

**Planning and Development Services**

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**Via Email Only**

January 20, 2021

File No.: D.17.06.MV-21-0003

Ms. Nancy Bozzato, Dipl.M.M., AMCT  
Town Clerk/Secretary-Treasurer  
Town of Pelham  
20 Pelham Town Square, PO Box 400  
Fonthill, ON L0S 1E0

Dear Ms. Bozzato:

**Re: Provincial and Regional Comments**

**Minor Variance Application**

**Town File Nos.: A8/2021P**

**Owner:** [REDACTED]

**Address: 596 Chantler Road, Pelham**

**Legal Description: Part of Lot 11, Concession 13, Town of Pelham**

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Regional Planning and Development Services staff have reviewed the information circulated for the above-noted minor variance application, which has been proposed to facilitate the construction of an accessory building on the subject lands. The applicant is seeking variances to permit increases in the maximum accessory building height and maximum accessory building lot coverage.

Regional staff note that a preconsultation meeting was not held for this application. The following Provincial and Regional comments are provided to assist the Committee in their consideration of the application.

**Provincial and Regional Policy**

The subject lands are designated Prime Agricultural Area under the Provincial Policy Statement (PPS), and Good General Agricultural Area under the Regional Official Plan (ROP). Permitted uses in these designations include agricultural, agriculture-related and on-farm diversified uses. Provincial and Regional policies also permit expansions to legally established existing uses within these designations, provided the expansion will not have a negative impact on environmental features or result in the intrusion of new incompatible uses. The expansion or change in use is also subject to the need and desirability of the operation; regard for environmental, agricultural, and other policies of



the ROP; compatibility with existing surrounding uses; access and servicing requirements being met; and no additional municipal services being required.

The proposed accessory building will be accessory to an existing dwelling on the subject property. As is outlined further below, the proposed accessory building will not have a negative impact on the environmental features on the property. Further, the property is privately serviced, and therefore new municipal services will not be required, and there are no servicing concerns associated with the proposal. The subject property is undersized and therefore future agricultural use of the property is unlikely. Additionally, the proposed accessory building should not impede agricultural use of the adjacent properties. Accordingly, Regional staff are of the opinion that the proposed use is consistent with the PPS, and conforms to Provincial and Regional policies, subject to the comments below.

## **Core Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat (see attached map). Consistent with ROP Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 15 metres of Type 2 Fish Habitat.

As the proposed barn is located greater than 15 m from Type 2 Fish Habitat, an EIS is not required and there are no further environmental comments.

## **Archeological Resources**

The PPS and 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 lot creation and 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.

Based on Provincial screening criteria, the subject lands exhibit high potential for discovery of archaeological resources given their proximity (within 300m) to several past and present watercourses. However, in the opinion of Regional staff, the type of construction shown on the submitted drawings (slab on grade foundation with helical piles) will not result in deep excavation that has the potential to result in deep ground disturbance of archaeological resources on site. Therefore, provided the proposed accessory building is constructed in accordance with these plans, the requirement for an archaeological assessment can be waived.



## Private Servicing

Regional Private Sewage System (PSS) staff have reviewed the minor variance application, which proposes the construction of a new accessory building on the existing parcel, which also currently supports a residential dwelling. There is no permit available for the existing septic system servicing this dwelling; however, based on PSS staff's information, it is located to the south of the dwelling.

The location of the proposed accessory building will not encroach onto the existing septic system, and there will be sufficient land available on the parcel for any replacement septic system required in the future. Therefore, PSS staff have no objections to the minor variance application, provided there is no plumbing or living space included within the accessory building.

## Conclusion

In conclusion, Regional staff have no objection to the minor variance application from a Provincial or Regional perspective, provided the foundation of the proposed accessory building will be constructed in accordance with the submitted plans, and it will not contain any plumbing or living spaces. Provided these conditions are addressed, the proposal is consistent with the Provincial Policy Statement and conforms to Provincial Plans and the Regional Official Plan from a Provincial and Regional perspective.

Please send a copy 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 [Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca), or Britney Fricke, MCIP, RPP, Senior Development Planner at [Britney.Fricke@niagararegion.ca](mailto:Britney.Fricke@niagararegion.ca).

Kind regards,



Amy Shanks  
Development Planner

cc: Britney Fricke, Senior Development Planner, Niagara Region  
Curtis Thompson, Planner, Town of Pelham  
Tanya Killins, Private Sewage System Inspector, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region

Appendix: Core Natural Heritage Features Map



## Appendix: Core Natural Heritage Features Map

