

Committee of Adjustment AGENDA

CofA 5/2020

July 21, 2020

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**
3. **Disclosure of Pecuniary Interest and General Nature Thereof**
4. **Requests for Withdrawal or Adjournment**
5. **Applications for Minor Variance**

5.1 A18/2020P - 364 Sumbler Road

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1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region

5.2 A19-2020P - 1328 Effingham Street

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1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region
5. NPCA

6. Applications for Consent

6.1 B4/2020P - 725 Quaker Road

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1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region
5. NPCA
6. Bell Canada

7. Minutes for Approval

8. Adjournment

July 21, 2020

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

Re: Minor Variance Application A18/2020P
364 Sumbler Road, Pelham
Part of Lot 7, Concession 12, and Part 1 on RP 59R-11125
Roll No. 2732 030 017 07000

The subject land is located on the south side of Sumbler Road, lying west of Effingham Street, legally described above, and known locally as 364 Sumbler Road in the Town of Pelham.

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

- i. **Section 7.7 (a) "Maximum (accessory) Lot Coverage"** to permit a maximum (accessory) lot coverage of 1.9 %, whereas 1 % is required.
- ii. **Section 7.7 (d) "Maximum (accessory) Building Height"** to permit a maximum building height of 5.92 m, whereas 3.7 m is required.

The proposal seeks to construct a detached garage accessory to the residential dwelling.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2020)

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

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

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

Policy 2.6.2 states *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*.

Regional Official Plan (Consolidated August 2014)

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

Policy 10.C.2.1.13 states that *development* and *site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

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 'Good General Agricultural' as per Schedule 'A'.

Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record. Policy B2.1.1 states the purpose of the *Good General Agricultural* designation is to protect and maintain land suitable for agricultural production and permit uses which are compatible with agriculture. The subject lands, are surrounded by agricultural uses and a *significant woodland*. Accessory buildings (i.e. garages) that serve legal residential dwellings are permitted uses, *as-of-right* in the Official Plan and Zoning By-law, subject to any applicable performance standards and applicable policy.

Policy D4.3 Archaeological Resources – states that Council recognizes that there are archaeological remnants of pre-contact and early historic habitation as well as archaeological potential areas within the Town. Council shall require archaeological assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial guidelines, requirements and protocols.

Based on the Town's Heritage Master Plan, the subject lands are identified as having high potential for deeply buried archaeological material. This is likely a result of its proximity to a tributary and a historic transportation route.

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

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

- i. **Section 7.7 (a) "Maximum (accessory) Lot Coverage"** to permit a maximum (accessory) lot coverage of 1.9 %, whereas 1 % is required.
- ii. **Section 7.7 (d) "Maximum (accessory) Building Height"** to permit a maximum building height of 5.92 m, whereas 3.7 m is required.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The variance to increase accessory building lot coverage to 1.9 % is minor overall assuming there are no cultural heritage impacts associated with deeply buried archaeological resources. Adequate

	<p>land area remains available to handle stormwater runoff, the existing septic system and preserve a rear yard amenity area.</p> <p>Increasing the accessory building height to 5.92 m is minor given the rural context. No negative impacts are anticipated by the adjacent neighbors as adequate distance separates the nearest residential neighbour from the building site.</p>
2. The variance is desirable for the development or use of the land.	<p>Increasing the accessory building lot coverage is desirable for the land because it will allow for enhanced use of the rural residential property which is relatively small in size and constrained for an agricultural area or traditional farming operation.</p> <p>The variance request to increase the accessory building height is desirable for the property as it allows for enhanced storage and use of the facility. No adverse impacts are anticipated on the surrounding lands.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The proposed use of a building accessory to a single detached house is permitted in the 'Good General Agricultural' designation of the Official Plan and the policy does permit uses which are compatible with agriculture. Given the proposed location of the accessory building, the requested increase in building height will not compromise the objectives of the Official Plan, particularly with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities.</p> <p>The requested increase of accessory building lot coverage directly impacts the development's horizontal footprint upon the lands. Given the high potential for discovery of archaeologically significant resources, without the benefit of an archaeological assessment confirming otherwise, this increased lot coverage variance in the proposed location is considered to conflict with Policy D4.3. However, pending a Ministry archaeological clearance resulting from an Archaeological Assessment or ensuring that the building is constructed with a slab on-grade foundation, this would conform with the Official Plan. As a result, Town and Regional staff have recommended an archaeological assessment / Clearance as a condition of approval.</p> <p>The variances are appropriate given the site's rural context and meet the general intent of the Town Official Plan policies.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The size of the proposed accessory building's height to 5.92 m, and increased lot coverage to 1.9 % is appropriate given the rural context. Reasonable amounts of open space remain available on the site for amenity area, stormwater runoff and sewage system purposes, thus the increased height and lot coverage will not adversely impact the rural character of the area or the surrounding countryside. The variance maintains the intent of the Zoning By-law with respect to accessory building massing, siting and locational scale.</p>

Agency & Public Comments

On June 18, 2020, 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:

- Niagara Region Planning & Development Services (March 25-26, 2020)
 - See conditions.
 - Normally, development is not permitted within 30 m of the required *vegetation protection zone (VPZ)* surrounding a *significant woodland*. Moreover, Regional policies require the completion of an *Environmental Impact Study (EIS)* when development is proposed within 50 m of *significant woodlands*. However, Regional staff are supportive of waiving the requirement for an EIS because the VPZ is not achievable given the location of the existing house and the proposed location of the garage will likely not adversely impact the *significant woodland*.
 - No objections, provided no plumbing or living space is included within the proposed garage.
- Building Department (March 30, 2020)
 - Building permits are required.
- Public Works Department (May 26, 2020)
 - No comments.

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

Planning Staff Comments

The subject lands are located on the south side of Sumbler Road, lying west of Effingham Street. The property is currently surrounded by agricultural uses and a *significant woodland* (to the east).

The proposed minor variance application seeks zoning relief to increase the maximum (accessory) lot coverage from 1 % to 1.9 %, and increase the maximum (accessory) building from 3.7 m to 5.92 m in order to accommodate a detached garage as illustrated on the Site Plan. The proposed zoning to increase the accessory lot coverage and accessory building height should not facilitate any adverse impacts with regards to land use incompatibility, storm water runoff or privacy etc. However, the variance for increased accessory lot coverage may adversely impact local cultural heritage and archaeological resources which conflicts with Provincial policy, Regional and Town Official Plan policies.

Town Planning staff will be recommending a condition for either the completion of an archaeological assessment to be submitted to the Ministry of Heritage, Sport, Tourism & Culture for a standard Clearance Letter prior to issuance of a building permit, or a requirement that the building be constructed using a slab on-grade foundation to ensure no deep excavation is warranted.

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

Given this analysis, Planning staff recommend that minor variance file A18/2020P **be approved** subject to the following conditions:

THAT the applicant

- The applicant conduct either a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture prior to the issuance of a building permit. The Archaeological Assessment must cover the areas of the site proposed for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements; or
- The applicant apply for, and obtain a building permit for the proposed garage specifying a floating slab on-grade foundation.
- Ensure no plumbing fixtures, living space or bedrooms are provided in the building permit for the proposed garage.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: May 26, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File A18/2020P
364 Sumbler Road

Public Works has completed a review of the minor variance application A18/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.7 (a) to allow a maximum accessory lot coverage of 1.9% whereas the by-law permits 1%, and;
- Section 7.7 (d) to allow a maximum building height of 5.92 meters whereas the by-law permits 3.7 meters

Public Works has the no comments.

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development

Date: March 30, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – POSTPONED hearings.

Comment for Re: File # A12/2020P-A14/2020P

The Building Department offers the following comments,

- The shared garage walls must have an alternative firewall, as per the Ontario Building Code.
- Building permits are required for each townhouse unit and each detached garage building.

Comment for Re: File # A15/2020P-A17/2020P

The Building Department offers the following comments,

- Building permits are required.

Comment for Re: File # A18/2020P

The Building Department offers the following comments,

- Building permit is required.

Respectfully,

Belinda Menard, Dipl., Constr. Eng. Tech.

Building Inspector

Community Planning & Development

Via Email Only

March 25, 2020

Regional File: **MV-20-0011**

Nancy J. Bozzato, Dipl.M.M., AMCT,

Town Clerk / Secretary-Treasurer

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

Re: Application for Minor Variance

Location: 364 Sumbler Road, Town of Pelham

File NO.: A18/2020P

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

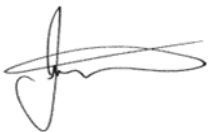
Private Sewage System Review

According to the plan submitted, the application is to permit the construction of a detached garage with requested relief regarding building height, overall lot coverage, and accessory lot coverage.

According to our records a sewage system was installed in 2012 with approval by Niagara Region Public Works Department. The existing septic system is located south of the existing dwelling. The proposed detached garage will be located the southeast of the existing dwelling and appears not encroach onto the existing sewage system. It should be noted that the existing property also has a pond and small accessory building. This restrict the usable area on the lot for any future septic system repair/replacement that may be required. Therefore any future increases to the house might be limited and the use of secondary treatment may be required with any replacement septic system.

Therefore, based the information submitted for the minor variance application, we have no objections to the proposed garage, provided no plumbing or living space is included.

Respectfully,



Justin Noort, Private Sewage System Inspector

cc: Robert Alguire, Development Approvals Technician, Planning and Development Services
Phill Lambert, P.Eng., Director, Infrastructure Planning & Development Engineering

From: [Nancy Bozzato](#)
To: [Holly Willford](#)
Subject: FW: Minor Variance - 364 Sumbler Road, Pelham (Detached Garage)
Date: Thursday, March 26, 2020 3:26:21 PM

From: Fricke, Britney <Britney.Fricke@niagararegion.ca>
Sent: Thursday, March 26, 2020 2:58 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Cc: Ramundo, Matteo <Matteo.Ramundo@niagararegion.ca>; Noort, Justin <Justin.Noort@niagararegion.ca>; Shannon Larocque <SLarocque@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
Subject: RE: Minor Variance - 364 Sumbler Road, Pelham (Detached Garage)

Hi Nancy,

In addition to the PSS comments sent on Tuesday, the Region offers the following natural heritage comments as well:

Core Natural Heritage System

The subject property is adjacent to portions of the Regional Core Natural Heritage System (CNHS) as illustrated in the Regional Official Plan (ROP). Specifically, the CNHS adjacent to the property consists of Significant Woodland. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (NHS). As such, the Significant Woodland adjacent to the property is considered a Key Natural Heritage Feature (KNHF) and the natural heritage policies identified in the Provincial Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 m of Significant Woodland. Further, Growth Plan policies also require that a 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF or its VPZ.

However, given the nature of the proposed development and its location, Regional Environmental Planning staff are supportive of waiving the requirement to complete further evaluation for the following reasons:

- The VPZ is not achievable given the location of the existing residence; and

- The location of the proposed structure will likely not negatively impact the Significant Woodland.

Rather, Regional Environmental Planning staff recommend that appropriate erosion and sediment controls be installed around the development footprint and maintained during construction to the satisfaction of the Town and/or NPCA.

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

Kind regards,

Britney Fricke, MCIP, RPP

Development Planner
Planning and Development Services Department
Regional Municipality of Niagara
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, Ontario L2V 4T7
Phone: 905-980-6000 ext. 3432
Toll-free: 1-800-263-7215
Fax: 905-687-8056
www.niagararegion.ca

From: Noort, Justin <Justin.Noort@niagararegion.ca>
Sent: Tuesday, March 24, 2020 10:41 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Cc: Alguire, Robert <Robert.Alguire@niagararegion.ca>; Lambert, Phill <Phill.Lambert@niagararegion.ca>
Subject: Minor Variance - 364 Sumbler Road, Pelham (Detached Garage)

Hello Nancy,

Please find attached Regional comments with respect to the Minor Variance Application for 364 Sumbler Road in the Town of Pelham. Please note that you will only receive these comments electronically as a hard copy will not be mailed. If you require a hard copy or have any further questions in this matter, feel free to contact our office at any time.

Respectfully,

Justin Noort, C.E.T.
Inspector, Private Sewage Systems, BCIN. 110513
Niagara Region Planning and Development Services
(905) 980-6000 ext 3671

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

July 21, 2020

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

Re: Minor Variance Application A19/2020P
1328 Effingham Street, Pelham
Concession 8, Part of Lot 6, and Part 1 on RP 59R-6785
Roll No. 2732 020 013 04200

The subject land is located on the west side of Effingham Street, lying south of Canboro Road, legally described above, and known locally as 1328 Effingham Street in the Town of Pelham.

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

- i. **Section 7.4 (f) "Minimum Side Yard"** seeking 0.6 m, whereas 9 m is required.

The proposal seeks to replace an existing attached garage (built in 1907) at the same side yard setback but with additional height via a ½ - storey.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2020)

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

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

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

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject parcel as 'Protected Countryside' and 'Unique Agricultural Area'.

Policy 5.B.6 states single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

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 parcel as 'Specialty Agricultural'. The purpose of this designation is to implement the Greenbelt Plan and recognize the importance of specialty croplands. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Policy A2.1.2 states the objective of the Official Plan is to make planning decisions that consider the health and integrity of the broader landscape as well as long term cumulative impacts on the ecosystem. Planning decisions should also restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.

The proposed development application was accompanied by a Site Plan, Floor Plan and Elevation Plans. The Region of Niagara, whom is responsible for reviewing private sewage servicing on all rural properties has advised that any new living space or plumbing fixtures would require an upgraded private septic system in accordance with the *Ontario Building Code*. It should be noted that the proposed attached garage is mostly a replacement of the existing attached garage in essentially the same footprint with a small expansion to the rear and a 0.5-storey vertical addition. Planning staff are of the opinion the proposed variance will conform to the Official Plan, including Policy A2.1.2, subject to conditions.

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

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

- i. **Section 7.4 (f) "Minimum Side Yard"** seeking 0.6 m, whereas 9 m is required.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	The reduction of the minimum side yard setback is minor overall because the existing <i>legal non-complying</i> attached garage (situated in the same footprint) has not posed any adverse impacts to the abutting neighbour that staff are aware of. Subject to demonstration that stormwater runoff will continue to be adequately conveyed by overland drainage along the north property line, Planning staff are of the opinion the zoning request is minor in nature.
2. The variance is desirable for the development or use of the	The reduction of the minimum side yard setback is desirable because it will allow for a 2 nd floor to be constructed above the garage and be of a higher built quality than the original 1907 structure.

land.	
3. The variance maintains the general intent and purpose of the Official Plan.	The variance maintains the general purpose and intent of the Official Plan because the agricultural character of the area is not compromised any more than what has already transpired with the various rural residential lots developed around the subject land and the existing <i>legal non-complying</i> structure. The community character will be maintained, the use is permitted, and no adverse impacts are anticipated by any neighbours.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance maintains the general intent of the Zoning By-law because Section 6.15 (b) allows for the rebuilding of <i>legal non-complying</i> uses subject to any other applicable performance standard. The requested side yard setback is connected with the enlarged footprint, but the intent of the Zoning By-law will be upheld if subject to the proposed conditions of approval.

Agency & Public Comments

On July 21, 2020, 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:

- Niagara Peninsula Conservation Authority (June 24, 2020)
 - No objections.
- Niagara Region (July 9, 2020)
 - See attached.
 - The proposed garage cannot have any living space, bedrooms or plumbing fixtures, as this would warrant a new private sewage system under current building code requirements.
 - No objections, subject to conditions.
- Building Department (July 15, 2020)
 - Building permit(s) are required.
- Public Works Department (July 15, 2020)
 - See requested condition.

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

Planning Staff Comments

The subject lands are located on the west side of Effingham Street, lying south of Canboro Road. The property is surrounded by rural residential lots on all sides except the west, which supports some fragmented agricultural operations.

The proposed minor variance application seeks zoning relief to reduce the side yard setback from 8 m to 0.6 m. The existing attached garage and house were built in 1907 according to MPAC records. The original attached

garage has a footprint only 8.9 m² smaller than the proposed replacement and shares the same 0.6 m side yard setback. The minor variance is triggered for two reasons, (1) the vertical addition and (2) the slight horizontal expansion to the rear (west).

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate development and making efficient use of the existing rural residential lot in keeping with the rural character of Ridgville. The proposed minor variances should not negatively impact the surrounding land uses with regards to land use incompatibility, traffic, privacy and storm water runoff.

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

Given this analysis, Planning staff recommend that minor variance file A13/2020P **be approved** subject to the following conditions:

THAT the applicant

- Submit a comprehensive overall Lot Grading Plan, illustrating overland drainage routes on the property, with special attention to how the reduced side yard will affect drainage routes along the north lot line, to the satisfaction of the Director of Public Works. Drainage is not permitted to adversely impact neighbouring properties.
- Obtain building permit approval ensuring that no living space, bedrooms or plumbing fixtures are included on the proposed addition.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: July 15, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File A19/2020P
1328 Effingham Street

Public Works has completed a review of the minor variance application A19/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.4 (f) to allow a minimum side yard of 0.6 meters whereas the by-law requires 9.0 meters.

Public Works has the following comments;

- Public Works have concerns regarding the reduced side yard for drainage purposes.

Public Works has the following conditions;

- That a comprehensive overall lot grading plan be submitted to the satisfaction of the Director of Public Works. The grading plan is to show overland drainage routes on the property, paying particular attention to how the reduced side yard will affect drainage and demonstrating how the property will drain around the north property line. Drainage is not permitted to adversely affect neighbouring properties.

VIA E-MAIL ONLY

July 6, 2020

Sarah Leach, BA.

Administrative Assistant to the Clerk

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

Submission for Minor Variance Application

Location: 1328 Effingham Street

In the Town of Pelham

Our File: MV-20-0019

Regional Planning and Development Services staff have completed a review of the provided materials which were provided as part of an application for a minor variance at 1328 Effingham Street in the Town of Pelham.

The above-noted documents were received by Regional staff on June 19, 2020. The submitted Minor Variance application is proposing to replace and construct a new garage, having the same set back as the existing from: Section 7.4(f) "Minimum Side Yard" to permit a minimum side yard of 0.6 metres whereas the by-law requires 9.0 metres. The following comments are provided from a Regional and Provincial perspective based on the information submitted in order to assist the Town in reviewing the application.

Archaeological Potential

The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development (including the construction of buildings and structures requiring approval under the *Planning Act*) and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The property has high archaeological potential, as a result of proximity to a watercourse that runs along the west property line; however, this potential is void as a result of the disturbance from the existing garage in the same location as the proposed accessory structure. Although Regional staff do not require the completion of an archaeological

assessment, Regional staff have included a standard warning clause included in the appendix.

CONCLUSION

Based on the analysis and comments above, Regional staff offers no objection to the application, subject to the Conditions outlined in the Appendix.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo
Development Approvals Technician
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Britney Fricke, Senior Development Planner, Niagara Region
Susan Dunsmore, Manager Development Engineer, Niagara Region

APPENDIX
Regional Conditions for Minor Variance
1121 Effingham Street, Town of Pelham

1. Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) must be notified and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture Industries should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

VIA E-MAIL ONLY

July 9, 2020

Sarah Leach, BA.

Administrative Assistant to the Clerk

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

Submission for Minor Variance Application

Location: 1328 Effingham Street

In the Town of Pelham

Our File: MV-20-0019

Regional Planning and Development Services staff have completed a review of the provided materials which were provided as part of an application for a minor variance at 1328 Effingham Street in the Town of Pelham.

The above-noted documents were received by Regional staff on June 19, 2020. The submitted Minor Variance application is proposing to replace and construct a new garage, having the same set back as the existing from: Section 7.4(f) "Minimum Side Yard" to permit a minimum side yard of 0.6 metres whereas the by-law requires 9.0 metres. The following comments are provided from a Regional and Provincial perspective based on the information submitted in order to assist the Town in reviewing the application.

Archaeological Potential

The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development (including the construction of buildings and structures requiring approval under the *Planning Act*) and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The property has high archaeological potential, as a result of proximity to a watercourse that runs along the west property line; however, this potential is void as a result of the disturbance from the existing garage in the same location as the proposed accessory structure. Although Regional staff do not require the completion of an archaeological

assessment, Regional staff have included a standard warning clause included in the appendix.

Private Sewage System

Private Sewage System inspection staff have reviewed the application to replace an existing one storey garage into a two storey garage. The proposed garage will not encroach on the existing sewage system which is located in the south west corner of the dwelling and was approved by the Regional Public Health Department in 1989. Please note, the second storey of the garage cannot contain any living space, bedrooms or plumbing fixtures as this would increase sewage flows and would require a new sewage system to be installed meeting current building code requirements.

Therefore, we would have no objections to the application provided the garage does not contain any living space, bedrooms or plumbing fixtures.

CONCLUSION

Based on the analysis and comments above, Regional staff offers no objection to the application, subject to the Conditions outlined in the Appendix.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo
Development Approvals Technician
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Britney Fricke, Senior Development Planner, Niagara Region
Susan Dunsmore, Manager Development Engineer, Niagara Region

APPENDIX
Regional Conditions for Minor Variance
1121 Effingham Street, Town of Pelham

1. Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) must be notified and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture Industries should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

From: [Sarah Leach](#)
To: [Curtis Thompson](#); [Holly Willford](#)
Subject: FW: Town of Pelham Notice of Hearing
Date: Wednesday, June 24, 2020 2:48:24 PM



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: Wednesday, June 24, 2020 2:50 PM
To: Sarah Leach <SLeach@pelham.ca>
Subject: RE: Town of Pelham Notice of Hearing

Hi Sarah,

Please be advised that the NPCA offers no objections to the approval of this application.

Thank you.

Sarah Mastroianni
Senior Watershed Planner
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario L3C 3W2
Phone: 905 788 3135 (ext. 249)
Fax: 905 788 1121
email: smastroianni@npca.ca

[NPCA Watershed Explorer](#)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries

or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at www.npca.ca/our-voice, the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at https://twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

NPCA Watershed Explorer

From: Sarah Leach <SLeach@pelham.ca>
Sent: Thursday, June 18, 2020 10:20 AM
To: Sarah Mastroianni <smastroianni@npca.ca>
Subject: Town of Pelham Notice of Hearing

Good morning,

Attached, please find the notice of hearing and copy of cheque for Committee of Adjustment file:

- A19/2020P

Thank you,



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.



Sarah Leach, BA.

Administrative Assistant to the Clerk

Town of Pelham

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July 21, 2020

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

Re: Consent Application B4-2020P
725 Quaker Road, Pelham
Part of Lot 237
Roll No. 2732 030 019 09600

The subject parcel, shown as Part 2 on the attached sketch, is an interior parcel of land situated 61.14 m south of Quaker Road, lying west of Clare Avenue, legally described above, in the Town of Pelham.

Application is made for consent to convey 2,182.97 m² of land (Part 2) to merge with the abutting property to the east - 701 Quaker Road. 1,863.5 m² of land (Part 1) is to be retained for continued residential use of the single detached dwelling known as 725 Quaker Road.

Note: The boundary adjustment is intended to facilitate rear yard land consolidation for a future draft plan of subdivision or Site Plan Approval / draft plan of condominium in Fonthill.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

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

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

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

The proposed boundary adjustment seeks to set the stage for a future residential subdivision (or condominium) development by consolidating the large, underutilized rear yard open space into a more productive urban development on lands designated for intensification.

Provincial Policy Statement (PPS) (2020)

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

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

The subject land is located in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

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

The reassembly of land in this area will facilitate future redevelopment and intensification in a more compact form that minimizes the waste of under-utilized *urban land*.

Growth Plan for the Greater Golden Horseshoe (2019)

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

The subject parcel is located within a ‘Settlement Area’ according to the Growth Plan. Guiding principles regarding how land is developed:

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

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

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

The proposed boundary adjustment will help consolidate large sections of underutilized urban land and

simplify future development within a *settlement area* where existing services are available and allow the opportunity for a mix of housing options that contribute to a more *complete community*.

Regional Official Plan (Consolidated August 2014)

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

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

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

The proposed boundary adjustment conforms to the Regional Official Plan because the lands will be more appropriately suited to accommodate a future draft plan of subdivision or draft plan of condominium.

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'.

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

Policy 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;
✓ Unchanged.
- b) Will not cause a traffic hazard;
✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
✓ Unchanged.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
✓ Unchanged.
- e) Will not have a negative impact on the drainage patterns in the area;
✓ No concern.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
✓ Conforms because the large rear yards will be maintained for an eventual draft plan of subdivision / site plan application while the existing dwellings maintain a smaller lot area with direct frontage on Quaker Road.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;

- ✓ No issue.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
 - ✓ No issue from Region in accordance with Memorandum of Understanding.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ Not applicable.

It is noted that the application is for consent to convey vacant land (Part 2) to be added to the abutting lot to the east (701 Quaker Road) for future residential use. A new lot will not be created as a result of this conveyance. Part 1 will be retained for continued single detached residential use.

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

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

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

The resulting parcel configuration will continue to comply with all applicable zoning regulations. Any future development on Part 2 beyond that which is permitted under Section 13 (one single detached dwelling) would require a Zoning By-law Amendment.

Agency & Public Comments

On June 18, 2020, 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:

- Bell Canada (March 20, 2020)
 - No comments or requirements for any easement.
- Building Department (March 30, 2020)
 - Demolition permit required for existing accessory building situated on Part 2.
 - No objections.
- Public Works Department (April 30, 2020)
 - See conditions.

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

Planning Staff Comments

The subject application deals with the severance of a rear yard to consolidate with a neighbouring lot for the purposes of a forthcoming draft plan of subdivision or condominium. The conveyance of 2182.97m² of land to merge with 701 Quaker Road to the east will help facilitate the orderly development of future urban growth

within the southern extent of the Fonthill *urban settlement area*.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on February 6, 2020 to discuss the subject application.

The subject lands are located on the south side of Quaker Road, lying west of Clare Avenue and are surrounded by:

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

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood is currently undergoing some construction and future projects are also imminent. This area of Quaker Road is characterized by many large, deep lot single detached residences flanking the west side, some commercial uses near the Pelham Street and Clare Avenue intersections as well as agricultural land to the south. Planning staff have also reviewed the *Planning Justification Brief* prepared by Upper Canada Consultants, submitted with the application.

Planning staff is of the opinion that the proposal applies current planning and development goals regarding consolidating lands for more appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The severance will better position the lands for future subdivision (or condominium) development in a more efficient manner which will not negatively affect the developability of the balance of the lands, while at the same time maintaining the existing residential use. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential use until such time as the land owner explores alternative development options.

It is noted that the anticipated development of Part 2 and 701 Quaker Road will be subject to future *Planning Act* approvals such as a Zoning By-law Amendment, and subdivision or condominium approval which will be subject to future public consultation at that time, pending a formal development proposal. This severance (boundary adjustment) application is the initial step to better assemble / consolidate land before proceeding with detailed planning and development engineering design. The next step will be the owner to propose a development plan that provides a future land use.

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

Given this analysis, Planning staff recommend that consent file B4-2020P **be approved** subject to the following conditions:

THAT the applicant

- Merge Part 2 with 701 Quaker Road.
- Obtain and close a demolition permit for the existing detached garage on Part 2. If the existing structure is being relocated to Part 1, a demolition permit is still required, and to the satisfaction of the Director of Community Planning & Development.

- Confirm in writing to the Town that Part 2 does not rely on Part 1 for any servicing or drainage needs.
- 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 \$395, 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.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: April 30, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr,
Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File B4/2020P
725 Quaker Road

We have completed the review of the consent application B4/2020P for consent to partial discharge mortgage and to convey 2189.97 square meters of land (Part 2), to be added to the abutting property to the east for future development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 725 Quaker Road.

Upon this review, Public Works has the following conditions;

- The Developer is to confirm in writing to the Town that Part 2 does not rely on Part 1 for any servicing or drainage requirements.

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development

Date: March 30, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – POSTPONED hearing.

Comment for Re: File # **A9/2020P, A11/2020P**

The Building Department offers the following comments,

- Building permits are required.

Comment for Re: File # **B4/2020P**

The Building Department offers the following comments,

- No comment.

Respectfully,
Belinda Menard, Dipl., Constr. Eng. Tech.
Building Intake/Plans Examiner
Community Planning & Development

Bell Canada
FI-2, 140 Bayfield St.
Barrie, Ontario
L4M 3B1

Fax: 705-722-2263
Tel: 705-722-2244
E-mail: carrie.gordon@bell.ca



March 20, 2020

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

Dear Sir/Madame:

Subject: Application for Consent – Severance
725 Quaker Rd
Pt Lot 237 Frmr Twp of Thorold
CofA File: B4/2020P

Bell File: 905-20-109

We acknowledge receipt and thank you for your correspondence March 9, 2020.

Subsequent to review of the above noted Consent Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing buried facilities, supply service to the properties and to maintain service in the area.

Bell Canada would like to confirm that a blanket easement over Part 1 or a 3.0m wide corridor to be measured 1.5m on either side of the buried facilities found along the north property boundary, as can be accommodated, would satisfy our needs. With respect to the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its location.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction are the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.

Yours very truly,

A handwritten signature in blue ink that reads "Carrie Gordon".

Carrie Gordon
Right of Way Associate
(encl.)

PART OF LOT 237,
(GEOGRAPHIC TOWNSHIP OF THOROLD)
IN THE
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 : 500



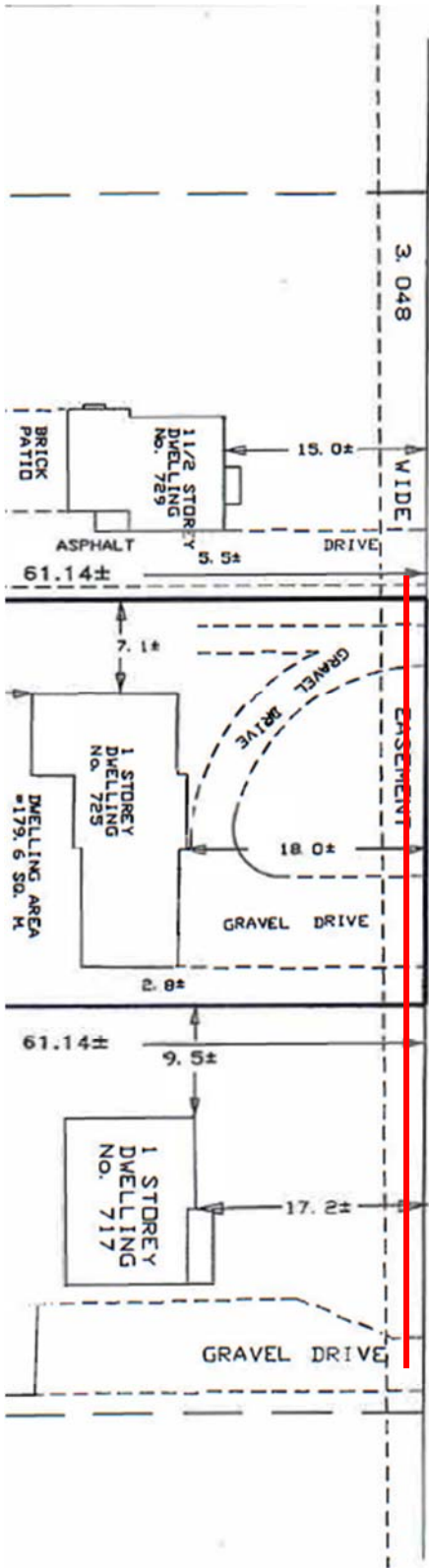
2020



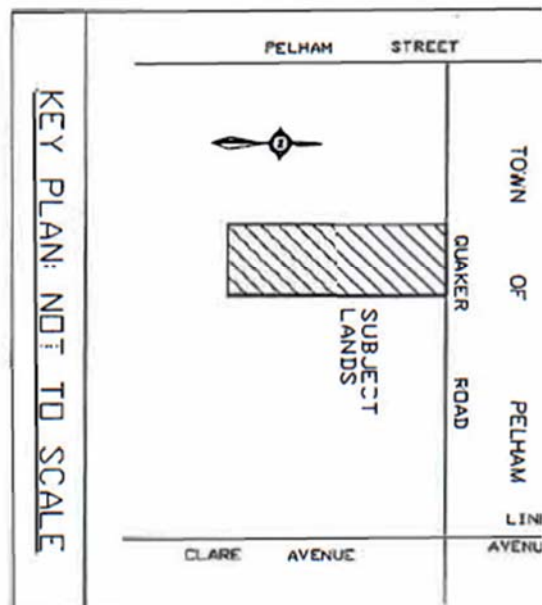
Bell buried
facilities
0.5m off P/L

(ROAD ALLOWANCE BETWEEN LOTS 177 AND 237)
QUAKER (20.12± WIDE) ROAD

30.48±



KEY PLAN: NOT TO SCALE



Bell Canada
FI-2, 140 Bayfield St.
Barrie, Ontario
L4M 3B1

Fax: 705-722-2263
Tel: 705-722-2244
E-mail: carrie.gordon@bell.ca



March 20, 2020

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

Dear Sir/Madame:

Subject: Application for Consent – Severance
725 Quaker Rd
Pt Lot 237 Frmr Twp of Thorold
CofA File: B4/2020P

Bell File: 905-20-109

Further to our correspondence dated Wednesday March 20, 2020, our Engineering Department has again reviewed any Bell Canada easement requirements for this area. It has been determined that Bell Canada will not require easement protection over these lands.

At this time we would withdraw our easement requirements as set out as identified at that time. We apologize for any inconvenience this may have caused.

If there are any questions or concerns, please do not hesitate to call.

Thank you,

A handwritten signature in blue ink that reads "Carrie Gordon".

Carrie Gordon
Right of Way Associate
(encl.)