

August 10, 2020

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

**Re: Minor Variance Application A20/2020P**  
**1010 Canboro Road, Pelham**  
Concession 10, Part of Lot 20  
**Roll No. 2732 010 016 15801**

The subject land is located on the south side of Canboro Road, lying east of Victoria Avenue, legally described above, and known locally as 1010 Canboro 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 7.3 (e) "Minimum Side Yard"** seeking 7.3 m, whereas 15 m is required.

The proposal seeks to construct a  $\pm 639 \text{ m}^2$  easterly greenhouse addition.

### **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).

#### Greenbelt Plan (2017)

The subject land is designated 'Tender Fruit & Grape Lands' (*Specialty Crop Area*) within the Greenbelt Plan's *Protected Countryside*.

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

promoted and protected.

The proposed greenhouse expansion will serve the Slappendel Greenhouses agricultural operation by increasing and / or diversifying its product yield while ensuring adequate setbacks are maintained from adjacent land uses.

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 that in the *Unique Agricultural Area*, the predominant use of land will be for agriculture of all types, which includes greenhouse bedding plants.

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 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.

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

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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 no sensitive land uses are proximate and what appears to be an unopened road allowance continues to provide an additional 20 m of separation between the adjacent property to the east. 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 improved usage of the existing and recently approved

land.	greenhouse expansion. The easterly addition will improve the loading and cleaning of container systems according to the applicant.
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 it supports the existing agricultural greenhouse operation. The rural community character will be maintained, the use is permitted, and no adverse impacts are anticipated regarding water quality, hydrogeology and stormwater runoff.
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 the requested side yard setback reduction still leaves adequate space for passage, negative drainage, and spatial separation between adjacent land uses.

### Agency & Public Comments

On July 14, 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 (July 27, 2020)
  - See attached.
  - No objections, provided a new septic system permit is issued and installed, and the proposed foundation is constructed using a similar floating slab anchor post layout that was provided for the recently approved greenhouse addition in accordance with that Site Plan Agreement.
- Building Department (July 31, 2020)
  - Building permit(s) are required.
- Public Works Department (July 28, 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 Canboro Road, lying east of Victoria Avenue. The property is surrounded by agricultural uses and rural residential.

The proposed minor variance application seeks zoning relief to reduce the side yard setback from 15 m to 7.3 m.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate agricultural development and making efficient use of the existing agricultural parcel which currently was not being farmed for crops. The proposed minor variances should not negatively impact the surrounding land uses with regards to land use incompatibility, odour 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 A20/2020P **be approved** subject to the following conditions:

**THAT** the applicant

- Obtain building permit approval ensuring that a floating slab & anchor post layout foundation are used similar to that approved on the existing Site Plan Agreement, to the satisfaction of the Director of Community Planning & Development.

Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



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