: The proposed OFDUs will contribute to the economic viability of the agricultural area while maintaining the agricultural landscape by providing an economic opportunity for the owners while ensuring the majority of the property is available for agriculture. Please refer to analysis in PPS section of this Report.

- b) *On-farm diversified uses must be both secondary to the principal agricultural use of the property and limited in area. Such uses include but are not limited to home occupations, home industries, agri-tourism uses and other uses that produce value-added agricultural products.*
 - ✓ Response: In the opinion of staff, the use is secondary to the principal agricultural use of the property as the majority of the property is devoted to agricultural use.

- c) *The adaptive re-use of surplus farm facilities on existing farms for on-farm diversified uses and agri-tourism uses at a scale that is appropriate to the farm operation will be encouraged to conserve built heritage resources and cultural*

heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.

- ✓ Response: The on-farm diversified uses represent the adaptive re-use of the existing building located on the property, mitigating additional loss of farmland. No new additions or expansions are proposed.

d) Lot creation to accommodate on-farm diversified uses is not permitted.

- ✓ Response: N/A. No lot creation is proposed through the subject applications.

e) On-farm diversified uses involving 500 square metres or less will be permitted as of right in the Implementing Zoning By-law.

- ✓ Response: The property contains a total of three on-farm diversified uses, none of which exceed 500 square meters. The largest on-farm diversified use is 453.14 square metres (fitness centre).

On-farm diversified uses are permitted under policy B2.1.2 (f) of the Official Plan, subject to Policy B2.1.3.8. Policy B2.1.3.8 outlines the following criteria for retail commercial uses on farm properties:

a) The use is clearly associated with and located on a farm property;

- ✓ Response: The proposed OFDUs are located on a farm property.

b) The retail component has a floor area of no more than 50 square metres (538 square feet); and,

- ✓ Response: The retail component does not exceed 50 square metres. It is approximately 11 square metres.

c) That a minimum 50% of the total floor area of the retail component be dedicated to the sale of products produced or manufactured on the farm property.

- ✓ Response: Approximately 7 square meters (63%) of the retail area is dedicated to goods produced on site (ie. coffee, baked goods). The applicant indicated a portion of the remaining retail area is also dedicated to retailing agricultural products from the surrounding area (e.g. honey and maple syrup).

As such, staff are of the opinion that the proposed variances conform with the Town's Official Plan.

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

The subject lands are zoned Agricultural 14 (A-14) and Environmental Protection 1 (EP1). A Zoning By-law Amendment for the subject lands was approved in April 2022, which rezoned the subject lands to add site-specific provisions pertaining to a farm market.

The applicant is proposing to rectify zoning deficiencies associated with the on-farm diversified uses (OFDUs) which have been previously established on the property (café, bakery, bagel shop, and fitness studio). The applicant seeks relief from the following section(s) of the Zoning By-law:

- a) **Section 3.2.2(a) - On-Farm Diversified Uses** – to permit on-farm diversified uses notwithstanding the uses are not directly related to the existing permitted agricultural use(s) on the lot and shall primarily serve the existing permitted agricultural use(s) on the lot and the existing permitted agricultural use(s) on surrounding lots in the area;
- b) **Section 3.2.2(b) - On-Farm Diversified Uses** – to permit on-farm diversified uses notwithstanding the product is not produced by, or derived from, the principal agricultural use(s) on the lot as the primary source of the majority of the product;
- c) **Section 3.2.2(k)(iii) - On-Farm Diversified Uses** – requesting two retail outlets be permitted on the lot whereas a maximum of one retail outlet is permitted; and
- d) **Section 10 (A-14) – Exceptions** – requesting a minimum of 7 m² gross leasable floor area dedicated to the sale of products produced or manufactured on the farm property is permitted, where a minimum of 50% (25 m²) of the total retail area is required.

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
<p>The variance is minor in nature.</p>	<p>Section 3.2.2(a) - On-Farm Diversified Uses Section 3.2.2(b) - On-Farm Diversified Uses</p> <p>In the opinion of staff, the proposed OFDUs will have a minor impact in terms of traffic, noise, and the character of the area. The OFDUs are limited in area, as stipulated in Provincial policy, located on a portion of the site that is not actively farmed, similar in character to the surrounding area, and not anticipated to have negative impacts in terms of traffic and noise. Site plan approval will be a recommended condition of approval.</p>

	<p>Notwithstanding the uses and products are not directly related to the agricultural use of the lands, staff are of the opinion the proposed variances are minor in nature.</p> <p>Section 3.2.2(k)(iii) - On-Farm Diversified Uses</p> <p>The proposed site contains two retail outlets (Black Sheep Café and Half Baked Bagel Co.). The additional retail outlet is not anticipated to significantly impact traffic, noise or the area's character. Functionally, the additional retail outlet (Half Baked Bagel Co.) is an extension of both the bakery and the café but has its own payment counter. Staff are of the opinion that the proposed variance is minor in nature.</p> <p>Section 10 (A-14) – Exceptions</p> <p>According to the floor plans provided by the applicant, there is approximately 11 m2 of total dedicated retail space. The Zoning By-law requires a minimum of 25 m2 of the total retail area to be dedicated to the sale of products produced or manufactured on the farm property. The applicant is requesting a minimum of 7 m2 (or 63%) for this purpose. As currently written, the provision mandates a specific amount of retail space for these products, which exceeds the total retail area provided for the uses. This variance proposes replacing the requirement with a ratio of 50%, which more accurately reflects the original intent of the provision. The 25 m2 (or 50%) reflects the original proposal that was approved through the 2022 Zoning By-law Amendment. The proposed retail component still maintains greater than 50% of the retail component dedicated to the sale of products produced or manufactured on the farm property.</p> <p>As such, staff are of the opinion the variance is minor in nature.</p>
<p>The variance is desirable for the development or use of the land.</p>	<p>Section 3.2.2(a) - On-Farm Diversified Uses Section 3.2.2(b) - On-Farm Diversified Uses</p> <p>If approved, the variance would support the existing agricultural use of the property through providing an additional source of income for the owners, and ensuring that the remainder of the property is available for agriculture.</p> <p>The uses are not anticipated to be incompatible with the surrounding agricultural uses, cause adverse impacts in terms of traffic volumes, noise, or taking agricultural lands out of active production. The use would appear to be appropriate for the site,</p>

	<p>and in the opinion of staff is desirable for the development or use of the land.</p> <p>Section 3.2.2(k)(iii) - On-Farm Diversified Uses</p> <p>The variance would permit an additional retail outlet which is functionally an extension of the existing café and bakery. The additional outlet will enable the owner an additional economic opportunity to ensure the continued viability of the agricultural use of the property while having a negligible impact on the character and continued use of the land for agricultural purposes.</p> <p>Staff are of the opinion the proposed variance is desirable for the development or use of the land.</p> <p>Section 10 (A-14) – Exceptions</p> <p>Yes. As discussed above, as currently written, the provision mandates a specific amount of retail space for these products, which exceeds the total retail area provided for the uses. This variance proposes replacing the fixed requirement with a ratio of 50%, which more accurately reflects the original intent of the provision and, in the opinion of staff is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Section 3.2.2(a) - On-Farm Diversified Uses Section 3.2.2(b) - On-Farm Diversified Uses</p> <p>The intent and purpose of requiring an OFDU be directly related to the existing permitted agricultural use is to ensure the use does not detract from the principal use of the lands as agricultural lands, to ensure the character of prime agricultural areas are maintained and mitigate potential impacts to the surrounding area (traffic, noise, etc.). The main purpose of an OFDU is to support farming activities and agricultural operations as a primary activity. Further, it is the intent and purpose of the Zoning By-law to reflect Official Plan policies, which generally speak to ensuring the economic viability of agricultural lands and avoiding impacts to the character and ability of agricultural lands to be used for agricultural purposes.</p> <p>The intent and purpose of requiring an OFDU's product be produced by, or derived from, the principal agricultural use(s) on the lot as the primary source of the majority of the product is to ensure that the OFDU directly supports the long-term viability of</p>

	<p>the agricultural use of the property, and the use is truly secondary to the main use of the lands for an agricultural purpose. The use being “secondary” to the agricultural use of the lands refers to both the OFDU’s physical size (e.g. how much space the use takes up) and operational characteristics (e.g. how does the use function in terms of its day-to-day operation – hours of operation, seasonal operation, etc.).</p> <p>The greatest proportion of the property has been and will continue to be used for agriculture (cash cropping). The OFDUs are small in scale (under 2% of the total lot area – see discussion in PPS section of this report), and currently occupy a portion of the lands that is not in active agricultural production. The existing building has been adaptively reused – no additional construction is proposed.</p> <p>As such, staff are of the opinion the use will not detract from the ability of the lands to be farmed and impacts on the agricultural character of the area is limited. The OFDUs are not anticipated to disturb or degrade lands that are in active agricultural production. The use will enable the owners to continue to farm the lands and to remain economically viable to do so.</p> <p>The property and surrounding area is characterized by farmland producing a variety of crops, agricultural buildings, and low-density residential uses. The OFDUs are not anticipated to alter the character of the area in a significant way.</p> <p>As such, staff are of the opinion the variance maintains the general intent and purpose of the Zoning By-law.</p>
	<p>Section 3.2.2(k)(iii) - On-Farm Diversified Uses</p> <p>The intent and purpose of restricting a property to 1 retail outlet is to balance the impacts of additional retail activity with the agricultural character of the surrounding area. The additional retail outlet use is not anticipated to be incompatible with the surrounding area, and is not anticipated to cause adverse impacts in terms of traffic volumes, noise, or taking agricultural lands out of active production. Functionally, it is an extension of the existing OFDUs on site. As such, staff are of the opinion the variance maintains the general intent and purpose of the Zoning By-law.</p>
	<p>Section 10 (A-14) – Exceptions</p>

	<p>The intent and purpose of the 25 m² (or 50%) provision is to ensure that at least half of the retail space is dedicated to goods prepared on the property. This variance proposes replacing the fixed requirement with a ratio of 50% (or 11 m²), which more accurately reflects the original intent of the provision and, in the opinion of staff maintains the general intent and purpose of the Zoning By-law.</p>
<p>The variance maintains the general intent and purpose of the Official Plan.</p>	<p>All Variances</p> <p>On-farm diversified uses have been introduced as permitted use in the Town’s Official Plan, allowing for an opportunity for farmers to generate additional revenue while balancing farmland preservation.</p> <p>The Official Plan promotes OFDUs as ways to broaden access to local food and beverages, agricultural products, while preserving the agricultural land base and maintaining the agricultural landscape.</p> <p>The use provides the owners an opportunity to enhance the farm's economic viability while supporting rural economic development. In the long run, this supports the agricultural use of the lands. Based on the discussion in the Town Official Plan section above, the use conforms with the policies in the Town’s Official Plan.</p>

Agency and Public Comments:

On March 7, 2025, 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
 - All necessary building permits to be obtained to comply with all outstanding orders, to the satisfaction of the Chief Building Official.
- Public Works Department
 - No comments.
- Niagara Region
 - Regional staff offer no objection to the application from a private servicing perspective, provided the new sewage systems are installed in accordance

with the Ontario Building Code to accommodate the proposed OFDUs on the property.

- Regional Public Works Growth Management and Planning Division staff are of the opinion that the proposal is generally consistent with the intent of the Provincial Planning Statement and does not conflict with Provincial and Regional on-farm diversified use policies. As such, staff offers no objection to the application, subject to the satisfaction of Town staff and provided the scale of the uses remain as existing and are not expanded in the future (including parking and infrastructure to support the uses), and that new sewage systems are installed in accordance with the *Ontario Building Code* to accommodate the uses.

Four (4) public comments were received and are summarized as follows:

Jeanne and Larry Murray

- Support the variances; Spoke to the character of the surrounding area being used for similar uses.

Kate and Shawn Baskin

- Support the variances; Expressed support for the re-use and revitalization of the property.

Jan VanZanten

- Support the variances; Expressed support for the proposed uses as a positive addition to the community.

Jonathan Giles

- Support the variances; Expressed support for the proposed uses as a positive addition to the community.

Planning Staff Comments:

Planning staff have reviewed the applicant's Planning Justification Report and all agency and public correspondence submitted to date and offer the following for the Committee's consideration.

Staff note that the Town is currently working on an update to its Official Plan. The draft Official Plan is proceeding to a statutory public meeting on April 9th, 2025. The recommendation report/decision is targeted for May 7th, 2025. If approved by Council, the new Official Plan would then be provided to the Ministry of Municipal Affairs and Housing for final approval. The new agricultural policies in the draft Official Plan offer more

flexibility to farmers in how they use their land, including stronger agri-tourism and on-farm diversified use policies. The policies have been amended to be more consistent with the Provincial Planning Statement and OMAFRA Guidelines. Pertinent to the application before the Committee, the new Official Plan has amended the agricultural policies to no longer require an OFDU be directly related to agriculture.

Based on the discussion above, staff are of the opinion that the proposal is generally consistent with the intent of the Provincial Planning Statement and does not conflict with Provincial and Regional on-farm diversified use policies.

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 Recommendations:

Planning staff recommend that minor variance file A5-2025P be approved subject to the following condition(s):

THAT the applicant:

- Enter into a site plan agreement with the Town of Pelham to the satisfaction of the Director of Community Planning and Development.
- Obtain all necessary building permits to the satisfaction of the Chief Building Official.
- Install the new sewage systems in accordance with the *Ontario Building Code* and conditional Niagara Region septic permit.

Approved and Submitted by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**A5-2025P
952 Foss Road**

March 3rd, 2025

Town staff have reviewed the following documentation for the purpose of **A4-2025P** - Minor Variance application for:

The subject land is zoned Rural Residential (RR) and Village Commercial (VC) in accordance with Pelham Zoning By-law 4481(2022), as amended. Pursuant to Section 45(2)(a) of the *Planning Act*, permission is sought to extend the existing legal non-conforming use of the property as a vehicle service and repair establishment through the construction of a 557 square metre storage building.

Introduction:

The subject land is located on the south side of Canboro Road, lying east of Effingham Street, being Part of Lot 5, Concession 8, in the Town of Pelham.

The proposal involves the construction of a new storage building on Canboro Road. The intention is to remove the number of storage trailers on site, as the owners have outgrown the existing shop and working space.

This application is being considered concurrently with Minor Variance File A4-2025P.

Analysis:

Given that the proposed storage building will not negatively affect the stormwater drainage to adjacent properties, Public Works Staff has no further comments.

Public Works offer the following comments:

No comments

To: Sarah Conidi

Cc: Andrew Edwards

From: Jessica Passant, Building Intake/Zoning Technician

Date: March 24th, 2025

Subject: Building Comments on Application to the Committee of Adjustment for
952 Foss Road

File Number: A5-2025P

Comments:

- All necessary building permits to be obtained to comply with all outstanding orders, to the satisfaction of the Chief Building Official.

Respectfully,

Jessica Passant

Public Works Growth Management & Planning Division

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

Via Email Only

March 25, 2025

File Number: PLMV202500582

Sarah Conidi, J.D.
Deputy Clerk, Town of Pelham
20 Pelham Town Square
Pelham, ON L0S 1E0

Dear Ms. Conidi:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Town File Number: A5-2025P
Applicant/Owner: [REDACTED]
Agent: Upper Canada Consultants (c/o Ethan Laman)
Location: 952 Foss Road, Pelham

Regional Public Works Growth Management and Planning Division staff have reviewed the Minor Variance application for 952 Foss Road in the Town of Pelham. Staff have confirmed that the parcels at Concession 11, Part Lot 18 and Concession 11, Part Lot 19 (952 Foss Road) are legally considered to be one property under a single PIN.

The applicant is proposing to rectify zoning deficiencies associated with the on-farm diversified uses (OFDU) which have been previously established on the property (i.e., café, bakery, bagel shop, and fitness studio). The applicant seeks relief from the following section(s) of the Zoning By-law:

- Section 3.2.2(a) - On-Farm Diversified Uses – to permit on-farm diversified uses notwithstanding the uses are not directly related to the existing permitted agricultural use(s) on the lot and shall primarily serve the existing permitted agricultural use(s) on the lot and the existing permitted agricultural use(s) on surrounding lots in the area;
- Section 3.2.2(b) - On-Farm Diversified Uses – to permit on-farm diversified uses notwithstanding the product is not produced by, or derived from, the principal agricultural use(s) on the lot as the primary source of the majority of the product;
- Section 3.2.2(k)(iii) - On-Farm Diversified Uses – requesting two retail outlets be permitted on the lot whereas a maximum of one retail outlet is permitted; and

- Section 10 (A-14) – Exceptions – requesting a minimum of 7 m² gross leasable floor area dedicated to the sale of products produced or manufactured on the farm property is permitted, where a minimum of 50% of the total retail area is required.

A virtual pre-consultation meeting for this application was held on June 6, 2024, with the Applicant, Town and Regional staff in attendance. Staff note that since this meeting, the *Provincial Planning Statement, 2024* (“2024 PPS”) has replaced the *Provincial Policy Statement, 2020* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*, effective as of October 20, 2024. As such, the following comments will reflect the policies of the 2024 PPS.

Staff advise that, pursuant to the *Planning Act*, as of March 31, 2025 Niagara Region will become an upper-tier municipality without planning responsibilities. Niagara Region will continue providing planning support to the Town of Pelham for certain matters pursuant to a Planning Services Agreement. As such, please note that the following comments are provided from a Provincial and Regional perspective for information purposes to assist the Town in their review of the application.

Provincial and Regional Policies

The subject lands are identified within the Prime Agricultural Area in the *Provincial Planning Statement, 2024* (PPS) and *Niagara Official Plan, 2022* (NOP). Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. All types, sizes and intensities of agricultural uses and normal farm practices are promoted and protected in accordance with Provincial standards.

Provincial and Regional policies permit a full range of agricultural, agriculture-related and on-farm diversified uses (“OFDUs”) within prime agricultural areas. Agriculture-related and OFDUs are intended to complement the principal agricultural uses on the property and in the surrounding area, and contribute to the sustainability and viability of the farming operation.

Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas

The Ontario Ministry of Agriculture, Food and Rural Affairs’ (“OMAFRA”) *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas* (“OMAFRA Guidelines”) provide criteria to consider when determining the classification of uses in prime agricultural areas.

On-Farm Diversified Use

The PPS, NOP and OMAFRA Guidelines define OFDUs as those that are secondary to the principal agricultural use of the property, and are limited in area; these can include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses

that produce value-added agricultural products. These uses are to be considered based on the following criteria:

1. Located on a farm;
2. Secondary to the principal agricultural use of the property;
3. Limited in area;
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

With regard to Criterion #1, staff acknowledge that the primary use of the property is for agriculture, consisting of pumpkin, sweet corn and squash crops.

The OMAFRA Guidelines recommend considering Criterion #2 based on spatial and temporal terms; the uses must be secondary relative to the agricultural use of the property, and the spatial limits are addressed through Criterion #3, and temporal considerations apply to uses that are temporary or intermittent, such as events.

Criterion #3 requires the OFDUs to be limited in area, recommending that these uses are limited to a maximum of 2% lot coverage with further limitations on the gross floor area (“GFA”) of the buildings used for OFDUs (e.g. 20% of the 2%).

The Guidelines note that “limited in area” calculations should account for all aspects related to an OFDU, including any buildings, outdoor storage areas, landscaped areas, berms, wells and septic systems, parking areas and new access roads, and that the lot area coverage ratio should be based on the size of the individual parcel of land where the use is located and not the total area of a farm operation. The size of the parcel is 36.02 hectares; therefore, in order to adhere to the recommended size limit, the total area of the proposed OFDU (and all aspects related to it) would need to be no larger than 0.72 hectares (7,200 m²) in area.

Staff have reviewed the *Planning Justification Brief* (PJB) prepared by Upper Canada Consultants (dated February 2025), which provides rationale for the OFDU, including a detailed site plan outlining the OFDU coverage to address Criterion #3. Regional staff have broken down the coverage of the proposed OFDUs based on the site plan in the table below.

Area of the On-Farm Diversified Use	Total Coverage (including deduction)
Fitness Studio*	663.1 m ² (331.55 m ²)
Gym Mezzanine (2 nd floor)*	118.7 m ² (59.35 m ²)
Bakery*	144.2 m ² (72.1 m ²)
Sandwich Store*	56.3 m ² (28.15 m ²)
Coffee Roastery*	250.6 m ² (125.3 m ²)
Driveway and Parking Area	1,420 m ²
Septic System Area	2,580 m ²

Total development footprint for all structures with OFDU:	5,030 m² (4,616.45 m²)
--	---

*The re-use of existing structures has been discounted by 50% in accordance with the recommendations of the OMAFRA Guidelines (Section 2.3.1(3)).

Based on this calculation, staff acknowledge that the proposed OFDU (with the appropriate deductions applied) accounts for 0.46 hectares (4,616.45 m²), which makes up approximately 1.28% of the property, with the GFA making up approximately 72% of this coverage. While the GFA exceeds the recommendations in OMAFRA’s guidelines, staff acknowledge that that no additional agricultural lands will be taken out of production as a result of the OFDU, as the interior footprint is entirely contained within an existing building.

Criterion #4 states that OFDUs include, but are not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products. Staff notes that the proposed café, bakery and bagel shop are similar to examples for permitted OFDUs provided in Figure 3 of the OMAFRA Guidelines (e.g. café/small restaurant, food store). In addition, Table 2 identifies ‘Value-added process’ uses (e.g. food processing) as a category of OFDU with no restriction on what could be processed or its origin.

With respect to the proposed fitness studio use, the PPS language related to uses that are not related to agricultural (i.e., home occupation and home industries) suggests that in prime agricultural areas, these operations must be at a reasonable scale, as discussed above through Criterion #2 and #3. According to Table 2 of the OMAFRA Guidelines, all types of commercial uses that are appropriate in prime agricultural areas are permitted as an OFDU. Based on the assessment of the previous criterion, staff is satisfied that the fitness studio qualifies as a commercial OFDU.

Criterion #5 requires that OFDUs be compatible with, and shall not hinder, surrounding agricultural operations. Staff acknowledge that the uses do not appear to hinder or undermine surrounding agricultural uses, as the uses are contained within existing buildings and are clustered together separate from the existing primary agricultural uses on the property. Based on the scale and nature of the uses, it is staff’s opinion that the use is not expected to pose any significant impacts on surrounding agricultural uses, provided the scale of the use remains as existing as does not expand in the future (including the expansion of parking and infrastructure to support the use) to ensure that the use remains low impact and continues to be secondary to the principal agricultural use of the property.

As such, provided Town staff are satisfied that the requested variances are minor in nature and do not hinder surrounding agricultural uses, and subject to the private servicing requirements outlined below, staff are satisfied that the proposed uses are generally consistent with the intent of the Provincial Planning Statement and do not conflict with the intent of Provincial and Regional OFDU policies.

Minor Note

- The PJB states, “The uses can be supported by existing municipal service levels.” Staff advise that development within prime agricultural areas must be privately serviced in accordance with NOP policy 5.2.3.3.

Minimum Distance Separation

There appears to be a poultry barn on the adjacent property to the east (928 Foss Road). The PPS and Regional policies require that new development, including lot creation, and new or expanding livestock facilities comply with the Minimum Distance Separation (MDS) formulae developed by OMAFRA, which is applied in order to separate uses to reduce incompatibility concerns about odour from livestock facilities. Regional staff note that municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications or building permits. Therefore, the Committee should look for confirmation from Town staff that the proposed lot creation/change of land use meets the MDS setbacks.

Archaeological Potential

The subject lands are within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the 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.

Staff acknowledge that no new development is proposed with this application. As such, an archaeological assessment is not required. Please be advised that any future planning applications for development and/or site alteration on the subject lands may be subject to a Stage 1-2 Archaeological Assessment in accordance with Policy 6.4.2.6 of the NOP.

Staff offer the following archaeological advisory clause for information purposes:

"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 (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."

Private Servicing

Regional Private Sewage System Inspection staff were unable to locate a sewage system permit for the existing system on the property. Based on the current uses on the property, the current system is undersized to accommodate the sewage flows generated by the current uses on the property, and a new sewage system is required to service the property. A new sewage system application was submitted for the installation of two new sewage systems to accommodate the uses on the property. The septic permit was issued in November 2024 with a condition requiring that the owner receive planning approval.

With respect to the new septic system, staff acknowledge that the property contains enough usable area for the installation of two sewage systems on the property to service the uses. Sewage system 1 would accommodate the four-bedroom dwelling on the second floor and the gym facility (40 people). The second sewage system would accommodate the coffee shop (17 seats), one employee, and a food take out floor area, along with the bakery area.

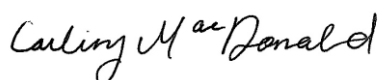
Therefore, Regional staff offer no objection to the application from a private servicing perspective, provided the new sewage systems are installed in accordance with the Ontario Building Code to accommodate the proposed OFDUs on the property.

Conclusion

Regional Public Works Growth Management and Planning Division staff are of the opinion that the proposal is generally consistent with the intent of the Provincial Planning Statement and does not conflict with Provincial and Regional on-farm diversified use policies. As such, staff offers no objection to the application, subject to the satisfaction of Town staff and provided the scale of the uses remain as existing and are not expanded in the future (including parking and infrastructure to support the uses), and that new sewage systems are installed in accordance with the Ontario Building Code to accommodate the uses.

Please send copies of the staff report and notice of the Committee's decision on this application. 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
Caitlin Goodale, Private Sewage System Inspector, Niagara Region

March 21-2025

RE: Black Sheep and Spinosa family zoning relief (A5-2025P)

To the Town of Pelham,

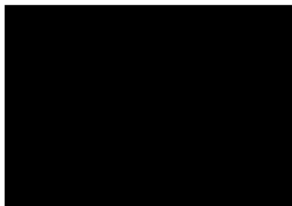
By way of introduction, we are the VanZanten family living just down the street at [REDACTED] Foss road from the Spinosa family and their business at 952 Foss road. We are thrilled to have them as part of our community.

This letter is to show our support with the work that they are doing. Specifically (A5-2025P). We are thankful and excited to have such a wonderful place down the street to gather with our neighbours and community and enjoy some conversation and staying in touch.

There have been a lot of changes as the town continues to grow, and this is a great example of a family (business) creating positive change for the well being of not only us, but the whole community.

We ask that the town also positively support this young business for their success, but ultimately for the success and well being of our town.

Respectfully submitted,

A large black rectangular redaction box covering the signature area.

Jan VanZanten and family.

From: [Lucas Spinosa](#)
To: [Ethan Laman](#)
Subject: Fwd: Support for AP-2025P
Date: Thursday, March 20, 2025 8:16:12 AM

Thank you,

Lucas Spinosa
Owner / Operator- Black Sheep Coffee Roasters
64 Niagara Street - Welland, ON.
905-714-6609
@blacksheepniagara
www.blacksheepniagara.com

----- Forwarded message -----

From: **Kate Boisvenue** [REDACTED]
Date: Thu, Mar 20, 2025 at 8:12 AM
Subject: Support for AP-2025P
To: lucas@blacksheepniagara.com <lucas@blacksheepniagara.com>
CC: Shawn Baskin [REDACTED]

AP-2025P

To The Town Of Pelham,

My name is Kate Baskin. I am a seventh generation fenwickian, and love our small town. My husband, [REDACTED], and I live on Church street around the corner from the Black Sheep lounge, Forge Ftiness and Spinosa's Bakery (formerly Beidas Powersports). We watched the steady decline of the property over the years after Beidas closed down, and we got very excited when we heard that the property had eventually been sold and possibly a Black Sheep Lounge location would be opening up. Our family had been customers at the Black Sheep lounge Welland location since its opening.

The new BSL location didn't disappoint. Lucas, his wife, and staff offer an incredibly warm environment, excellent service, and incredible hand crafted coffee. Its our favorite meeting place to join friends and neighbors in community. [REDACTED] ride [REDACTED] bikes down and pick up fresh bread from Spinosa's, or sometimes even a bagel run at Half Baked Bagel Co. We have watched the property transform from the dilapidated and run down abandoned business, to a clean, bright, welcoming small business, that Fenwick is always in desperate need of.

[REDACTED]
[REDACTED]
[REDACTED] The owner Zac and his trainer's offer the

highest level of training. [REDACTED]
[REDACTED] have a safe, clean, supportive environment to
work on their skills with their trainer. [REDACTED]

What a gift to the community these businesses have been. There is no question as to the value they add to our town. The only question I have is as to why this application process would have been needed in the first place? The consensus I have gotten speaking with my neighbors and fellow taxpayers is that we appreciate what these businesses have done for our community. I hope this can be resolved quickly and the town can move forward to issues that are actually of concern to our community.

Yours Truly,
Kate and Shawn Baskin

From: [Lucas Spinosa](#)
To: [Ethan Laman](#)
Subject: Fwd: Black Sheep reference number A5-2025P
Date: Sunday, March 16, 2025 3:53:54 PM

Thank you,

Lucas Spinosa
Owner / Operator- Black Sheep Coffee Roasters
64 Niagara Street - Welland, ON.
905-714-6609
[@blacksheepniagara](#)
www.blacksheepniagara.com

----- Forwarded message -----

From: m.s.murray m.s.murray [REDACTED]
Date: Sun, Mar 16, 2025 at 3:17 PM
Subject: Fwd: Black Sheep reference number A5-2025P
To: <lucas@blacksheepniagara.com>

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Sunday, March 16th 2025, 15:09
Subject: Black Sheep reference number A5-2025P

We have lived at [REDACTED] Foss road for [REDACTED] plus years ,there has always been business of sorts there farming,snow mobile etc dealership even campers had been allowed there, and there are greenhouses on both sides of our road. Next door is and has been for as long as we have been here a chicken farm business and on the other side it was a farm then the family sold second hand tools and equipment ,later returned to a farm by the [REDACTED] family, we have no problem with the Black Sheep businesses .

Jeanne and Larry MURRAY .You can contact us at [REDACTED]

Sent from my iPad

From: [Lucas Spinosa](#)
To: [Ethan Laman](#)
Subject: Fwd: Jono [REDACTED]
Date: Monday, March 24, 2025 3:21:44 PM

Thank you,

Lucas Spinosa
Owner / Operator- Black Sheep Coffee Roasters
64 Niagara Street - Welland, ON.
905-714-6609
@blacksheepniagara
www.blacksheepniagara.com

----- Forwarded message -----

From: Jono [REDACTED] Giles [REDACTED]
Date: Mon, Mar 24, 2025 at 3:18 PM
Subject: Re: Jono [REDACTED]
To: Jono Giles [REDACTED] >, lucas@blacksheepniagara.com
<lucas@blacksheepniagara.com>

To whom it may concern.

I am writing this letter in support of the Black Sheep, Forge and Spinosa's (application #A5-2025P).

As a member of the community, my family and I have found a great value in their addition to Fenwick.

Since its opening, the Black Sheep has contributed greatly to the character and vibrancy of our town. Not only does it provide excellent coffee and a warm, welcoming environment, but it has also created meaningful connections among residents and other local businesses.

It has become a tradition to stop by there every weekend [REDACTED] for great coffee, hot chocolate and treats. The shop's presence has been an essential part of fostering a sense of community that is increasingly rare in today's fast-paced world.

I ask that we work together to ensure that it continues to thrive and contribute to the spirit of our town. Thank you for your time and attention to this matter.

Sincerely,
Jonathon Giles & Family

On Mon, Mar 24, 2025 at 2:57 PM Jono Giles [REDACTED] wrote:

From: [Lucas Spinosa](#)
To: [Ethan Laman](#)
Subject: Fwd: Zone application
Date: Wednesday, March 19, 2025 8:47:22 PM

Thank you,

Lucas Spinosa
Owner / Operator- Black Sheep Coffee Roasters
64 Niagara Street - Welland, ON.
905-714-6609
[@blacksheepniagara](#)
www.blacksheepniagara.com

----- Forwarded message -----

From: **Jim Sauders** <[REDACTED]>
Date: Wed, Mar 19, 2025 at 8:41 PM
Subject: Zone application
To: lucas@blacksheepniagara.com <lucas@blacksheepniagara.com>

I am jim sauders and i am rick spinosa neighbour,ii have lived [REDACTED] foss road for the last two years and Rick,lucas and zac have been great neighbors,they are always there if you need help,they keep their property clean and grass cut all the time,we have no issueswith any noise or traffic,they have plenty of parking which makes it nice for people to stop for coffee and things,i would like to see this application A5-2025P be resolved,if you have any questions you can contact me at [REDACTED] thank you

NEIGHBOUR IMPRESSION (application A5-2025P)

Hello, I'm Jess Dreyer and live [REDACTED] down the road ([REDACTED] Foss Rd) from the Spinosa/Black Sheep/Forge property and have been positively impacted by each of their businesses being in such close proximity to our home.

From the first time meeting Lucas and grabbing a latte from his fairly new establishment, I was super excited to have not only a coffee shop near by but also a super local and convenient place to grab fresh bread/bakery goods so close to home. And since going, it's always a place that leaves an impression. Whether going to grab a quick hot drink for myself or meeting with a friend, I always leave in a better state and a smile on my face.

When I first started stopping by the coffee shop, I didn't even know there was a gym facility in the rear of the building. No idea!

We always saw a bunch of vehicles around back and always wondered what was going on, but had no idea there was a gym so close by.

And since meeting and chatting with Zac at Forge Fitness, the gym has been an

[REDACTED]. [REDACTED]
[REDACTED] The guys Zac has working there are super encouraging, patient [REDACTED]! [REDACTED]
[REDACTED].

Having all of these facilities so close to our home have only enhanced our lives for the better and hope they are here to stay for many more years to come. Owning small businesses and getting them off the ground + running smoothly isn't for the faint of heart but all three of these guys continue to show their dedication to their crafts and for helping people become better versions of themselves.

Living in Fenwick isn't just about finding a home in the country, its about having each others backs, working for the good of everyone in our neighbourhood and most of all, becoming friends and caring about who they are. Its more then just a very local business, its about family.

Town of Pelham Committee Report Committee of Adjustment



Monday, April 07, 2025

Minor Variance Application: A34-2024P

Municipal Address: 75-77 Marie Street

Legal Description: Block 150, Plan 59M-505

Roll Number: 2732 030 020 16012

Prepared By: Andrew Edwards, Town Planner

Department: Community Planning and Development

Nature and Extent of Relief/Permission Applied for:

The subject land is located on the north side of Marie Street, lying west of Samuel Avenue, being Block 150, Plan 59M-505, in the Town of Pelham.

The subject land is zoned RM1-96 in accordance with Town of Pelham Zoning By-law 4481 (2022), as amended. Application for relief is made to permit an increase in the driveway width for the semi-detached dwelling. The applicant seeks relief from the following section of the Zoning By-law:

- a. **Section 10 Exceptions - RM1-96:** requesting a maximum driveway width of 6.02 metres (or 66% of the lot frontage) for a semi-detached dwelling, whereas the maximum driveway width for a semi-detached dwelling is 7m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.

The property is west of Rice Road and north of Merritt Road in the Saffron Meadows Phase 3, Stage 2 subdivision. The block has 18.29 metres of frontage along Marie Street and is 619.49 square metres in area. The block is currently vacant. The owner is proposing to construct a semi-detached dwelling, with each unit containing a secondary dwelling unit in the basement. Please refer to Figure 1 for the site plan submitted by the applicant. Figure 2 displays the proposed front façade elevation.

The applicant is proposing to widen the driveway in order to provide additional parking spaces to serve the second dwelling units. Staff note that second dwelling units are permitted as of right on the subject lands. The variance is necessary to provide additional dedicated parking spaces for each second dwelling unit, which is a requirement of the Town's Zoning By-law.

Figure 1. Site Plan

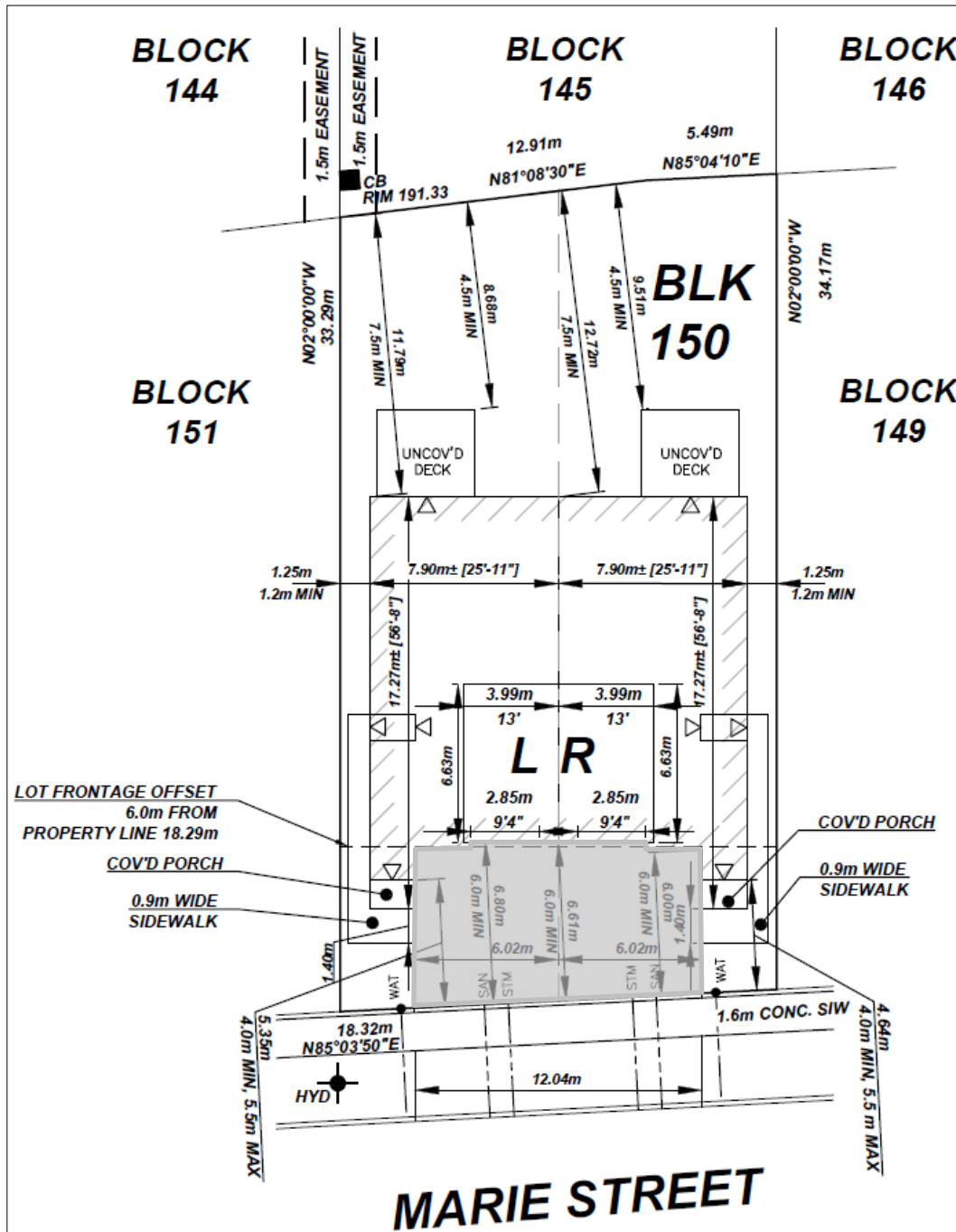
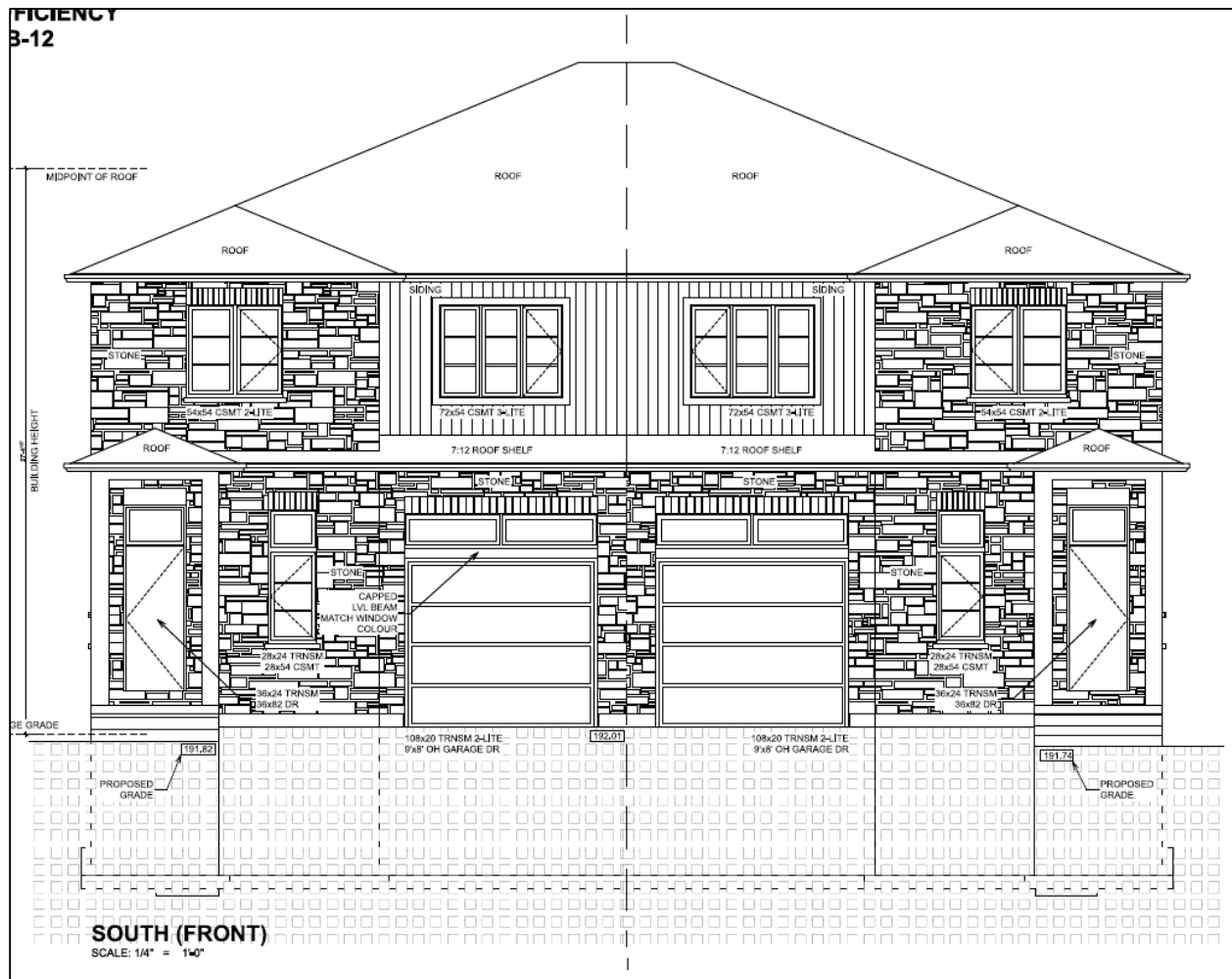


Figure 2. Front Façade Elevation



Applicable Planning Policies:

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

Section 45 (1) states that the Committee of Adjustment may authorize a minor variance for provisions of the Zoning By-law, in respect of the land, as in its opinion it 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 Planning Statement (2024)

The Provincial Planning Statement (PPS), 2024 came into effect on October 20, 2024, and replaced the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

The subject lands are located within a Settlement Area according to the PPS. Generally, the PPS encourages an appropriate range and mix of housing options and densities to meet projected and current needs. The variance will facilitate a second dwelling unit. The variance will support Provincial planning objectives such as intensification, housing affordability, and efficient land use.

Policy 4.6.2 states that development and site alteration on lands containing archaeological resources or areas of archaeological potential is not permitted unless the significant archaeological resources have been conserved. Staff are satisfied the archaeological considerations of the site have been satisfied through approval of the subdivision.

Staff are of the opinion the proposed variance is consistent with the 2024 Provincial Planning Statement.

Niagara Official Plan (2022)

The Niagara Official Plan (NOP), 2022 provides the policy guidance for future development across the Region.

The NOP designates the property as being within the settlement area of Fonthill. Policy 2.2.1.1 encourages growth that supports a diverse mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs. The variance will facilitate a second dwelling unit for each semi-detached dwelling unit, supporting an affordable housing solution, and providing rental housing options.

Policy 2.3.1.4 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.

The variance will facilitate a basement second dwelling unit, in a compact built form and will not substantially alter the function of the site.

Planning staff are of the opinion the proposed variance conforms with the 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 Official Plan designates the subject lands as East Fonthill Secondary Plan Area – Medium Density Residential. Semi-detached dwellings and second dwelling units are permitted uses within the EF-Medium Density Residential designation. The property is located within the Saffron Meadows Phase 3 subdivision.

Policy A2.3.2 Urban Character – stated objectives of the East Fonthill Secondary Plan include (among others):

- To enhance the urban areas as diverse, livable, safe, accessible and attractive communities.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The variance will facilitate basement second dwelling units, in a compact built form and will not substantially alter the function of the site. The character of the neighbourhood is not anticipated to change in a substantial way.

The East Fonthill Secondary Plan Area Urban Design Guidelines apply to the subject lands. The overarching community design principles of the design guidelines are intended to: provide a full range and mix of housing types, design a variety of streetscapes that are compatible with new and adjacent development, and to ensure a human scaled environment that is reflective of the anticipated built form within the community.

The UDG provides guidelines for the private realm. Guidelines include making use of a variety of architectural elements such as entry porches, encouraging buildings to be

oriented to the road and located close to the front lot line, and softening of the impact of large parking areas through building orientation, and boulevard landscaping treatments.

The proposed development generally aligns with the UDG. The units are oriented towards the street and make use of porches that protrude past the garage of the units. A single garage door is provided for each side of the semi-detached dwelling with a window to add activate the façade. There are opportunities for soft landscaping in the front yard of the units that will reduce the visual impact of the widened driveway.

Staff are of the opinion that the proposed variance conforms with the Town of Pelham Official Plan.

Town of Pelham Comprehensive Zoning By-law No. 4481 (2022)

The subject lands are zoned RM1-96 in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made to permit an increase in the driveway width for the semi-detached dwelling, and seeks relief from the following section of the Zoning By-law:

- a. **Section 10 Exceptions - RM1-96:** requesting a maximum driveway width of 6.02 metres (or 66% of the lot frontage) for a semi-detached dwelling, whereas the maximum driveway width for a semi-detached dwelling is 7m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.

The Zoning by-law requires 7m or 50% of the lot frontage, or 20% of the lot depth per semi-detached dwelling. To facilitate the development, the applicant seeks to increase the maximum driveway width for the semi-detached dwellings to 66% of the lot frontage. Overall, the proposed can supply three parking spaces per semi-detached dwelling unit.

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.	Yes, the variance is considered minor in nature. The increase from 50% to 66% is a minor adjustment that is not anticipated to create adverse impacts on neighbouring properties or the streetscape.

	<p>No significant impacts on drainage, sightlines, or pedestrian accessibility are anticipated. The character of the property remains consistent with the surrounding subdivision where wider driveways exist.</p> <p>As such, staff are of the opinion the variance is minor in nature.</p>
<p>The variance is desirable for the development or use of the land.</p>	<p>Yes, the variance is desirable for the development or use of the land.</p> <p>The variance will facilitate an additional parking space for the units. The proposed increase improves the site's functionality for the owner and future tenants of the second dwelling units. The additional space will accommodate the required parking for the units on-site, reducing reliance on on-street parking and associated street congestion and traffic flow concerns.</p> <p>The requested variance is not anticipated to have a negative impact on the character of the surrounding area. The additional parking space is not anticipated to have a visual impact on the streetscape nor interfere with lot drainage. The construction would be in the character of the area, which includes residential uses, with varying driveway widths.</p> <p>As such, staff are of the opinion the variance is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes, the variance maintains the general intent and purpose of the Zoning By-law.</p> <p>The maximum driveway width provisions are intended to ensure soft landscaping in the front yard, provide sufficient drainage, contribute to a consistent streetscape and high quality urban design. The proposed increase allows for sufficient landscape opportunities, and does not create excessive hardscaping over and above other areas within the subdivision. The front porches will help to ensure that the façade is not dominated by the garages.</p> <p>The variance supports the zoning by-law's goal of providing adequate parking for additional dwelling units. The proposed variance will facilitate off-street parking, reducing reliance on on-street parking.</p> <p>As such, staff are of the opinion the variance maintains the general intent and purpose of the Zoning By-law.</p>

<p>The variance maintains the general intent and purpose of the Official Plan.</p>	<p>Yes, the variance maintains the general intent and purpose of the Official Plan.</p> <p>Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan policies. The Official Plan states that development and redevelopment shall maintain and enhance the character and stability of residential neighbourhoods with regards to scale and density. The variance to supports intensification and the provision of additional rental housing.</p> <p>The requested variances would not have a negative impact on the character of the surrounding area. The variance would allow for appropriate development on an existing lot. Further, the development would appear to comply with the East Fonthill Urban Design Guidelines.</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 March 10, 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
 - All necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.
- Public Works Department
 - Public Works will require a lot drainage and grading plan.
 - Downspouts are to discharge to grade, not walkways. Please revise the drainage and grading plan.
 - Submit a driveway and entrance permit.

Two (2) public comments were received and are summarized as follows:

Marcia Kelly

- Opposes the variance; Concerned the block will be out of character with the surrounding neighbourhood; Concerned with lack of greenspace on the front lawn; Concerns with cars blocking sidewalks; Concerned with snow removal;

Martin Sykora

- Opposes the variance; Concerned with visual impacts of cars parked side by side; Concerned with lack of greenspace on front yard.

Planning Staff Comments:

With respect to the comments made by members of the public, the following responses are given.

Many properties within the subdivision have wider driveways and similar parking configurations. The proposed driveway maintains a parking solution that is typical in a semi-detached dwelling residential context, that is not considered out of character with neighbouring properties.

The proposal ensures a balance between the hardscaped driveway and soft landscaping in the front yard. The front yard still maintains greenspace and landscaping opportunities which will support proper drainage and aesthetic appeal of the dwelling. As seen in Figure 2, the garage doors for each unit remain a single door with a window and covered front porch to activate the front facade. The design will contribute to the streetscape and reduces the dominance of garages on the streetscape. The design is generally in conformity with the East Fonthill Urban Design Guidelines.

Vehicles are not permitted to block sidewalks or driveways. Enforcement of parking regulations will take place, including ticketing and towing, if vehicles block sidewalks or driveways. The driveway has adequate depth for a vehicle to park in the driveway and not obstruct the sidewalk, as the driveway has been designed to accommodate vehicles without encroaching on the sidewalk. Further, parking vehicles on private property rather than on the road allowance will ensure that snow removal on the roadway is not obstructed during snow events.

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

Planning staff recommend that minor variance file A34-2024P be approved subject to the following condition(s):

THAT the applicant:

- Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.
- Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.

Approved and Submitted by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**A34-2024P
75 and 77 Marie Street**

March 26, 2025

Town staff have reviewed the following documentation for the purpose of **A34-2024P**- Minor Variance application for:

The subject land is zoned RM1-96 in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made to permit a second dwelling unit (basement unit) in an existing semi-detached dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 10 “Maximum Driveway Width” – to permit a driveway width of 6.02 metres (or 66% of the lot frontage) for a semi-detached dwelling, whereas the maximum driveway width for a semi-detached dwelling is 7m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.

This full report contains following comments in conjunction with Minor Variance application A34-2024P – 75 and 77 Marie Street.

Introduction:

The property is west of Rice Road and north of Merritt Road in the Saffron Meadows Phase 3, Stage 2, subdivision. The applicant is proposing to construct a semi-detached dwelling, with each dwelling containing a second dwelling unit (SDU). To accommodate the on-site parking requirements for semi-detached dwellings and SDUs, the applicant seeks zoning relief to increase the maximum driveway width. The Zoning by-law requires 7m or 50% of the lot frontage, or 20% of the lot depth per semi-detached dwelling. To facilitate the development, the applicant seeks to increase the maximum driveway width for the semi-detached dwellings to 66% of the lot frontage. Overall, the proposed can supply three parking spaces per semi-detached dwelling unit.

This full report contains the following comments in conjunction with Minor Variance application A34-2024P – 75 and 77 Marie Street and shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Analysis:

Please see comments below.

Public Works offer the following comments:

- Public Works will require a lot drainage and grading plan.
- Downspouts are to discharge to grade, not walkways. Please revise on a drainage and grading plan.
- Submit a driveway and entrance permit.

To: Sarah Conidi

Cc: Andrew Edwards

From: Jessica Passant, Building Intake/Zoning Technician

Date: March 25th, 2025

Subject: Building Comments on Applications to the Committee of Adjustment for
Block 150 59M-505 (75 and 77 Marie Street)

File Number: A34-2024P

Comments:

- All necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.

Respectfully,

Jessica Passant

From: [Marcia Kelly](#)
To: [Sarah Conidi](#)
Subject: Commitment of Adjustment
Date: Tuesday, March 25, 2025 9:02:59 PM

Hi Sarah,

I am writing to appose the application for permission

File Number: A34-2024P

Subject Lands: Block 150 59M-505 (75 and 77 Marie Street)

Legal Description: Block 150, Plan 59M-505

Reasons for apposing:

1. This block will be quite stood out different from the rest of our street, seeing that the driveway will be basically no lawn.
2. We are already having problems with cars blocking the sidewalk when we go for walks
3. In winter time our street barely gets cleaned, because cars are doubled parked on the street which makes it difficult for snow cleaners to clean the snow
4. This will make our beautiful area look run down, due to multiple vehicles on the driveway

Thanks, we hope these considerations will be taken into thought not to approve this

Marcia Kelly

From: [Martin Sykora](#)
To: [Sarah Conidi](#)
Cc: [Martin Sykora](#); [Elena Sykora](#); [clerks pelham](#)
Subject: Re: A34-2024P Reject
Date: Thursday, March 27, 2025 6:53:32 PM

Dear Sir/ Madam,

Our house is located [REDACTED] from Lot 150.

If the parking space is widened we worry that there will be two cars parked in front of each unit with possible total of four cars in front of the building and garage used as a storage. It will be too many cars in a small space. This will create very busy neighborhood.

We prefer the initial 7m of parking space and would like to vote AGAINST this proposal.

Can we please stick with the other designs a narrower single car park with a bit more green please

Sincerely,

Martin and Elena Sýkora

[REDACTED] Marie St

Get [Outlook for Android](#)

Town of Pelham Committee Report
Committee of Adjustment
Monday, April 07, 2025

Consent Application: B5-2025P

Municipal Address: 968 Church Street

Legal Description: LT 13 W/S CHURCH ST PL 703 PELHAM; BLK F N/S T. H. & B. RAILWAY PL 703 PELHAM; PELHAM

Roll Number: 2732 010 015 19100

Prepared By: Andrew Edwards, Town Planner

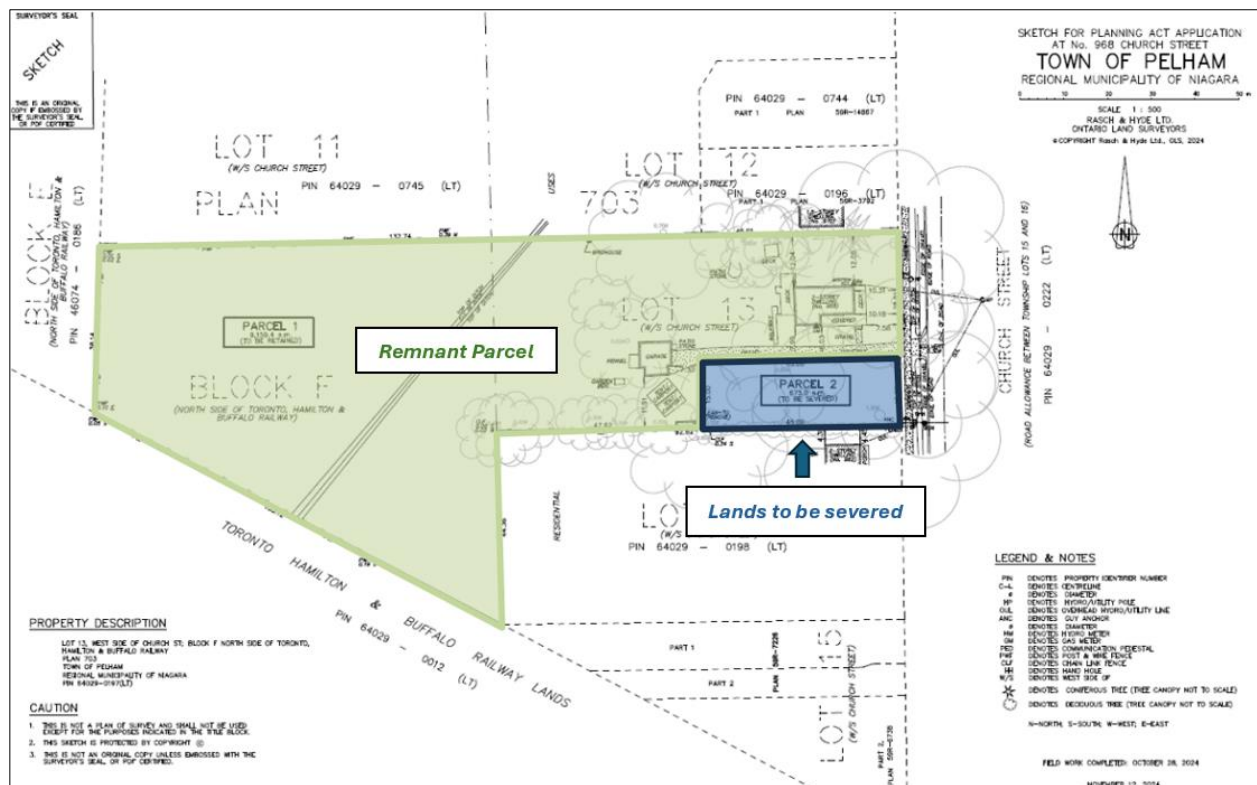
Department: Community Planning and Development

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 2 in Figure 1, has a frontage of 15 m on the west side of Church Street, lying south of Canboro Road being LT 13 W/S CHURCH ST PL 703 PELHAM; BLK F N/S T. H. & B. RAILWAY PL 703 in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 675 square metres of land (Part 2) to create a new residential lot. Part 1 is to be retained for continued residential use of the property known municipally as 968 Church Street. Please refer to Figure 1 to review the severance sketch provided by the applicant.

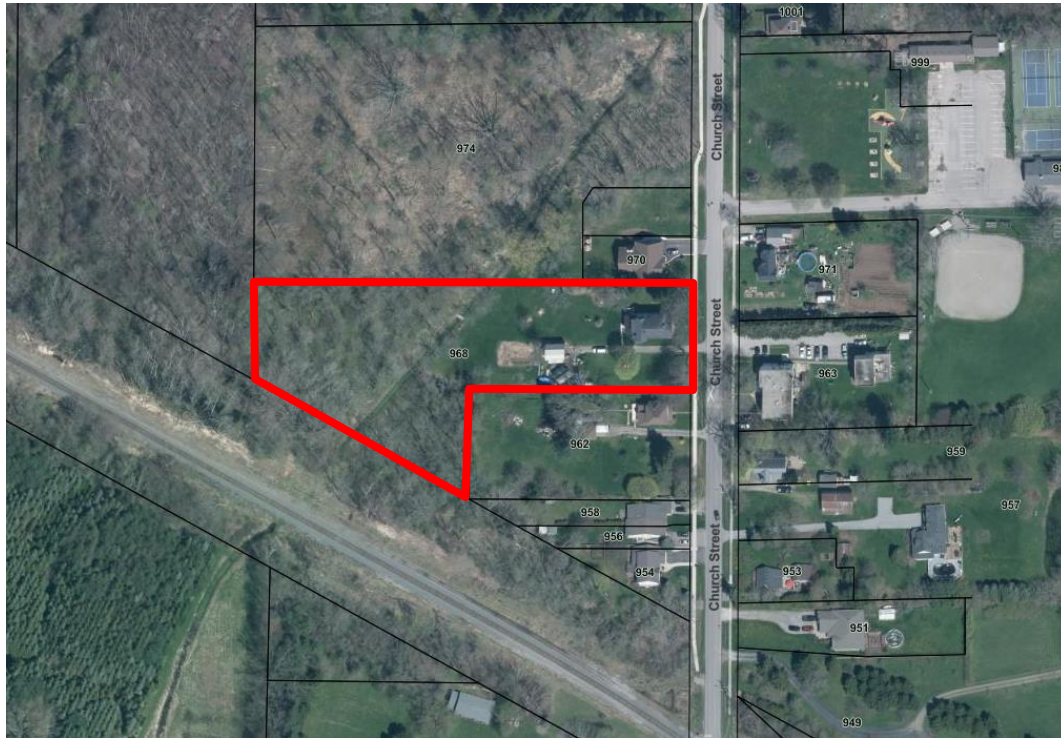
Figure 1. Severance Sketch



There is an active Canadian Pacific Railway line within approximately 72 metres from the proposed new lot.

The parcel is located on the west side of Church Street, lying south of Canboro Road. The parcel is irregular in shape, being flag-shaped (Figure 2). The existing property is 9,834.4 square metres in area and has approximately 43.91 metres of frontage along Church Street.

Figure 2: Subject Lands



The surrounding land uses include:

- North:** Residential uses fronting Church Street.
- East:** Residential uses; Centennial Park.
- South:** Residential uses.
- West:** Environmental Protection lands; agricultural uses.

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.

This report addresses the Provincial interests (Section 2 of the Act) in more depth through the Provincial land use planning policy framework and the Niagara and Town of Pelham Official Plans.

Provincial Planning Statement (2024)

The Provincial Planning 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 in a 'Settlement Area' according to the PPS. Policy 2.3.1.1 states that settlement areas shall be the focus of growth and development.

Policy 2.3.1.2 states that land use patterns within settlement areas shall be based on a range of densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, support active transportation and are transit and freight supportive. Policy 2.3.1.3 states planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Policy 4.6.2 does not permit development or site alteration on lands containing archaeological resources or areas of archaeological potential unless the resources have been conserved. The lands are identified in the Town's Heritage Master Plan as displaying a high degree of archaeological potential. Accordingly, the applicant provided a stage 1-2 archaeological assessment with the application. No artifacts or cultural features were recovered during the Stage 2 archaeological assessment. The report concluded the proposed building lot no longer has any cultural heritage value or archaeological potential. The Ministry of Citizenship and Multiculturalism acceptance letter was also included with the application.

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 the proposed consent is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and intensification.

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

Greenbelt Plan (2024)

The Greenbelt Plan designates the subject lands as ‘Settlement Areas Outside the Greenbelt.’ As such, the policies of the Greenbelt Plan do not apply to the subject lands.

Niagara Official Plan (2022)

The Niagara Official Plan, 2022 provides policy guidance for future development across the Region.

The lands are designated Built-Up Area in the Niagara Official Plan. Policy 2.2.2.5 requires 60% of all residential units occurring annually 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.

Policy 2.2.1.1 indicates that development in urban areas will integrate land use planning and infrastructure planning for a compact built form, diverse range and mix of housing types, unit sizes, a vibrant public realm, and a mix of land uses, range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs, convenient access to public and active transportation, parks, trails and open spaces. Opportunities for the integration of gentle density that considers the character of established residential neighbourhoods is also supported.

The subject property is impacted by the Region’s Natural Environment System (NES), consisting of Significant Woodland, Other Woodland, Permanent and Intermittent Watercourse and Shoreline Areas. NOP Policy 3.1.9.8.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed on lands adjacent to natural heritage features. The EIS must demonstrate that there will be no negative impact on the features or their ecological function. Within settlement areas, mandatory buffers from the features are required. The ecologically appropriate widths of the mandatory buffers are to be determined through the EIS. NOP Policies 3.1.4.8 through 3.1.4.10 discourage or prohibit lot creation or boundary adjustments which fragment natural heritage features and Key Hydrologic Features. The proposed lot lines do not fragment the identified features and are separated from the features by existing development. Accordingly, the requirement for an EIS was waived.

As the consent will contribute to the intensification rate, be served by existing infrastructure and introduce additional housing units which are in keeping with the character of the established neighbourhood and result in no negative impact to the NES, staff are of the opinion that the proposed consent conforms with the 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 our natural heritage features. The local Official Plan designates the subject land as 'Urban Living Area/Built Boundary' on Schedule 'A1.'

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.

Section A2.3.2 Urban Character sets out the objectives for the urban character of the Town. Objectives include to respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood, and to maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development. The proposal is supported by the Town Official Plan policies that encourage infill within existing built-up areas.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy B1.1.3 states that in considering residential intensification proposals, 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;
 - The site is located along Church Street, which is identified as a Collector Road per Schedule 'C' of the Town's Official Plan.
- 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;

- The surrounding neighbourhood is characterized by low—to medium-density residential dwellings, comprised of mainly one—to two-storey single detached dwellings. The proposed consent will facilitate the development of an additional lot, which is in keeping with the character of the surrounding neighbourhood. The lot sizes and dimensions comply with the zoning requirements.
- 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;
- Church Street is a Collector Road according to Schedule 'C' of the Official Plan.
- 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;
- The proposed use is similar to the surrounding neighbourhood, being mostly comprised of single detached dwellings. The severed lot is proposed to contain a single detached dwelling fronting Church Street, consistent with the existing residential uses in the surrounding area.
- 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;

- Second dwelling units are permitted in single detached dwellings and accessory buildings subject to meeting zoning requirements for such uses. The proposed application is for the creation of a building lot.
- f) The provision of affordable housing in intensification areas will be encouraged; and,
- The developer is proposing a single detached dwelling on the new lot. The Town's Zoning By-law permits second dwelling units in single detached dwellings and accessory buildings which would allow for an affordable housing option.
- 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.
- Not applicable to the current 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;
- Access will be provided from Church Street which is 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 from the proposed consent. Public Works did not identify any concerns in this regard. In addition, driveway and entrance permits will be required as a condition of consent to ensure driveways meet Town engineering standards.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- The proposed lots meet or exceed the requirements of the R1 zone. No zoning relief is required to facilitate the development.

- d) Can be serviced with an appropriate water supply and means of sewage disposal;
- Yes, municipal services exist and are available to be used. Site servicing will be required as a condition of consent.
- e) Will not have a negative impact on the drainage patterns in the area;
- A Lot Grading Plan will be required as a condition of approval demonstrating that drainage will be maintained on-site and not negatively impact adjacent properties.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
- N/A. The retained lot will be retained for existing residential use.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
- Given the proposed lot lines are not anticipated to fragment the features and are separated from the features by existing development, no negative impacts are anticipated.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
- Yes. Generally speaking the Niagara Official Plan encourages intensification within Settlement Areas within built-up areas where municipal services are available. Please refer to Niagara Official Plan section of this Report.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
- N/A.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan as it helps enable intensification within an existing neighbourhood and does not conflict with any policies subject to satisfaction of the conditions of approval.

Town of Pelham Zoning By-law 4481 (2022), as amended

The subject lands are zoned Residential 1 (R1) and EP1 in accordance with Zoning By-law 4481 (2022). Both the lands to be severed and the lands to be retained comply with the minimum standards of the Zoning By-law.

Section 3.27 Railway and Pipeline Right-of-Way Setbacks applies. It states that no residential building shall be located closer than 30.0 metres to a railway right-of-way. The closest portion of the new lot is located approximately 60 metres from the Canadian Pacific Railway right-of-way, and accordingly, future construction would comply with this provision.

House designs for the lands to be severed have not yet been completed. Any new construction on the property will be required to meet zoning requirements in terms of setbacks, height, and lot coverage.

Agency and Public Comments:

On March 7, 2025, 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
 - The Building Department has no comments or conditions at this time.
- Public Works Department
 - Please be advised that Church Street between Canboro Road to Foss Road is currently under maintenance and it should expire in the Summer of 2025.
 - Part 2 (Parcel 2) is to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
 - Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.
 - The applicant shall 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.
- Niagara Region Public Works Growth Management and Planning Division
 - Regional Public Works Growth Management and Planning Division staff are of the opinion that the proposed consent application is consistent with the Provincial Planning Statement and in conformity with Provincial and Regional policies for lot creation within the urban area.
 - As noted above, Regional staff recommended that the drawings for any proposed dwellings on the subject lands be stamped by an acoustical engineer to ensure any future dwelling is constructed to minimize any exceedances to noise and vibration from the rail line.
- Canadian Pacific Railway
 - No comments at time of writing.
- HydroOne
 - We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time.

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

Planning Staff Comments:

A pre-consultation meeting was held with the property owner and staff from the Town, and Niagara Region Planning & Development Services on October 3, 2024 to discuss the subject application.

Planning staff have reviewed the Planning Justification Brief as well as all agency and public correspondence submitted to date and offer the following for the Committee's consideration.

The proposal is generally supported by the Town Official Plan policies that encourage infill within existing built-up areas. This supports the long-term public interest by minimizing the impact of sprawl on agricultural lands while supporting re-investment in existing communities to maintain their stability and vibrancy, providing for an efficient use of infrastructure and land, and contributing to the development of compact communities that foster walkability and a sense of place.

The proposal, if approved would permit the creation of an additional residential lot in a neighbourhood comprised of primarily single detached dwellings. Planning staff do not anticipate land use compatibility issues with the surrounding residential uses. Adequate parking and private amenity areas are provided for both the retained and created lots.

Based on the analysis in the sections above, Planning staff are of the opinion that the proposed consent is consistent with the PPS and conforms with Provincial, Regional and Local Plans. The resulting parcel complies with applicable zoning regulations and upon satisfaction of the conditions of approval is not anticipated to negatively impact the surrounding neighbourhood with respect to traffic, privacy, and stormwater management.

Planning Staff Recommendations:

Planning staff recommend that consent file B5-2025P be approved subject to the following condition(s):

THAT the applicant:

- Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards.
- Individually service Part 2 with its own sanitary and water connections in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
- Submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties.
- 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.
- 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 \$445, 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.

- Sign the Town of Pelham’s standard “Memorandum of Understanding” explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Sign an undertaking ensuring prior to the sale of the property, the owner shall disclose to any potential purchaser that the drawings for any proposed dwelling on the subject property should be stamped by an acoustical engineer to ensure any future dwelling is constructed to minimize any exceedances to noise and vibration from the rail line.

Approved and Submitted by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**B5-2025P
968 Church Street**

March 17, 2025

Town staff have reviewed the following documentation for the purpose of **B5-2025P – 968 Church Street** consent application for:

Application is made for consent to partial discharge of mortgage and consent to convey 675.0 square metres of land (Part 2) to create a new residential lot. Part 1 is to be retained for continued residential use of the property known municipally as 968 Church Street.

Introduction:

The consent application is to sever a new lot from the existing property. The creation of a new lot within the settlement area of Fenwick, within the Town of Pelham will facilitate the development of a housing unit.

The subject parcel, shown as Part 2 on the attached sketch, has a frontage of 15 m on the west side of Church Street, lying south of Canboro Road being LT 13 W/S CHURCH ST PL 703 PELHAM; BLK F N/S T. H. & B. RAILWAY PL 703 in the Town of Pelham.

The eastern portion of the property is located within the urban area of Fenwick, and the western portion being located within the agricultural area of the Town of Pelham. The property is currently used for residential purposes with an existing single detached dwelling being located on site. The property also has a stream/creek that runs through the western part of the property that has been identified as a Niagara Peninsula Conservation Authority regulated featured.

Analysis:

Public Works Staff have reviewed the proposed grading plan and severance sketch prepared by Rasch and Hyde LTD. Please see conditions

General Comments

Please be advised that Church Street between Canboro Road to Foss Road is currently under maintenance and it should expire in the Summer of 2025.

Public Works offer the following conditions:

- Part 2(Parcel 2) is to be individually serviced with its own sanitary and water connections and constructed in accordance with Town of Pelham Engineering Standards. Installation of any services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.

- Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighboring properties.
- 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.

To: Sarah Conidi

Cc: Andrew Edwards

From: Jessica Passant, Building Intake/Zoning Technician

Date: March 24th, 2025

Subject: Building Comments on Application to the Committee of Adjustment for
968 Church Street

File Number: B5-2025P

Comments:

- The Building Department has no comments or conditions at this time.

Respectfully,

Jessica Passant

Public Works Growth Management & Planning Division

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

Via Email Only

March 17, 2025

File Number: PLCS202500581

Sarah Conidi, J.D.
Deputy Clerk/Secretary-Treasurer
Town of Pelham
20 Pelham Town Square
Pelham, ON L0S 1E0

Dear Ms. Conidi:

Re: Regional and Provincial Comments
Application Type: Consent
Town File Number: B5-2025P
Applicant: [REDACTED]
Location: 968 Church Street, Pelham

Regional Public Works Growth Management and Planning Division staff have reviewed the Consent application relating to 968 Church Street in the Town of Pelham (“subject property”).

The applicant is proposing a consent to partial discharge of mortgage and consent to convey 675 m² of land (Part 2) to create a new residential lot. “Part 1” is to be retained for continued residential use of the property known municipally as 968 Church Street.

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

Provincial and Regional Policies

According to the *Provincial Planning Statement, 2024* (PPS), the east portion of the subject lands where the new residential lot is proposed is within a Settlement Area, while the remainder treed portion at the rear of the property is identified within the Prime Agricultural Area, and more specifically a Specialty Crop Area. Under the *Niagara Official Plan, 2022* (NOP), the east portion of the property is within the Delineated Built-up Area (Fenwick), and the rear portion is designated as Specialty Crop Area. The entirety of the subject lands are within the Protected Countryside under the *Greenbelt*

Plan, 2017 (Greenbelt Plan).

The NOP and PPS direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. Section 2.3.1(3) of the PPS states that planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities. Further, with regard to development within urban areas, NOP Policy 2.2.1.1 supports the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighborhoods as part of managing growth. The creation of new residential lots is generally permitted within the Urban Area, subject to the above noted policies.

Regional staff have reviewed the *Planning Justification Brief* prepared by A.D. Moote Consulting (N.D.) and are satisfied with the analysis provided, acknowledging that the application is consistent with the PPS and in conformity with Provincial and Regional policies. As such, staff offers no objection to the application.

Archaeological Potential

The subject property is within the Region's mapped Area of Archaeological Potential, as identified on Schedule 'K' of the 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 have reviewed the *Stage 1 and 2 Archaeological Assessment* prepared by Thomas G. Arnold & Associates (dated January 27, 2025) and the associated letter of acknowledgement from the Ministry of Citizenship and Multiculturalism (dated February 13, 2025). No archaeological resources were discovered at the severed property where development is proposed, and no further archaeological assessment is recommended.

Staff note that the retained lands ("Part 1" on the consent sketch) were not included in the assessment. Therefore, any future planning applications for development and/or site alteration on these lands will require additional archaeological assessment work.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff provide the following archaeological clause for the applicant's information:

"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 (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."

Land Use Compatibility

There is an active Canadian Pacific Railway line within approximately 72 metres of the proposed new lot. Staff recommend that the future dwelling incorporation standard noise mitigation measures, such as brick or masonry construction, double glazed window construction and the provision of forced air-conditioning. As noted at the pre-consultation meeting held on October 3, 2024, Regional staff recommended that the drawings for any proposed dwellings on the subject lands be stamped by an acoustical engineer to ensure any future dwelling is constructed to minimize any exceedances to noise and vibration from the rail line.

Regional staff recommend that the Town look to the Railway Operator for confirmation of any other applicable mitigation measures as deemed necessary (i.e., safety setbacks, berming etc.).

Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Significant Woodland, Other Woodland, Permanent and Intermittent Watercourse and Shoreline Areas. NOP Policy 3.1.9.8.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed on lands adjacent to natural heritage features. Additionally, NOP Policies 3.1.4.8 through 3.1.4.10 discourage or prohibit lot creation or boundary adjustments which fragment natural heritage features. However, given that the proposed lot lines are not anticipated to fragment the features and are separated from the features by existing development, staff do not require an EIS and offer no objection to the consent application from an environmental perspective.

Conclusion

Overall, Regional Public Works Growth Management and Planning Division staff are of the opinion that the proposed consent application is consistent with the Provincial Planning Statement and in conformity with Provincial and Regional policies for lot creation within the urban area.

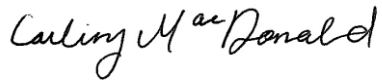
As noted above, Regional staff recommended that the drawings for any proposed dwellings on the subject lands be stamped by an acoustical engineer to ensure any future dwelling is constructed to minimize any exceedances to noise and vibration from the rail line.

PLCS202500581

March 17, 2025

Please send copies of the staff report and notice of the Committee'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
Lori Karlewicz, Planning Ecologist, Niagara Region

Jodi Legros

From: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>
Sent: Tuesday, March 25, 2025 12:43 PM
To: Jodi Legros
Subject: Pelham - 968 Church Street - B5-2025P

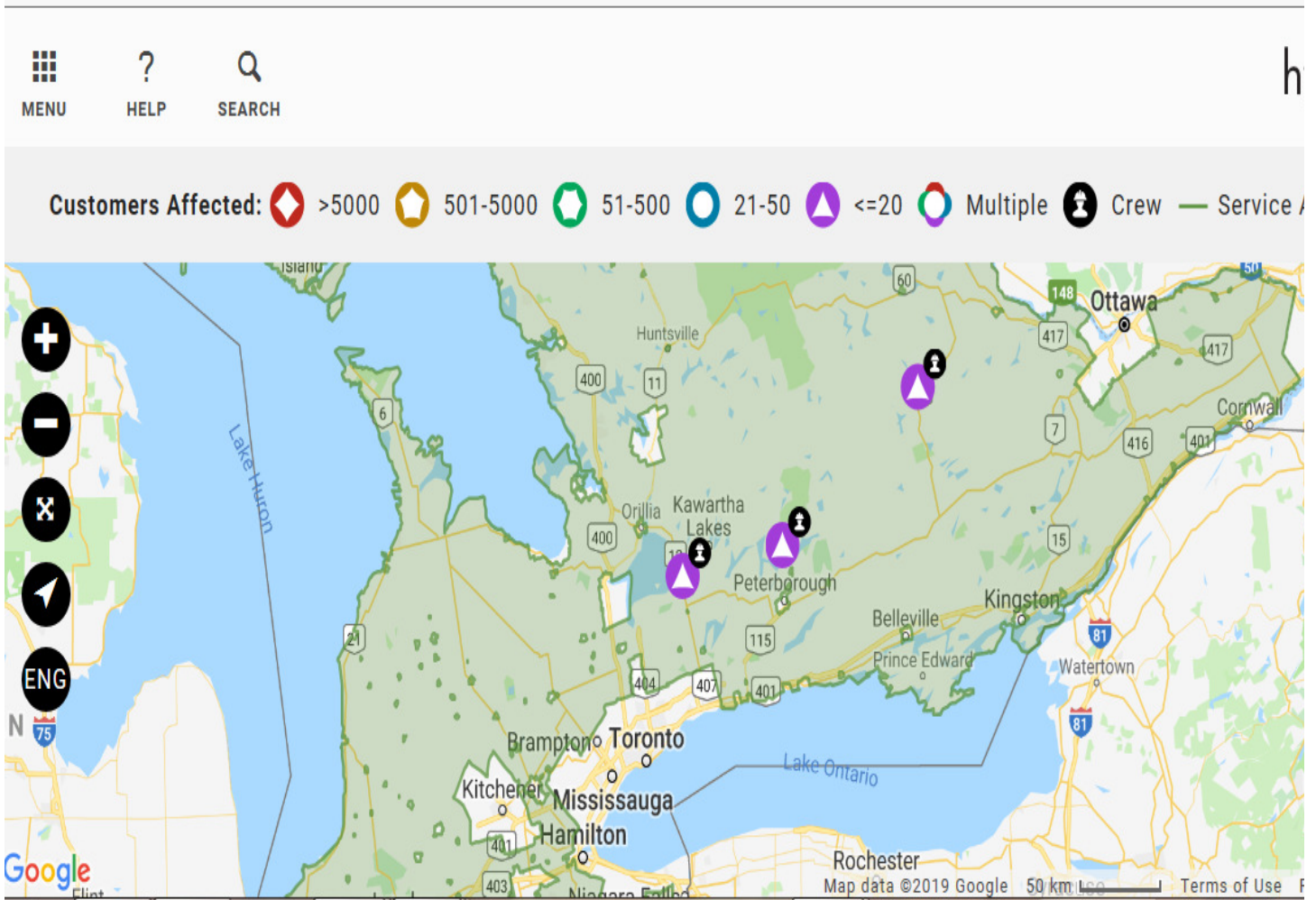
Hello,

We are in receipt of your Application for Consent, B5-2025P dated 2025-03-07. We have reviewed the documents concerning the noted Plan 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' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

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 the address in question by entering the address or by zooming in and out of the map.



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Land Use Planning Department
 Hydro One Networks Inc.
 Email: LandUsePlanning@HydroOne.com

Meeting #: CofA 02-2025
Date: Monday, February 3, 2025
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Brenda Stan
Colin McCann
Isaiah Banach

Members Absent John Cappa
Sue Sarko

Staff Present Jodi Legros
Andrew Edwards
Sarah Leach
Shannon Larocque
Gim Ledesma

1. Attendance

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

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

Noting that a quorum was present, Chair Banach called the meeting to order at approximately 4:03 pm. The Chair read the opening remarks to inform those present on the meeting protocols, and he introduced the hearing panel and members of staff present.

3. Land Recognition Statement

Jodi Legros, Assistant Secretary-Treasurer, recited the land recognition statement.

4. Approval of Agenda

Moved By Colin McCann
Seconded By Brenda Stan

THAT the agenda for the February 3, 2025 Committee of Adjustment meeting be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interest and General Nature Thereof

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

6. Requests for Withdrawal or Adjournment

J.Legros, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Appointment of Secretary-Treasurer

Moved By Colin McCann
Seconded By Brenda Stan

THAT pursuant to the *Planning Act*, Section 44(8), Sarah Conidi be appointed to the Town of Pelham Committee of Adjustment as the Secretary-Treasurer;

AND THAT the Committee of Adjustment reaffirm Jodi Legros as Acting Secretary-Treasurer.

Carried

8. Applications for Consent

8.1 B1-2025P 649 Metler Road

Consent Applications B1-2025P and B4-2025P were considered concurrently.

Application B1-2025P is made for consent to partial discharge of mortgage and consent to convey 1.266 hectares of land (Part 4), to be added to the abutting property to the east (Part 3 – 635 Metler Road), for future development. Part 5 is to be retained for continued residential use of the single detached dwelling on the property known municipally as 649 Metler Road.

Application B4-2025P is made for consent to partial discharge of mortgage

and consent to convey 4082.7 square metres of land (Part 2), to be added to the abutting property to the west (Part 3 – 635 Metler Road) for future development. Part 1 is to be retained for continued residential use of the single-detached dwelling, detached garage, and accessory structure of the property known municipally as 1914 Cream Street.

Representation

The Agents, William Heikoop and Eric Beauregard from Upper Canada Consultants were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Hydro One
6. Ted Ebert
7. Henry and Terri Steingart
8. Dan and Melissa Chauvin
9. Stephen Southwell
10. T Glucker and J Hamilton (Part 1)
11. T Glucker and J Hamilton (Part 2)

Applicants Comments

The Agent, Eric Beauregard, shared a presentation on the proposal. A copy is available through the Secretary-Treasurer.

Public Comments

Kurt Sikkens asked whether there was a specific development plan or if this was simply a merging of properties. The Chair clarified that the Committee only reviews the consent application and does not have information on future development. A development proposal would go through additional planning applications, public sessions, and reporting.

John Tenhage raised concerns about how a decision could be made when future development might negatively impact the neighbourhood. The Chair

acknowledged the community's concerns but reiterated that the Committee's role is limited to reviewing the lot line adjustment. The rationale behind the severance is not part of the Committee's consideration, and this application does not constitute development approval. Another Committee Member emphasized this is a two-stage process and there are criteria the committee follows to review a conveyance application. A third Committee Member reaffirmed that the Committee is not approving development but only reviewing the consent application. J. Tenhage further commented on how often similar cases occur where consent is granted, yet development is later declined.

Steve MacDougal asked about the specific area of land being conveyed. The applicant's agent, William Heikoop, provided clarification on the property boundaries during his response.

Sydney Hamilton inquired whether the applicant owned all the properties in question and expressed opposition to the proposal, stating that stopping the application now would prevent further development. The Chair explained that the agent could confirm ownership and that consent applications are reviewed independently of development proposals.

W. Heikoop confirmed that the properties are owned by Richard Dekorte who also owns the numbered company. He explained that the application is intended to consolidate land to facilitate future development while allowing the owner to dispose of existing dwellings.

W. Heikoop stated that multiple studies, including an Environmental Impact Study, Stormwater Management Report, and Hydrogeological Report, would be required before any development could proceed. While a subdivision application is planned, it will undergo a thorough review process, including public consultation and Council approval.

When asked by a Committee Member about the number of homes planned, W. Heikoop explained that the hydrogeological study would determine the number of lots, ensuring both efficient and environmentally safe development. He also confirmed that the existing rural residential zoning permits the proposed lot sizes.

Shannon Larocque, Planning Manager, outlined the subdivision

application process, stating that once the Town receives a complete application:

- Public notices will be sent to residents within a 120-meter radius.
- Signs will be posted on the property.
- A public meeting will be held before Council.
- Public and agency comments will be reviewed before a recommendation report is prepared.

W. Heikoop noted that should the future development application be approved, the draft plan of subdivision would have a series of conditions for Town approval.

Ted Ebert inquired if the property is subject to Niagara Peninsula Conservation Authority (NPCA) approval. S. Larocque confirmed that NPCA attended a pre-consultation meeting and had no concerns regarding the consent application. However, they will be involved in reviewing the Environmental Impact Study during the subdivision application process.

J. Legros, Assistant Secretary-Treasurer checked the clerks@pelham.ca email address at 4:56 pm and confirmed one email had been received from Melissa Chauvin referencing the 1987 Zoning By-law, and questioning whether the land was previously zoned agricultural. The Town Planner, Andrew Edwards, clarified that the property was zoned residential village 1 at that time, which permits the same uses as the current rural residential zoning.

Steve Southwell asked whether public comments that were submitted would be addressed. The Chair confirmed that all comments were reviewed but that the Committee does not respond to each question individually. S. Southwell requested that the slide summarizing public concerns be displayed, which was done and it was noted that the list was covered.

S. Southwell further inquired whether denying the application would prevent future development. The Chair confirmed that while the parcel in question could still be developed under current zoning, the consent application is strictly for a lot line adjustment.

J.Legros, Assistant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 5:03 pm and confirmed no further e-mails have been received concerning the subject application. J.Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan

Seconded By Colin McCann

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair and a Committee Member concluded by stating that while the property has development potential, this application does not determine whether development will proceed. The community will have further opportunities for input when future applications are submitted.

Moved By Brenda Stan

Seconded By Colin McCann

THAT Application B1-2025P is made for consent to partial discharge of mortgage and consent to convey 1.266 hectares of land (Part 4), to be added to the abutting property to the east (Part 3 – 635 Metler Road), for future development. Part 5 is to be retained for continued residential use of the single detached dwelling on the property known municipally as 649 Metler Road, is hereby: GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. 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.**

2. **Submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties.**

To the Satisfaction of the Secretary-Treasurer

1. **Pursuant to Section 50(12) of the *Planning Act*, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east (Part 3 on sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken**
2. **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.**
3. **That the final certification fee of \$445, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling the conditions of consent shall be borne by the applicant.**

THAT Application B4-2025P is made for consent to partial discharge of mortgage and consent to convey 4082.7 square metres of land (Part 2), to be added to the abutting property to the west (Part 3 – 635 Metler Road) for future development. Part 1 is to be retained for continued residential use of the single-detached dwelling, detached garage, and accessory structure of the property known municipally as 1914 Cream Street, is hereby: GRANTED.

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

1. **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.

2. **Submit an overall lot grading and drainage plan to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties.**

To the Satisfaction of the Secretary-Treasurer

1. **Pursuant to Section 50(12) of the *Planning Act*, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the west (Part 3 on sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken.**
2. **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.**
3. **That the final certification fee of \$445, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling the conditions of consent shall be borne by the applicant.**

The decisions are based on the following reasons:

1. **The applications conform to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and comply with the Town's Zoning By-law.**
2. **The Decisions are rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
3. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, the applications meet Planning Act criteria, are consistent with the Provincial Planning Statement**

and comply with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

Carried

8.2 B4-2025P 1914 Cream Street

File B4-2025P was heard concurrently with B1-2025P. See B1-2025P for minutes and decisions.

9. Adjournment

The hearing was adjourned at 5:09 pm.

Moved By Brenda Stan

Seconded By Colin McCann

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for March 3, 2024 at 4:00 p.m.

Carried

Isaiah Banach, Chair

Jodi Legros, Assistant Secretary-Treasurer

Meeting #: CofA 03-2025
Date: Monday, March 3, 2025
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Brenda Stan
Colin McCann
John Cappa

Members Absent Isaiah Banach
Sue Sarko

Staff Present Andrew Edwards
Derek Young
Jodi Legros
Pamela Duesling
Sarah Conidi
Shannon Larocque

1. Attendance

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

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

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

3. Land Recognition Statement

Jodi Legros, Assistant Secretary-Treasurer, recited the land recognition statement.

4. Approval of Agenda

Moved By Brenda Stan

Seconded By Colin McCann

THAT the agenda for the March 3, 2025 Committee of Adjustment meeting be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interest and General Nature Thereof

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

6. Requests for Withdrawal or Adjournment

J. Legros, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Applications for Minor Variance

7.1 A4-2025P 278 Canboro Road

Purpose of the Application

The subject land is zoned Rural Residential (RR) and Village Commercial (VC) in accordance with Pelham Zoning By-law 4481(2022), as amended. Pursuant to Section 45(2)(a) of the *Planning Act*, permission is sought to extend the existing legal non-conforming use of the property as a vehicle service and repair establishment through the construction of a 557 square metres storage building.

Representation

The applicant, Kevin Pietz was present with Robert Cook of National Building Group.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Linda Addario

Applicants Comments

The Chair inquired about drainage and septic inspections. The applicant, Kevin Pietz, stated that septic inspections would occur once the frost subsides and that the site plan maintains the historical drainage pattern, unchanged for 15 years. A culvert will be installed to redirect water away from the driveway.

A Committee Member asked about water flow direction and culvert function. Mr. Pietz explained that most water flows south, with the highest point of the property in the middle, directing one-third of the water south and two-thirds north. The Chair sought staff confirmation on drainage assessment, and it was noted that Public Works had reviewed it, confirming water flows away from neighbouring properties.

Robert Cook of National Building Group emphasized proper drainage for erosion control, noting no significant erosion in 15 years. Planning Manager Shannon Larocque confirmed that a grading and drainage plan is not required. Engineering Manager Derek Young added that the granular soil absorbs water naturally, and no grading changes are expected.

The Chair concluded the committee was satisfied with the information provided. R. Cook concluded that additional gravel will be placed around the building to support water flow.

Public Comments

None.

J. Legros, Assistant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:24 pm and confirmed no e-mails have been received concerning the subject application. J. Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Colin McCann

Seconded By Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Member Comments

No further comments.

Moved By Colin McCann

Seconded By Brenda Stan

Application for relief pursuant to Section 45(2) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to permit the expansion of legal non-conforming vehicle service and repair establishment is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The application satisfies the *Planning Act* and the Town Policy E2 – Non-Conforming Uses.**
- 2. No adverse impacts are anticipated for the surrounding area.**
- 3. The proposed expansion is compatible with the area's character, and the construction is not anticipated to increase the negative impact.**
- 4. This application is granted without prejudice to any other application in the Town of Pelham.**
- 5. The Committee of Adjustment considered the written and oral comments and agreed with the report analysis and recommendation that this application meets the *Planning Act* requirements.**
- 6. The applicant is aware that an on-site inspection of the existing sewage systems must be completed to obtain approval from Niagara Region Private Servicing staff that the new building will meet minimum *Ontario Building Code* setbacks from the sewage systems onsite.**

The above decision is subject to the following conditions:

- 1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.**

Prior to Building Permit:

1. **To the Satisfaction of the Director of Community Planning and Development**
 - a. **Enter into a site plan agreement with the Town to the satisfaction of the Director of Community Planning and Development.**
2. **To the Satisfaction of the Niagara Region**
 - a. **Complete an on-site inspection of the existing sewage systems and obtain approval from Niagara Region Private Servicing staff that the new building will meet minimum *Ontario Building Code* setbacks from the sewage systems onsite.**

Carried

8. Minutes for Approval

Moved By Colin McCann
Seconded By John Cappa

THAT the Committee of Adjustment minutes dated January 13, 2025, be approved.

Carried

9. Adjournment

The hearing was adjourned at 4:28 pm.

Moved By Colin McCann
Seconded By Brenda Stan

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for April 7, 2025 at 4:00 p.m.

Carried

John Cappa, Chair

Jodi Legros, Assistant Secretary-Treasurer