

## Committee of Adjustment AGENDA

CofA 02/2021

February 2, 2021

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Committee of Adjustment will convene meetings in compliance with Provincial directives. Attendance by all participants will be electronic. Public access to meetings will be provided via Livestream [www.youtube.com/townofpelham/live](http://www.youtube.com/townofpelham/live) and subsequent publication to the Town's website at [www.pelham.ca](http://www.pelham.ca).

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. A8/2021P - 596 Chantler 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. A12/2021P - 414 Welland Road** 13

1. Town of Pelham Planning Department
  2. Town of Pelham Public Works
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- Public Comments
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**6. Applications for Consent**

**6.1. B2/2021P - 160 Highway 20 East (Shops on Highway 20)** 27

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
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4. Bell
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6. Guy Lessard

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

**7. Minutes for Approval**

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December 1, 2020

January 12, 2021

**8. Adjournment**

February 2, 2021

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

**Re: Minor Variance Application A8/2021P**  
**596 Chantler Road, Pelham**  
Part of Lot 11, Concession 13  
**Roll No. 2732 030 017 12600**

The subject land is located on the southeast corner of Chantler Road and Cream Street, legally described above, and known locally as 596 Chantler 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 2.2 %, whereas 1 % is allowed.
- ii. **Section 7.7 (d) "Maximum (accessory) Building Height"** to permit a maximum building height of 4 m, whereas 3.7 m is allowed.

The proposal seeks to construct an accessory building 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 1.1.4.1 (Rural Areas) – states that healthy, integrated and viable *rural areas* should be supported by (among other things):

- a) Building upon rural character;



- b) Promoting regeneration; and
- h) Conserving biodiversity and considering the ecological benefits provided by nature.

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*.

Town and Regional Planning staff have requested conditions of approval to conserve *archaeological resources* and the proposed accessory building is designed as a pole barn which is in keeping with the character of the rural neighbourhood.

#### Growth Plan (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.

Like the PPS, the Growth Plan designates the subject land as being within a 'Prime Agricultural Area' due to the Ministry of Agriculture, Food and Rural Affairs' use of Canada Land Inventory soil classifications. Policy 4.2.6 states that *prime agricultural areas* will be protected for long-term use agricultural use.

Policy 4.2.6 (Agricultural System) – states that where *agricultural uses* and non-agricultural uses interface outside of *settlement areas*, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the *agricultural system*. The retention of existing lots of record for *agricultural uses* is encouraged, and use of these lots for non-agricultural uses is discouraged.

The subject lands has been a rural residential lot of record for many decades, predating the Provincial Growth Plan. The proposed accessory building will not adversely impact the rural neighbourhood character or the agricultural use of the surrounding lands.

#### 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 historic transportation routes. Town and Regional Planning staff have requested a condition of approval to ensure the long-term conservation of potentially deep buried cultural resources.

Under normal circumstances, it is generally considered best practice to co-locate agricultural and non-agricultural buildings in a dense cluster to minimize their impact on fertile farmland. However, the subject lands are quite small and have not been farmed for many decades. Furthermore, the private septic is located south of the existing dwelling, along with a cluster of mature trees which forces the accessory building further south. There exists a second driveway off Cream Street serving the agricultural property at 588 Chantler Road, that cuts through the rear yard of the subject lands. The applicant has indicated that southern driveway would be extended northward to the new building which is positioned as shown on the Site Plan for hydro servicing reasons and to maintain views between the house and the pond further south.

Town Planning staff are of the opinion the proposed zoning relief conforms to the Official Plan.

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

The subject land is zoned ‘Agricultural – 25’ (A-25) 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 2.2 %, whereas 1 % is allowed.
- ii. **Section 7.7 (d) “Maximum (accessory) Building Height”** to permit a maximum building height of 4 m, whereas 3.7 m is allowed.

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 2.2 % is minor overall as adequate land area remains available to handle

	<p>stormwater runoff, maintain privacy, the existing septic system and preserve a rear yard amenity area.</p> <p>Increasing the accessory building height to 4 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 generally too small for the average viable 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 and lot coverage will not compromise the objectives of the Official Plan, particularly with respect to land use compatibility, privacy, storm water runoff and private sewage system servicing capabilities.</p> <p>The variances are appropriate given the site's rural context and meet the general intent of the Town Official Plan policies, subject to the recommended conditions of approval.</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 4 m, and increased lot coverage to 2.2 % 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 January 8, 2021, 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 (January 20, 2021)

- No objections, provided the foundation is constructed using helical post piles as per the submitted Foundation Plan, and no plumbing or living space is included within the proposed accessory building.
- Building Department (January 20, 2021)
  - Building permit(s) are required.
- Public Works Department (January 20, 2021)
  - No comments.

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

### Planning Staff Comments

The subject lands are located on the southeast corner of Chantler Road and Cream Street. The property is currently surrounded by agricultural uses on all sides.

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.

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. Alternatively, a requirement that the building be constructed using either a slab on-grade, or helical post style foundation to ensure no deep excavation through typical strip footings or foundation walls 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 A8/2021P **be approved** subject to the following conditions:

#### **THAT** the applicant

- Apply for, and obtain a building permit for the proposed garage specifying the use of either a floating slab on-grade or helical post piles for the foundation. Not strip footings or foundation walls. Alternatively, the applicant may conduct 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.
- Ensure no plumbing fixtures, living space or bedrooms are provided in the building permit for the proposed garage.

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Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



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

## **Memorandum**

### **Public Works Department - Engineering**

DATE: January 20, 2021  
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 A8/2021P  
596 Chantler Road

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Public Works has completed a review of the minor variance application A8/2021P 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) 'Maximum (Accessory) Lot Coverage' to permit a maximum (accessory) lot coverage of 2.2% whereas the by-law allows 1%; and
- Section 7.7 (d) 'Maximum (Accessory) Building Height' to permit a maximum (accessory) building height of 4m whereas the by-law allows 3.7m.

Public Works has no comments.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician  
Community Planning & Development

Date: January 20<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – February 2<sup>nd</sup>, 2021 Hearing

Comment for Re: Files # A8/2021P – 596 Chantler Rd. & A12/2021P 414 Welland Rd.

The building department offers the following comment,

- A building permit will be required for the proposed work.

Comment for Re: Files # B2/2021P-160 Highway 20E, B3/2021P-1435 Station St. &  
B4/2021P-855 Chantler

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.  
Building Intake & Zoning Technician  
dchristensen@pelham.ca

**Planning and Development Services**

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

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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,

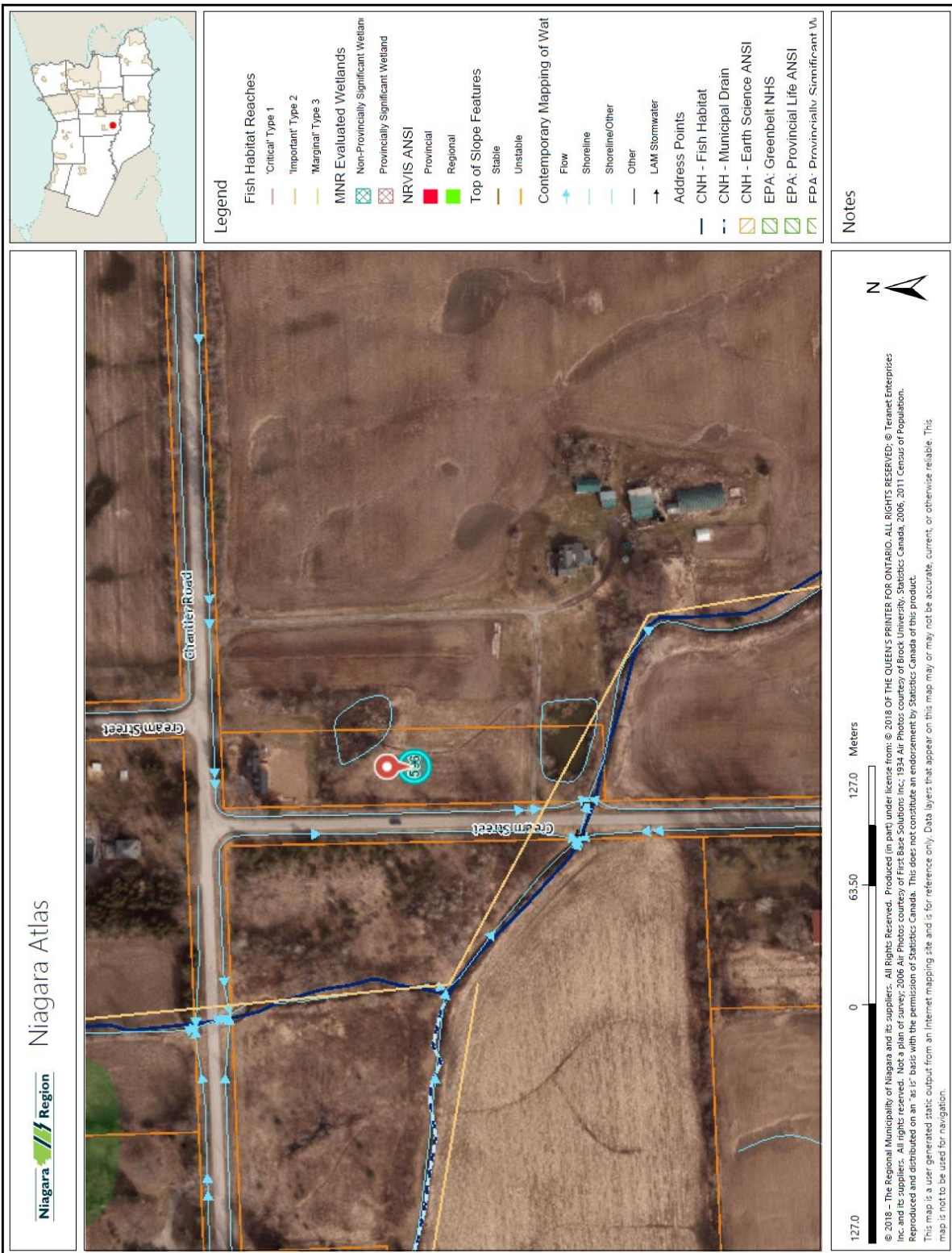


Amy Shanks  
Development Planner

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



February 2, 2021

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

**Re: Minor Variance Application A12/2021P**  
**414 Welland Road, Pelham**  
Concession 10, Part of Lot 8  
**Roll No. 2732 020 013 16600**

The subject land is located on the south side of Welland Road, lying west of Effingham Street, legally described above, and known locally as 414 Welland 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 (d) "Maximum (accessory) Building Height"** to permit a maximum building height of 5 m, whereas 3.7 m is allowed to construct an accessory building to the 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 subject land is designated as 'Prime Agricultural Land' 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).

Policy 2.1.8 (Natural Heritage) – states *development* and *site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 2.1.4 - 2.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

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Greenbelt Plan (2017)

The subject land is designated 'Tender Fruit & Grape Lands' (*Specialty Crop Area*) and 'Natural Heritage System' 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.

Section 3.2.5.5 (Key Natural Heritage Features) states that new *development* or *site alteration* within 120m of a *key natural heritage feature* (i.e. wetlands / woodlands) within the Natural Heritage System or a *key hydrologic feature* within the Protected Countryside requires a natural heritage evaluation (EIS) which identifies a *vegetation protection zone* (VPZ).

Policy 4.5.2 (Existing Uses) – states that for lands within the Protected Countryside, single dwellings are permitted on existing lots of record, provided they were zoned for such as of December 16, 2004. Municipalities are encouraged to discourage non-agricultural uses where appropriate.

The subject land has been zoned 'Agricultural' under since at least 1987 (By-law No. 1136). This 'A' zone permits one single detached dwelling and related accessory uses. With respect to the Natural Heritage System policy requirements for a natural heritage evaluation, no Environmental Impact Study was provided in support of the proposed development.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject parcel as 'Protected Countryside' and 'Unique Agricultural Area' according to Schedules A and B, respectively. The property is also designated as 'Greenbelt Natural Heritage System' and impacted by a Type 2 Fish Habitat and *Significant Woodland* according to Schedule C.

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.

Policy 7.B.1.11 states that *development* and *site alteration* may be permitted on adjacent lands to Environmental Protection and Conservation Areas as set out in Table 7 – 1 except for those lands within *vegetation protection zones* associated with Environmental Protection Areas in the *Greenbelt Natural Heritage System*. If it has been demonstrated that, over the long term, there will be no significant negative impact. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Regional policy.

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.

Regional Environmental Planning staff note that the *Significant Woodland* feature as it is currently mapped, is likely more extensive. According to the Site Plan, the proposed accessory building is located adjacent to the dripline / woodland, and would not be capable of sustaining a 30 m VPZ near that general location.



### 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.

Schedule A of the Official Plan designates the subject parcel as 'Specialty Agricultural' and 'Greenbelt Natural Heritage Overlay'. While Schedule B also identifies 'Wooded Areas' on part of the subject lands. The purpose of the 'Specialty Agricultural' 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.

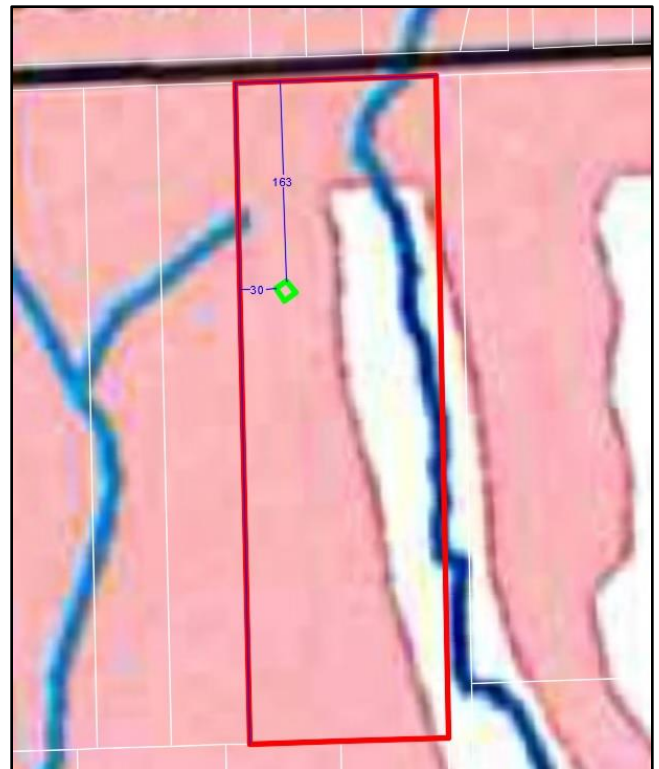
Policy A2.1.2 states the objective of the Official Plan is to make planning decisions that consider the health and integrity of the broader landscape as well as long term cumulative impacts on the ecosystem. Planning decisions should also restrict and regulate land uses which could impact the water quality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

Policy B3.4.2.3 (Environmental Protection Three {EP3}) – states that the features identified on Schedule B as 'Wooded Areas' have not been assessed or confirmed for significance. When an assessment of these features has been completed pursuant to the Greenbelt Plan and to the satisfaction of the Region and Town, those confirmed as being significant will be added to the EP3 designation.

Policy B3.5 (Greenbelt Natural Heritage Overlay) – states that the purpose of this designation is to implement the 'Natural Heritage System' provisions of the *Greenbelt Plan*. Development and site alteration may occur within this overlay provided that an EIS is prepared in accordance with Section C7.

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.

*Figure 1: Approximate location of proposed development against Pelham's Composite Archaeological Potential mapping (Source: Pelham Heritage Master Plan – 2012)*



Based on the Town's Heritage Master Plan composite archaeological potential mapping, most of the subject lands are identified as having high potential for deeply buried archaeological material (shown in pink on Figure 1). Town staff have overlaid the composite mapping on the subject lands' parcel fabric, and identified the

approximate location of the proposed structure to help confirm whether an archaeological evaluation is warranted.

Town Planning staff are of the opinion that it may be premature to recommend approval of the minor variance without the benefit of a scoped EIS to the Region's satisfaction, confirming there will be no negative impacts to the natural heritage system.

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 7.7 (d) "Maximum (accessory) Building Height"** to permit a maximum building height of 5 m, whereas 3.7 m is allowed to construct an accessory building to the dwelling.

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 proposed increase in height is minor overall because the impact from increased height would not negatively impact neighbouring privacy concerns or provide unhealthy shadow impacts. The location of the building otherwise complies with the Zoning By-law respecting its geography, land use and lot coverage etc.
2. The variance is desirable for the development or use of the land.	The variance may not be desirable for the natural heritage system use of the property and surrounding area. At this time, it would be premature to indicate whether the zoning relief is desirable. In the absence of an EIS, it cannot be confirmed if the proposal is desirable for the use of these lands and sustaining the natural heritage system.
3. The variance maintains the general intent and purpose of the Official Plan.	The proposal has not demonstrated conformity with policy B3.5.4.1 and it cannot be determined whether the variance will otherwise maintain the general intent and purpose of the Official Plan. The Official Plan policies, (in concert with Regional and Provincial policies), require that an EIS be conducted in order to determine the significance of the natural heritage features and to what extent, the impacts the development may have on the features. This would determine if the proposal is compatible with the surrounding ecological features.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The size of the proposed accessory building's height to 5 m is appropriate given the rural context. There are no privacy, shadow, massing or scale concerns with neighbouring properties or the public space. Town staff are of the opinion the variance maintains the general intent of the Zoning By-law.

### Agency & Public Comments

On January 8, 2021, 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 (January 20, 2021).
  - No objections, however, the NPCA requires review and circulation of the building permit for the principle single detached dwelling to ensure there is no interference with the watercourse and potentially unevaluated wetland features in proximity.
- Niagara Region (January 20, 2021)
  - See attached.
  - Regional staff cannot support the application as the proposed accessory building will be situated within the required 30 m *vegetated protection zone (VPZ)* of the *Significant Woodland* (identified as a *Key Natural Heritage Feature* by the Greenbelt Plan).
    - An Environmental Impact Study (EIS) must be completed to the satisfaction of Regional staff demonstrating that the proposed development will be located outside of any *Key Natural Heritage Features* or *Key Hydrologic Features*, as well as any required buffers.
  - Subject lands exhibit high potential for archaeological resources. Defer to Town regarding potential assessment requirements due to Heritage Master Plan.
- Building Department (January 20, 2021)
  - Building permit(s) are required.
- Public Works Department (January 20, 2021)
  - No comments.

One member of the public provided comments indicating they have no objections to the proposal.

### Planning Staff Comments

The subject lands are located on the south side of Welland Road, lying east of Effingham Street. The property is surrounded by rural residential lots, *significant woodlands* and some agricultural uses.

The proposed minor variance application seeks zoning relief to increase the maximum (accessory) building from 3.7 m to 5 m in order to accommodate a detached garage as illustrated on the Site Plan. No Pre-Consultation was scheduled between the applicant, Town and Region staff in advance of the minor variance submission. The Pre-Consultation meeting would have identified and raised the issues with this application in advance of proceeding formally to a hearing.

Niagara Region staff have provided detailed comments and have indicated they cannot support the application as presented until such time as a scoped EIS is provided to determine possible natural heritage impacts.

It should be noted that if the woodland were deemed significant, it would likely be physically impossible for the proposed accessory building's location to maintain a 30 m *vegetated protection zone* in its current location.



The applicant could alter the building to comply with the Zoning By-law's height requirement and proceed to building permit. Notwithstanding concerns about impacts to the *key natural heritage system* and the need for a scoped EIS to assess the proposal, Town Planning staff also draw attention to the potential for deeply buried archaeological resources on the proposed development site. If the Committee of Adjustment feels inclined to approve the variance, a condition should be required for the applicant to either conduct a Stage 1 – 2 Archaeological Assessment and receive Ministry clearance prior to the issuance of building permit, or, at the time of building permit, ensure the building be constructed using a slab on-grade style foundation to avoid deep excavation normally associated with traditional strip footings and foundation frost walls, in addition to a condition for the undertaking of a scoped Environmental Impact Study to the Region's satisfaction.

Town Planning staff are of the opinion that it would be premature to support the zoning relief at this time. Therefore, in staff's opinion, the application is inconsistent with the PPS and does not conform to Provincial, Regional, and local policies, and does not satisfy all *four tests* required under the *Planning Act*.

Given this analysis, Planning staff recommend that minor variance file A21/2020P **be refused**.

Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



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

## **Memorandum**

### **Public Works Department - Engineering**

DATE: January 20, 2021  
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 A12/2021P  
414 Welland Road

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Public Works has completed a review of the minor variance application A8/2021P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.7 (d) 'Maximum (Accessory) Building Height' to permit a maximum (accessory) building height of 5m whereas the by-law allows 3.7m.

Public Works has no comments.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician  
Community Planning & Development

Date: January 20<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – February 2<sup>nd</sup>, 2021 Hearing

Comment for Re: Files # A8/2021P – 596 Chantler Rd. & A12/2021P 414 Welland Rd.

The building department offers the following comment,

- A building permit will be required for the proposed work.

Comment for Re: Files # B2/2021P-160 Highway 20E, B3/2021P-1435 Station St. &  
B4/2021P-855 Chantler

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.  
Building Intake & Zoning Technician  
dchristensen@pelham.ca

**Planning and Development Services**

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

905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

January 20, 2021

File No.: D.17.06.MV-21-0002

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 No.: A12/2021P**  
**Agent: Todd Barber, Forestgreen Creations Inc.**  
**Address: 414 Welland Road, Pelham**  
**Legal Description: Part of Lot 8, Concession 10, 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 to a proposed future dwelling on the subject lands. The applicant is seeking a variance to permit an increase in the maximum accessory building height for this structure.

Regional staff note that a pre-consultation meeting was not held for this proposal and therefore, information was not formally provided to the applicant to ensure alignment with Provincial and Regional policies.

The following Provincial and Regional comments are provided to assist the Committee in their consideration of the application.

**Provincial and Regional Policy**

The Provincial Policy Statement (PPS) designates the subject lands as being within a Prime Agricultural Area, and more specifically within a Specialty Crop Area. The PPS specifies that Prime Agricultural Areas are to be protected for long-term agricultural use, with Specialty Crop Areas being given the highest priority for protection. Permitted uses

in a Prime Agricultural Area include agricultural uses, agriculture-related uses, and on-farm diversified uses.

The subject lands are within the Protected Countryside of the Greenbelt Plan, and are identified as being within the Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area designation. Similar to the policies of the PPS, within the Specialty Crop Area designation of the Greenbelt Plan, lands are to be protected for long-term agricultural use.

The Regional Official Plan (ROP) designates the subject lands as being within a Unique Agricultural Area. In addition to agricultural, agriculturally-related, and on-farm diversified uses, within the Unique Agricultural Area designation, the ROP permits single dwellings on existing lots of record, provided they were zoned for this use prior to the effective date of the Greenbelt Plan (December 16, 2004). Accessory structures and uses are also permitted within this designation, provided that new municipal services are not required, and the use does not expand into a Key Natural Heritage Feature or Key Hydrologic Feature.

The proposed variance is intended to allow for the construction of an accessory building to a proposed single-detached dwelling on the subject property. Town staff should confirm that the zoning in effect on the subject property prior to the Greenbelt Plan permitted a single-detached dwelling. The subject property is privately serviced, and therefore new municipal services will not be required to service the proposed accessory building. Although the proposed accessory building will not expand into a Key Natural Heritage Feature or Key Hydrologic Feature, it will be located in close proximity to these features; therefore, there are environmental considerations that must be satisfied prior to the approval of this application. These environmental considerations are outlined in further detail in the section below.

## **Core Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland and Type 2 (Important) Fish Habitat (see attached map). Regional Environmental Planning staff note that the Significant Woodland feature may be more extensive than is currently mapped. The subject property is within the Provincial Natural Heritage System (PNHS) of the Greenbelt Plan, which identifies these CNHS features as Key Natural Heritage Features and Key Hydrologic Features. Accordingly, the natural heritage policies of the Greenbelt Plan apply to them.

Greenbelt Plan policies require the completion of a Natural Heritage Evaluation (NHE) when development (including the construction of buildings and structures requiring approval under the *Planning Act*) and/or site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) is proposed within 120 metres of a Key Natural Heritage Feature and/or Key Hydrologic Feature. Regional policies similarly require the

completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 50 metres of Significant Woodland and/or within 15 metres of Type 2 (Important) Fish Habitat. Greenbelt Plan policies also require that a minimum 30 metre Vegetation Protection Zone (VPZ) be established with natural self-sustaining vegetation adjacent to any Key Natural Heritage Feature and/or Key Hydrologic Feature. Development and/or site alteration is not permitted within a Key Natural Heritage Feature and/or Key Hydrologic Feature, or its VPZ.

The accessory structure that is the subject of this application, as well as the proposed dwelling, are both located within the VPZ of the Significant Woodland; therefore, the minor variance cannot be supported by Regional Environmental Planning staff based on the information submitted. To conform to Regional and Provincial policy, an EIS is required to determine the extent of the environmental features on the property, and to determine appropriate buffers for these features. Regional Environmental Planning staff note that a minimum 30 metre VPZ will be required from any Key Natural Heritage Features or Key Hydrologic Features identified through the EIS. A Terms of Reference for a scoped EIS should be developed consistent with Policy 7.B.2 of the ROP.

## **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 and site alteration 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, including one which runs along the eastern boundary of the property. The Town of Pelham has an approved Heritage Master Plan, and therefore has jurisdiction on matters related to archaeological resources. Accordingly, Regional staff defer to Town staff on the requirement for an archaeological assessment.

## **Private Servicing**

Regional Private Sewage Systems (PSS) staff have reviewed the minor variance application and have no objections to the proposed development, provided a septic system permit for the proposed dwelling is applied for and obtained. PSS staff note that the septic system design must meet the requirements of the Ontario Building Code, as well as any environmental restrictions on the property.

## **Conclusion**

In conclusion, Regional staff are unable to support the minor variance application from a Provincial or Regional perspective, as the proposed accessory building will be situated within the required minimum 30 metre Vegetated Protection Zone (VPZ) of the

January 20, 2021

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Significant Woodland (which is identified as a Key Natural Heritage Feature under the Greenbelt Plan) on the subject lands.

In order to support this application, an Environmental Impact Study (EIS) must be completed to the satisfaction of Regional staff which demonstrates that the proposed development will be located outside of any Key Natural Heritage Features or Key Hydrologic Features on the subject lands, as well as any buffers which may be required to protect these features.

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,



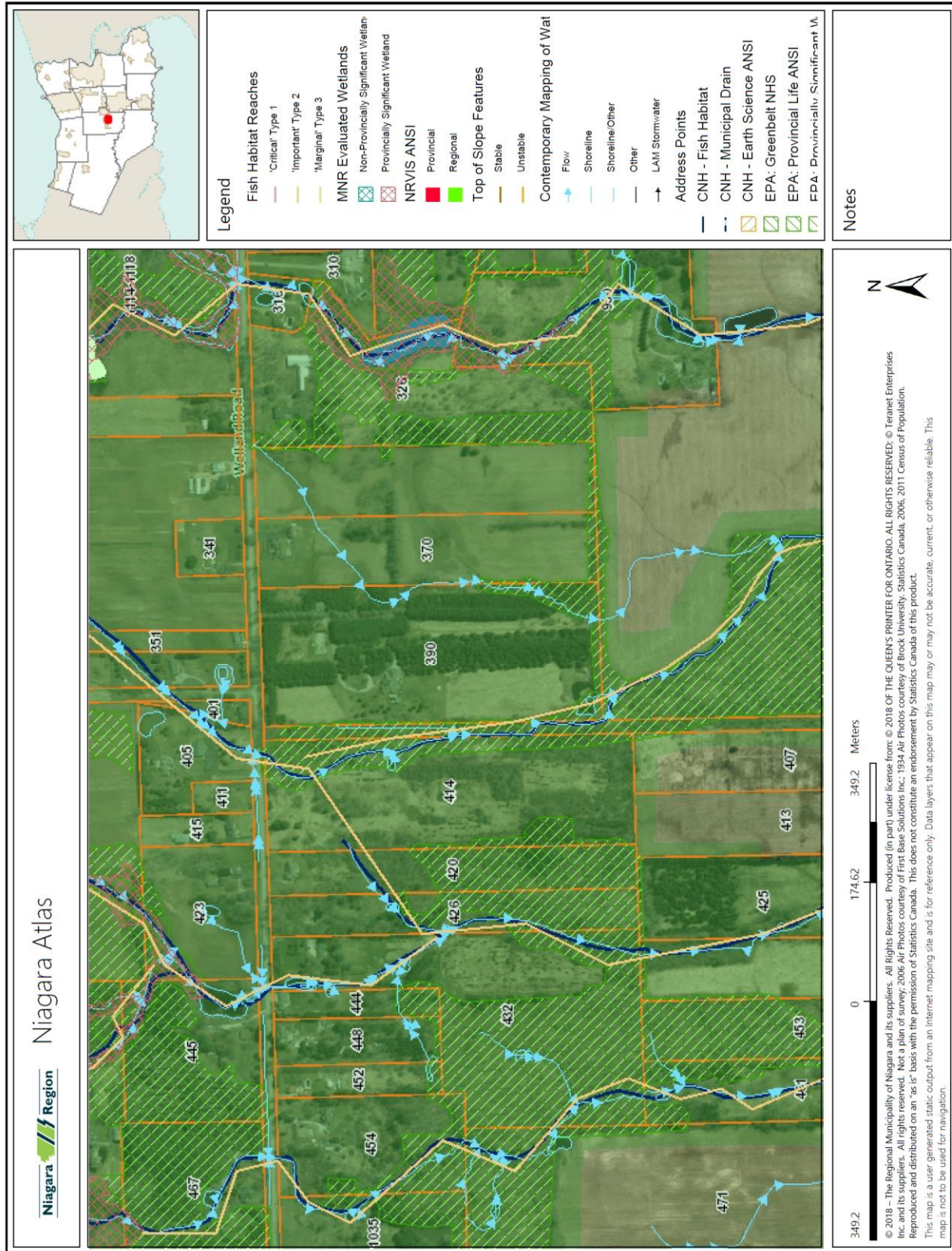
Amy Shanks  
Development Planner

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





**From:** [Nancy Bozzato](#)  
**To:** [Holly Willford](#); [Curtis Thompson](#)  
**Subject:** FW: File No. A12/2021P: 414 Welland Road, Pelham Committee of Adjustment Notice of Public Hearing  
**Date:** Tuesday, January 19, 2021 10:52:56 AM

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**From:** Tim Nohara [REDACTED]  
**Sent:** Tuesday, January 19, 2021 9:37 AM  
**To:** Nancy Bozzato <NBozzato@pelham.ca>  
**Subject:** File No. A12/2021P: 414 Welland Road, Pelham Committee of Adjustment Notice of Public Hearing

19 January 2021

Nancy J. Bozzato  
Town Clerk/Secretary-Treasurer

Good morning Nancy,

[Subject: File No. A12/2021P: 414 Welland Road, Pelham Committee of Adjustment Notice of Public Hearing](#)

Thank you for the above Notice which we appreciate receiving.

We have no objections to the proposed application for the described minor variance.

Sincerely,

Janet & Tim Nohara  
[REDACTED] Effingham St., Pelham

February 2, 2021

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

**Re: Consent Application B2-2021P**  
**160 Highway 20 East, Pelham**  
Part of Block 3, Plan 59M-432 and Parts 1, 8 – 11, 16 – 19 on RP 59R-16208  
**Roll No. 2732 030 020 04606**

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The subject parcel, shown as Part 2 on the attached sketch, has 28.89 m of frontage on the south side of Highway 20 East (Regional Road 20), lying east of Wellspring Way, legally described above, in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey 3,084 m<sup>2</sup> of land (Part 2) for future residential use. While 1,616 m<sup>2</sup> of land (Part 3) is proposed to be conveyed perpetually as a reciprocal right-of-way (easement) for access purposes in favour of Part 2. Parts 1 and 3 will be retained for continued use of the commercial development (approved and under construction).

### **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 severance upholds provincial interest by making more efficient use of finite urban land by allowing the current landowner to dispose of land more suitable to a residential-based developer who may better provide housing opportunities. The severance is not premature because Council has already approved the commercial development (on Parts 1 & 3). Therefore, the ability to provide north-south transportation connections to the benefit of lands to the south and beyond cannot be realized. The proposed geometry of

Part 2 is appropriate to facilitate a variety of development options with adequate municipal services and public schools nearby. The proposed right-of-way for access purposes will reduce the amount of land wasted for vehicle movement if exclusive accesses were provided as an alternative.

#### 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 proposed development seeks to convey a vacant plot of land east of the approved commercial development for future residential development. The easement component for access purposes reduces the amount of urban land waste by making more efficient use of an existing parking lot / driveway access that can also serve new development to the east, and improve vehicle circulation. This consent application is an acceptable form of *development* which should not adversely impact the provincial interests, public health, safety or the quality of the human environment. Planning staff are of the opinion the proposed severance is consistent with the PPS.

#### 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 lot creation will help facilitate the achieve of a *complete community* by helping to facilitate new residential housing opportunities under different ownership, as well as helping to achieve the Town's density targets. The proposed easement for driveway access will ensure enhanced east-west mobility is maintained perpetually, following the completion of both developments.

For these reasons, Town Planning staff are of the opinion the proposed development conforms to the Growth Plan.

#### 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.C.5 states *Designated Greenfield Areas* will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses.
- b) Where limited by scale or configuration, making a significant contribution to the growth of the respective *Urban Area*.
- c) Providing opportunities for integrated, mixed land uses.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

Town Planning staff are of the opinion the development makes effective use of the existing commercial plaza (under construction) and the vacant lands directly to the east by helping to facilitate more of a mixed-use neighbourhood.

#### 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 East Fonthill Site Master Plan was implemented as a result of the Official Plan's Secondary Plan policies for East Fonthill. This subsidiary Site Master Plan applies to the Commercial / Employment Centre lands which are generally bounded by Highway 20 (north), Rice Road (east), Summersides Blvd (south) and lands just west of 130 Highway 20 East (west).

Figure 3 – Site Master Plan Development Concept Plan



The local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as EF – Mixed Use within the Commercial/Employment Centre.

Policy B1.7.3.1 (East Fonthill) Development Objectives – states that the following private (and public) development objectives will be implemented by the mechanisms in the Official Plan, the implementing Zoning and Site Plan Approvals. The East Fonthill development objectives (that closely relate to this development) are:

- a) To require that both the intensification and *greenfield* components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
  - ✓ The proposed consent will help facilitate new residential development to the east, as well as avoiding a duplication of access driveways, thus, helping contribute towards the achievement of density targets and a *complete community*.
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
  - ✓ The proposed easement for reciprocal rights-of-way for (driveway) access purposes in favour of Part 2 will specifically help ensure the lands remain interconnected for east-west vehicular movements, reducing circuitous driving behaviours. Traffic speeds are usually quite low in parking lots, so similar pedestrian movements are anticipated and desired.

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;
  - ✓ The (under construction) drive aisle lane will connect Wellspring Way to Highway 20 East. It is illustrated as Part 3 on the Consent Sketch and has been approved by Town Council with support from Niagara Region who controls Highway 20. For the Committee's reference, the new driveway apron will be a 'right-in, right-out' configuration with a new central median in the Highway 20 East road allowance.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Complies
- 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;
  - ✓ The location and geometry of Part 2 is appropriate and easily capable of a variety of development scenarios.
- 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.

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

The subject lands are zoned EF – MU2 (East Fonthill – Mixed Use 2) according to Schedule 'A5' of the Zoning By-law. The permitted uses include a variety of commercial, residential, institutional and public uses, with the benefit of more of a, *form-based* regulatory framework.

As a result, there are no prescriptive standards for minimum lot frontage or lot area. Therefore, the resulting parcel configuration will continue to comply with all applicable zoning regulations. Any proposed development on Part 2 will need to comply with any applicable provisions at that time.

#### **Agency & Public Comments**

On December 8, 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 (December 16, 2020)
  - No concerns.
- Hydro One (December 11, 2020)
  - No concerns.



- Building Department (January 20, 2021)
  - No comments.
- Public Works Department (December 18, 2020)
  - No comments.

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

### Planning Staff Comments

A pre-consult meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on May 16, 2019 to discuss the development proposal. A *Planning Justification Brief* prepared by Upper Canada Consultants (dated November 6, 2020) accompanied the consent application.

The subject lands are located on the south side of Highway 20 East (RR 20), between Wellspring Way (to the west) & Rice Road (to the east). The property is surrounded by:

- North – Commercial / private parkland / residential uses
- East – Stormwater management facility
- South – Vacant land
- West – Various commercial uses

Planning staff are familiar with the site and have reviewed aerial photography to better understand the context. A portion of the vacant land to the south is undergoing a Site Plan Control application for a senior's residential apartment development, while the balance of those lands have no formal proposal. Parts 1 & 3 have received Site Plan Approval from Council, and entered into a Site Plan Agreement with the Town for the purposes of developing three (3) commercial buildings.

It is noted that the anticipated development of Part 2 will be subject to future *Planning Act* approvals such as a Site Plan Approval, pending a formal development proposal. This severance application will help prepare the lot for development, under different ownership. The proposed conveyance of an easement over Part 3 will ensure legal protections are forever registered in place on the existing commercial plaza lands, to the benefit of Part 2. This arrangement will allow for shared driveway and parking lot access, which is an objective of the East Fonthill Secondary Plan policies.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate lot creation, making more efficient use of the existing urban lands and infrastructure, where suitable to do so.

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 B2-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$399, 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



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## **Memorandum**

### **Public Works Department - Engineering**

DATE: December 18, 2020

TO: Curtis Thompson, Planner

CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr,  
Director of Public Works

FROM: Xenia Pasiecznik, Engineering Technologist

RE: File B1/2021P  
695 Quaker Road

---

We have completed the review of the consent application B2/2021P for consent to partial discharge of mortgage, consent to convey 3, 084 square meters of land (Part 2) for commercial plaza and together with 1, 616 square meters of land for an easement in perpetuity over Part 3, to the benefit of Part 2 for access. Parts 1 and 3 are to be retained for commercial plaza.

Upon this review, Public Works has no comments.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician  
Community Planning & Development

Date: January 20<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – February 2<sup>nd</sup>, 2021 Hearing

Comment for Re: Files # A8/2021P – 596 Chantler Rd. & A12/2021P 414 Welland Rd.

The building department offers the following comment,

- A building permit will be required for the proposed work.

Comment for Re: Files # B2/2021P-160 Highway 20E, B3/2021P-1435 Station St. &  
B4/2021P-855 Chantler

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.  
Building Intake & Zoning Technician  
dchristensen@pelham.ca

**From:** [Gordon, Carrie](#)  
**To:** [Sarah Leach](#)  
**Subject:** 905-21-013 - B2/2021P - Highway 20  
**Date:** Wednesday, December 16, 2020 11:53:51 AM  
**Attachments:** [B2-2021P NOH Full.pdf](#)  
[B2-2021 Planning Justification Report.pdf](#)

---

Hi Sarah,

Re: Severance application B2/2021P

Subsequent to review of the severance at Highway 20, Bell Canada's engineering department have determined that there are no concerns or issues with the proposed application.

If you have any questions regarding this response, please do not hesitate to contact me.

Best regards,

*Carrie Gordon*



External Liaison – Right of Way Control Centre  
140 Bayfield St, Fl 2  
Barrie ON, L4M 3B1  
T: 705-722-2244/844-857-7942  
F :705-726-4600

**From:** Sarah Leach  
**To:** Curtis Thompson; Holly Wilford  
**Subject:** FW: Pelham - rice road and hurricane road - B2/2021P  
**Date:** Friday, December 11, 2020 12:53:28 PM  
**Attachments:** image004.png



**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**

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**From:** Dolly.Shetty@HydroOne.com <Dolly.Shetty@HydroOne.com> **On Behalf Of** LandUsePlanning@HydroOne.com  
**Sent:** Friday, December 11, 2020 12:20 PM  
**To:** Sarah Leach <SLeach@pelham.ca>  
**Subject:** Pelham - rice road and hurricane road - B2/2021P

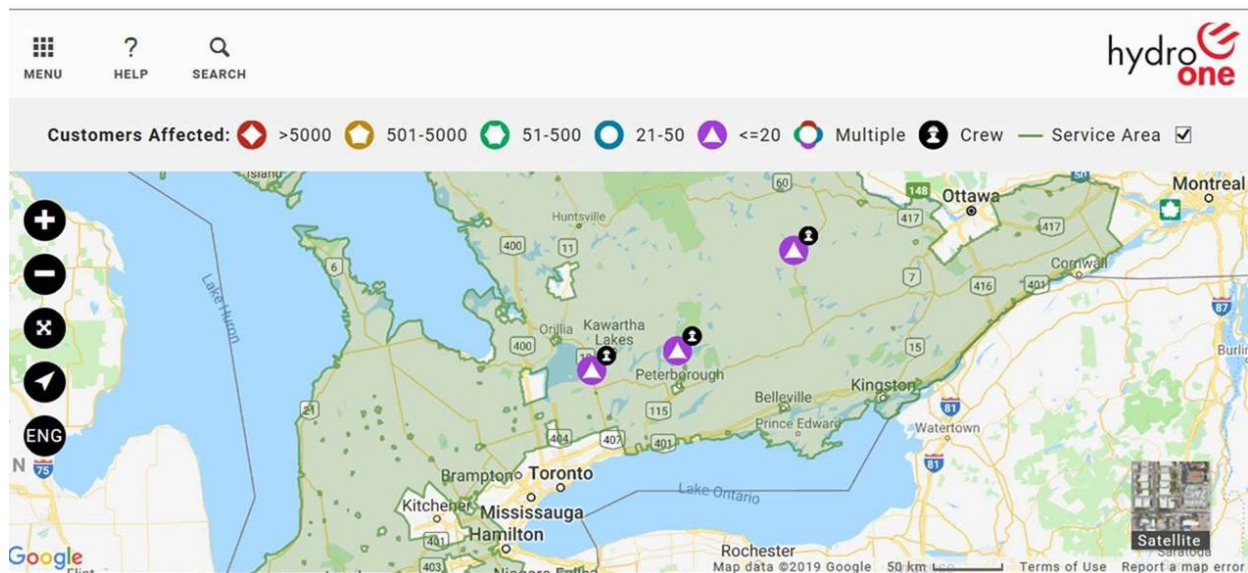
Hello,

We are in receipt of Application B2/2021P dated December 8, 2020. 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' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:  
<http://www.hydroone.com/StormCenter3/>

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



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

Thank you,

Best Wishes,

**Dolly Shetty**  
Real Estate Assistant | Land Use Planning

**Hydro One Networks Inc.**  
185 Clegg Road (R32)  
Markham, ON | L6G 1B7  
Email: [Dolly.Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com)



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**From:** Sarah Leach <SLeach@pelham.ca>  
**Sent:** Tuesday, December 8, 2020 9:19 AM  
**To:** LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; Enbridge- Municipal Planning - Enbridge ([MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)) <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; [jim.sorley@npei.ca](mailto:jim.sorley@npei.ca)

[rowcentre@bell.ca](mailto:rowcentre@bell.ca); [devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca); [Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca)

**Subject:** Committee of Adjustment Notice of Hearing - Feb 2, 2021

**\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\***

Good morning,

Attached, please find the notice of hearing for file(s)

➤ B2/2021P – Shops on Hwy 20

Thank you,  
Sarah



**Sarah Leach, BA.**  
Administrative Assistant to the Clerk  
Town of Pelham  
T: 905-892-2607 x322 | E: [sleach@pelham.ca](mailto: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:** [Guy Lessard](#)  
**To:** [Nancy Bozzato](#)  
**Cc:** [Holly Willford](#); [Curtis Thompson](#); [Guy Lessard](#)  
**Subject:** Shops on Highway 20 B2/2021P  
**Date:** Wednesday, January 13, 2021 2:45:30 PM

---

Hello

My concerns towards the "Shops on the 20" is dust control and backup beepers!  
Will there be dust control on Sundays & holidays when there is no work being performed?  
For the last three plus yrs, my house and vehicles have been sand blasted from the Fonthill East project.

Is there a limit or maximum on the number of backup beepers allowed on a small parcel of land?  
My experiences so far during this mega development (Fonthill East) backup beepers are extremely loud and demeaning and scream from 6:59 am till dark, and sometimes beyond!

During the construction of the Community Center I was asked to be understanding about the need to pour concrete non stop 24 hrs  
a day for 3-4 days (lots of backup beepers) I think you can understand my hate for backup beepers.

Due to the fact that I only live 100 ft due North of the "Shops on The 20" these backup beepers are going to sound like they're in my house.

Thank You  
Guy Lessard  
[REDACTED] Hurricane Rd  
[REDACTED]

February 2, 2021

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

**Re: Consent Application B3-2021P**  
**1435 Station Street, Pelham**  
Lot 4, Plan 717  
**Roll No. 2732 030 004 01900**

The subject parcel, shown as Part 2 on the attached sketch, is an interior parcel of land situated 179.53 m east of Station Street, lying south of Highway 20 East (Regional Road 20), legally described above, in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey 365 m<sup>2</sup> of land (Part 2) to merge with the abutting property to the east (Part 3) for future development. 3,695 m<sup>2</sup> of land (Part 1) is to be retained for continued residential use of the single detached dwelling known as 1435 Station Street.

Note: The boundary adjustment is intended to facilitate rear yard land consolidation for a future draft plan of subdivision in East 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 subdivision 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 'Built-Up 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 both 'Downtown Transitional Area' (to the west) and 'East Fonthill Secondary Plan Area' (to the east) and also inside the Built Boundary in the Official Plan. According to Schedule A4 (Urban Structure Plan) of the East Fonthill Secondary Plan, the subject land is located within 'Neighbourhood 1' and within the 'Built Boundary'. According to 'Appendix A' (Demonstration Plan) & Schedule A5 (Land Use Plan), the subject land is designated 'EF – Low Density Residential' (to the east).

It should be noted that Policy B1.7.2 distinguishes between the intensification targets of the 'greenfield' areas and lands within the 'built boundary'. The development proposal will be subject to the appropriate intensification target which will be revisited at the draft plan of subdivision stage.

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 / development application while the existing dwellings maintain a smaller lot area with direct frontage on Station Street.
- 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 partial mortgage discharge and to convey vacant land (Part 2) to be added to the abutting lot to the east (Part 3) for future development purposes. A new lot will not be created as a result of this consent. Part 1 will be retained for continued single detached residential use.

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

Part 1 is currently zoned 'Residential 2' (R2) to the west and 'Agricultural' (A) to the east, while Part 2 is wholly zoned 'Agricultural' (A), according to the Zoning By-law. The permitted uses (among others) 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 Parts 2-3 beyond that which is permitted under Section 7 would require a Zoning By-law Amendment.

**Agency & Public Comments**

On January 8, 2021, 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 (January 11, 2021)
  - No concerns.
- Building Department (January 20, 2021)
  - No comments.
- Public Works Department (January 20, 2021)
  - 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. The application for consent to partial mortgage discharge and to convey 2850.3 m<sup>2</sup> of land will help facilitate the orderly development of future urban growth within the East Fonthill Secondary Plan area.

A pre-consult meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on October 15, 2020 to discuss the subject application. A *Planning Justification Brief* prepared by Upper Canada Consultants accompanied the consent application.

The subject lands are located on the east side of Station Street, lying north of Summersides Boulevard and are surrounded by:

- North – Vacant land / commercial uses
- East – Vacant land / stormwater channel
- South – Vacant land
- West – Single detached residential

Planning staff visited the site and reviewed aerial photography to better understand the local context. Summersides Boulevard to the south, has been constructed which now connects Station Street to Rice Road. This area of Station Street is characterized by many large lot single detached residences flanking the east side.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with 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 development in a more efficient manner which will not negatively affect the developability of the balance of the lands. 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 Parts 2 – 3 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 for 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 B3-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Merge Part 2 with Part 3.
- Ensure that an easement described as Part 1 on Reference Plan 59R-15829 in favour of the Town, be successfully registered to the Town's satisfaction.

- Provide a written acknowledgment that the Owner will be responsible for payment of the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing.
- 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 \$399, 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: January 20, 2021

TO: Curtis Thompson, Planner

CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works

FROM: Xenia Pasiecznik, Engineering Technologist

RE: File B3/2021P  
1435 Station Street

---

We have completed the review of the consent application B3/2021P for consent to partial discharge mortgage and to convey 365 square meters of land (Part 2) for future development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1435 Station Street.

Upon this review, Public Works has the following comments;

1. That the applicant provides written acknowledgement that the owner will be responsible for payment of the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing. This apportionment will be in the amount of \$3,193.00 for 1435 Station Street (Part 2) and further, that the Owner will advise any future purchasers of the land of this requirement.
2. That the applicant understands Part 1, 59R-15829 will be subject to future easement requirement for storm water drainage.

To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician  
Community Planning & Development

Date: January 20<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – February 2<sup>nd</sup>, 2021 Hearing

Comment for Re: Files # A8/2021P – 596 Chantler Rd. & A12/2021P 414 Welland Rd.

The building department offers the following comment,

- A building permit will be required for the proposed work.

Comment for Re: Files # B2/2021P-160 Highway 20E, B3/2021P-1435 Station St. &  
B4/2021P-855 Chantler

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.  
Building Intake & Zoning Technician  
dchristensen@pelham.ca

**From:** [Gordon, Carrie](#)  
**To:** [Sarah Leach](#)  
**Subject:** RE: Committee of Adjustment Notice of Hearing - February 2, 2021 - B3/2021P - 905-21-038 - 1435 Station St  
**Date:** Monday, January 11, 2021 10:19:22 AM

---

Good morning Sarah,

Re: File B3/2021P

Subsequent to review of the conveyance at 1435 Station St, Bell Canada's Engineering department have determined that there are no concerns or issues with the application.

If you have any questions regarding this response, please do not hesitate to contact me.

Best regards,

*Carrie Gordon*



External Liaison – Right of Way Control Centre  
140 Bayfield St, Fl 2  
Barrie ON, L4M 3B1  
T: 705-722-2244/844-857-7942  
F :705-726-4600

---

**From:** Sarah Leach <SLeach@pelham.ca>  
**Sent:** Friday, January 8, 2021 10:14 AM  
**To:** ROWCC <rowcentre@bell.ca>  
**Subject:** [EXT]Committee of Adjustment Notice of Hearing - February 2, 2021

Good afternoon,

Attached, please find the notice of hearing for file(s)

- A8/2021P
- A12/2021P
- B3/2021P and Planning Justification Report
- B4/2021P, Surplus Farm Dwelling Information and Planning Justification Brief

Thank you,  
Sarah

February 2, 2021

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

**Re: Consent Application B4-2021P**  
**855 Chantler Road, Pelham**  
Concession 12, Part of Lot 17  
**Roll No. 2732 010 018 09400**

The subject parcel, shown as Part 1 on the attached sketch, has 108.42 m of frontage on the north side of Chantler Road, lying west of Church Street, legally described above, in the Town of Pelham.

Application is made for consent to convey 6,127.6 m<sup>2</sup> of land (Part 1) to create a new lot for the existing single detached dwelling being rendered surplus to the agricultural property. 20.3 hectares of land (Part 2) will be retained for continued agricultural use.

### **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.

#### 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).

Policies 1.1.5.8 and 2.3.3.3 state that new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation (MDS) formulae*.

Town Planning staff note that a property situated over 300 m to the southeast, (#820 Chantler Road), appears to support horse paddocks and a small equestrian facility based on aerial imagery. Although a new lot is being proposed, no new sensitive land uses such as a residential dwelling would be introduced as a result from this severance being approval due to a required site-specific zoning on the retained farm parcel (Part 2) that would need to prohibit further residential development.

This surplus farm dwelling consent application cannot adversely affect anything associated with the existing livestock operation to the southeast, or any proposed livestock facility on a neighbouring parcel, any more than the number of scattered rural residential dwellings found in the neighbourhood. The current proximity between the existing dwelling on Part 1 and the existing livestock facility to the southeast represents an existing situation.

However, the only conceivable frustration to a proposed future livestock venture would be from the new property ownership separation between that of the subject lands and Part 2. It is clear that the applicant’s agricultural business does not rely on livestock, although it is always possible for this property to change ownership sometime in the future. Regardless, the ability for Part 1 to prevent any future livestock operation on Part 2 under an MDS II formulae requirement would be marginal. This is because there are several existing dwellings surrounding the property’s frontage, and all of which would pose nearly the same challenges to a new livestock proponent (on Part 2) than that of a separated house on Part 1. Furthermore, the retained parcel is still very large with a deep lot depth, so, we suppose some inherent flexibility to accommodate this type of agricultural business in the future may still be feasible with this consent approval.

Policy 2.3.1 states that *prime agricultural areas* shall be protected for long-term agricultural use.

Policy 2.3.4.1 c) states that lot creation in *prime agricultural areas* is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation. Provided that, the new lot is limited to the size necessary to accommodate private water and sewage services and that new residential dwellings are prohibited on the remnant parcel of farmland created by the severance.

The applicant has indicated the rationale for the somewhat larger parcel size proposed for Part 1. Similar to the existing single detached dwelling, the existing barns and silos are considered surplus to the consolidating farmer’s business needs as their equipment is stored nearby. These barns are anticipated to remain, they conveniently located near the dwelling and will offer utility for the future residents of the dwelling. The balance

of the lands offers adequate land area for a reserve private sewage system should the existing system fail in the future. Town Planning staff would prefer the existing barns to have been situated on the retained farm parcel despite the applicant's lack of interest in their use. As part of planning for the future, the possibility would exist for a different land owner with a modified nature of business to yield some benefit from those structures, or simply from the land they occupy. However, in the application's defense, Part 1 likely would not have been able to comply with the minimum 0.4 ha (1 acre) lot area requirement necessary to conform as those barns occupy about 1/3<sup>rd</sup> of the subject lands. Therefore, removing productive agricultural land to the north or east would have been the preferred alternative.

Planning staff are of the opinion the proposed severance is consistent with the PPS and that the lot geometry successfully helps prevent the unnecessary removal of *prime agricultural land*.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Good General Agricultural Area'. The predominant use of land will be for agricultural of all types.

Policy 5.B.8.1 c) states consents to convey may be permitted for a residence surplus to a farming operation as a result of a farm consolidation provided new residential dwellings are perpetually prohibited on any vacant remnant parcel of land created by the severance. As a condition of severance the applicant must rezone the remnant farm parcel to preclude its use for residential purposes.

Policy 5.B.9 states that proposed residential lots being considered for a consent under Policy 5.B.8.1 criteria must also meet (among others) the following conditions:

- a) Any new lot is of sufficient size and has suitable soil and site conditions for the installation and long-term operation of a private sewage disposal system in compliance with Provincial requirements.
- b) Any new lot has an adequate ground water supply in compliance with Provincial requirements.
- c) Any new lot has sufficient frontage on an existing public-maintained road.
- f) The size of any new lot shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by Provincial requirements.
- g) The proposed lot should be located to minimize the impact on the remaining farm operation.

The proposed lot is 0.61 ha in size and contains one existing dwelling that is considered surplus to the applicant's farming needs purported in their application and the *Planning Justification Brief*. Specifically, the existing dwelling poses a financial burden to the applicant as it significantly raises the cost of property carrying costs, (i.e. debt servicing, property tax etc.).

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.

*Development*, by definition, includes lot creation according to the PPS. Although the subject lands exhibits high potential for deeply buried archaeological resources according to the Town's Heritage Master Plan, Town Planning staff are comfortable waiving this fairly typical requirement. Under normal circumstances of lot creation, development is normally induced automatically, as a result of the default zoning provisions. For

instance, the default 'Agricultural' zone stipulates one single detached dwelling is permitted, per lot. However, in this case, because an *agricultural purposes only* zoning is required as a condition of severance approval, (to prohibit further residential construction), no deep excavation from building or servicing would result from the lot's creation, beyond that which is already currently permitted today.

Regional staff provided comments which are attached and offered no objections pending the remnant lands be rezoned to preclude further residential construction, and the Town is satisfied with any cultural heritage and MDS requirements.

#### 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' according to Schedule 'A'.

Policy B2.1.3.1 restricts lot creation in the *Good General Agricultural* area in an effort to maintain and protect agricultural resources of the Town, and by directing new residential growth to *urban settlement areas*. However, this policy does allow for the creation of one new lot if it is necessary to accommodate a surplus dwelling resulting from a farm consolidation in accordance with policy B2.1.3.3.

Policy B2.1.3.3 states applications to sever a surplus farm dwelling should provide for a maximum lot area of 0.4 ha. A larger lot size will be considered if an additional area is necessary to accommodate a private water and sewage disposal system. Furthermore, the consolidated farm parcel shall be zoned to preclude future residential use forever.

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;
  - ✓ Site-specific Zoning By-law Amendment is required as a condition of approval to preclude further residential construction on Part 2 as well as to address any outstanding provisions with respect to building setbacks and / or lot coverage requirements.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ No issues according to Regional comments.
- e) Will not have a negative impact on the drainage patterns in the area;
  - ✓ No issues according to Town Engineering staff.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
  - ✓ The future agricultural based development uses of the retained lands will marginally be impacted by new zoning setback regulations resulting from Part 1's creation due to the overall large lot size of Part 2. The prospect for adverse development impacts associated with new

livestock facilities appear to be acutely remote due to the volume and proximity of existing neighbouring dwellings and the existing large lot size of Part 2, which provides flexibility in possible development locations outside of any prescribed MDS radii.

- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
  - ✓ No issue as the proposed lot is outside of the prescribed distances for environmental evaluative policy measures of *key natural heritage features*.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
  - ✓ No objection from Region pending the satisfaction of any local requirements.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
  - ✓ Refer to Provincial Policy Statement analysis.

The proposed severance would allow for the disposal (selling off) of an existing residential dwelling that the applicant considers surplus to their farming needs. According to the application and *Planning Justification Brief*, this existing dwelling poses a financial burden to the applicant as it significantly raises the cost of property ownership carrying costs, (i.e. debt servicing, property tax etc.). The existing agricultural structures are also not needed due to their nature of business (cash cropping) and storage of farm equipment nearby.

Despite the oversized residential surplus dwelling parcel exceeding the 0.4 ha policy requirement, it appears there is merit in allowing this geometry to be conveyed from the farm land. According to the applicant, the barns do not serve a benefit to their business needs, they will provide some utility for the existing residential dwelling, and the balance of the open space dedicated to the dwelling provides adequate reserve area for a replacement septic system and is not being cultivated.

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

The subject lands are currently zoned 'Agricultural' (A) according to Schedule 'A0' of the Zoning By-law.

Part 2 will comply with the section 7.2 ('A' zone) requirement for minimum lot area but not minimum lot frontage, if Part 1 were conveyed.

Based on the Consent Sketch submitted at the time the application was circulated, all of the existing agricultural structures are proposed to remain on the severed residential lands (Part 1). The applicant later indicated to staff that some of these structures will be demolished. Depending on whether all or some of these structures are to remain as residential accessory structures, zoning relief may be required to allow for their existing height and lot coverage.

A site-specific Zoning By-law Amendment is required as a condition of approval to prohibit further residential construction on Part 2 and it will need to address any zoning deficiencies that result from the severance. The condition requested by staff does speak to the option for all or partial demolition of these existing barns, should that be pursued.

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### Agency & Public Comments

On January 8, 2021, 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 (May 28, 2020)
  - No concerns.
- Niagara Region Planning & Development Services (January 20, 2021)
  - See attached.
  - Remnant parcel (Part 2) shall be rezoned to an *Agricultural Purposes Only* zone to prohibit further residential construction.
  - Defers to Town re: Minimum Distance Separation (MDS) and archaeological assessment requirements.
  - No objections.
- Building Department (January 20, 2021)
  - No comments.
- Public Works Department (January 20, 2021)
  - No comments.

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

### Planning Staff Comments

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on June 4, 2020 to discuss the subject applications.

The subject lands are located on the north side of Chantler Road, lying west of Church Street and are surrounded by agricultural uses and rural residential dwellings.

Planning staff reviewed aerial photography to better understand the surrounding context. Planning staff have also reviewed the *Planning Justification Brief* prepared by Craig Larmour (dated Dec 2020), submitted with the application.

The applicant (River Bend Farms) operates a long standing, registered farming business growing corn, soybeans and wheat crops. Approximately 370 hectares are owned by the applicant with another ± 565 hectares being rented throughout the Township of Wainfleet and Town of Pelham. The personal residence of the applicant is within the Town of Pelham and their farming equipment is located nearby.

As part of the applicant's submission, they provided a written submission outlining the difficulties associated with purchasing affordable farm land in Pelham. Town Planning staff agree in that the consequences of many decades of creating rural residential lots / retirement lots have especially negatively impacted the agricultural industry and land base as significant amounts of viable farm land have now been taken out of production. Notwithstanding the challenges farmers continue to face when more residential neighbours move in, the cost

of purchasing whatever farm land is available can be astronomical when a single residential dwelling is present on the lands. These dwellings often account for the overwhelming market value of the land, and pose significant barriers for purchasing farmers to not only obtain financing, but continue to carry the costs associated with such an expensive property. By allowing the farmer to convey a new lot with the existing dwelling and to sell off, this can improve the viability of their farm operation by reducing their debt servicing ratio, property tax and insurance, among other things.

Planning staff is of the opinion that the proposal applies current planning and development goals regarding the enablement of appropriate economic development on lands suitable to do so (*prime agricultural area*) by disposing of land that pose a burden to the farm operation and are considered surplus to the farm's viability. Furthermore, the proposed consent avoids harm to any *key natural heritage features* by ensuring those ecologically sensitive features remain wholly intact by avoiding lot fragmentation. The proposed lot creation also does not induce any more non-agricultural development such as residential dwellings, pursuant to a required condition of zoning approval on Part 2.

It is noted that any future livestock development on the retained lands (Part 2) will be required to comply with the current MDS II setback requirements, (section 6.14 (b) of the Zoning By-law).

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 B4-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Obtain approval for a site-specific Zoning By-law Amendment to rezone Part 2 for *agricultural purposes only*, prohibiting further residential construction, as well as to address any non-compliant provisions resulting from the lot's creation. Including but limited to, minimum lot frontage, maximum building height, maximum lot coverage, and minimum setbacks.
  - If all or some of the existing barns will be subject to demolition in order to help achieve zoning compliance on Part 1, the demolition of these structures shall be to the satisfaction of the Chief Building Official.
- 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 \$399, 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

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## **Memorandum**

### **Public Works Department - Engineering**

DATE: January 20, 2021

TO: Curtis Thompson, Planner

CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr,  
Director of Public Works

FROM: Xenia Pasiecznik, Engineering Technologist

RE: File B4/2021P  
855 Chantler Road

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We have completed the review of the consent application B4/2021P for consent to convey 6,127.6 square meters of land (Part 1) as a surplus farm dwelling for residential use. Part 2 is to be retained for continued agricultural use.

Public Works has no comments.



To: Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Dave Christensen, Building Intake/Zoning Technician  
Community Planning & Development

Date: January 20<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances – February 2<sup>nd</sup>, 2021 Hearing

Comment for Re: Files # A8/2021P – 596 Chantler Rd. & A12/2021P 414 Welland Rd.

The building department offers the following comment,

- A building permit will be required for the proposed work.

Comment for Re: Files # B2/2021P-160 Highway 20E, B3/2021P-1435 Station St. &  
B4/2021P-855 Chantler

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.  
Building Intake & Zoning Technician  
dchristensen@pelham.ca

**Planning and Development Services**

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

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**Via Email Only**

January 20, 2021

File No.: D.06.06.CS-21-0002

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  
Surplus Farm Dwelling Consent  
Town File Nos.: B4/2021P**

**Owner:** [REDACTED]

**Address: 855 Chantler Road, Pelham**

**Legal Description: Part of Lot 17, Concession 12 (Part 1), Town of Pelham**

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Regional Planning and Development Services staff have reviewed the above-noted consent application, which is proposed to sever Part 1 (6,127.6 square metres), containing an existing single-detached dwelling, two barns and two silos, known as 855 Chantler Road, as a surplus farm dwelling. Part 2 (20.30 hectares) is to be retained for continued agricultural use.

A pre-consultation meeting for this application was held on June 4, 2020, with Town and Regional staff, and the applicant in attendance. 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 located within a Prime Agricultural Area under the Provincial Policy Statement (PPS), and are designated as Good General Agricultural Area in the Regional Official Plan (ROP). The permitted uses in these areas include agriculture, agricultural-related, and on-farm diversified uses.

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be managed and protected. Accordingly, the policies of the PPS and ROP restrict

lot creation in agricultural areas, and only permit severances for agricultural lots, minor boundary adjustments, and the disposal of a residence surplus to a farming operation as a result of a farm consolidation, all subject to specific criteria. For the disposal of a surplus farm dwelling, planning policies require that the construction of a new residential dwelling is prohibited on the vacant farmland parcel. As a condition of severance, Regional policy indicates that the applicant must have the farm parcel rezoned to preclude residential uses on the land in perpetuity. The ROP also requires all proposed residential lots created through consent in agricultural areas to meet additional conditions. This includes a lot area of sufficient size to support a well and private septic disposal system, sufficient frontage and safe access to an existing public road, and that the proposed lot be located to minimize the impact on the remaining farm operation. These requirements and criteria are further discussed below under the relevant sections.

## **Surplus Farm Dwelling Consent**

The PPS defines a farm consolidation as the acquisition of additional farm parcels to be operated as one farm parcel. The information submitted with the application states that the purchasing farmer owns approximately 913 acres (369 hectares) of land, and rents an additional approximately 1400 acres (566 hectares) of land in both the Town of Pelham and the Township of Wainfleet for the production of grain. The purchasing farmer has indicated that their primary residence is located at 558 River Road, Pelham. Therefore, the dwelling located at 855 Chantler Road is surplus to the farm operation's needs.

The ROP provides that the size of any new lot shall not exceed an area of 0.4 hectares (1 acre), except to the extent of any additional area deemed necessary to support a private water supply and sewage disposal system. The proposed lot size of 0.6 hectares has been largely determined by the location of the existing dwelling and barns on the subject property. Typically, Regional policy requires any barns or equipment sheds on the subject property to remain with the remnant agricultural parcel to ensure the impact on the remaining farm operation is minimal. However, the Planning Justification Brief, prepared by Craig Lamour, MCIP, RPP (dated December 2020), submitted in support of the application, states that the two barns are surplus to the needs of the farm operation, as any farm equipment that will be used on the remnant agricultural parcel will be stored at the farmer's primary residence located at 558 River Road, Pelham. Consequently, the Planning Justification Brief maintains that these barns should remain with the residential parcel, as they will provide utility to the residential use, and assist in maintaining the rural character of the area.

Given that the barns have been demonstrated to be surplus to the needs of the farming operation, Regional staff are not opposed to retaining the barns with the residential parcel. Accordingly, Regional staff are of the opinion that the lot area of the residential parcel remains consistent with Regional policy because the existing tilled area is being retained with the remnant farm parcel. No agricultural lands are being removed from the farm operation to accommodate the larger lot size.

## **Zoning By-law Amendment**

For surplus farm dwelling consents, Provincial and Regional planning policies require that the construction of a new residential dwelling be prohibited on the agricultural parcel. Therefore, as a condition of approval, Regional staff require that Part 2 be appropriately zoned to preclude a future farm residence on the land (i.e., 'Agricultural Purposes Only' (APO)).

Regional staff note that Regional circulation of the zoning by-law amendment application will not be required, provided it is addressed prior to, concurrently or as a condition of consent, in accordance with the Memorandum of Understanding between the Region and the Local Municipalities. A condition to require the rezoning is included in the conclusion of this letter.

## **Minimum Distance Separation**

Provincial 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 the Ministry of Agriculture, Food and Rural Affairs. This formulae is applied in order to separate uses to reduce incompatibility concerns about odour from livestock facilities. An MDS I setback would be required for an existing dwelling to be severed and a livestock facility/anaerobic digester located on the same lot prior to the consent; however, there is no livestock facility on the proposed remnant lot, so no MDS information was requested at the pre-consultation meeting. Regional staff note that municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications or building permits. As such, the Committee of Adjustment should look for comments from the Town regarding the MDS setbacks.

## **Core Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Upper Coyle Creek Provincially Significant Wetland Complex (PSW), Significant Woodland and Type 2 (Important) Fish Habitat (see attached map). Consistent with ROP policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120 metres of a PSW, within 50 metres of Significant Woodland and/or within 15 metres of a Type 2 (Important) Fish Habitat.

The proposed consent boundary is located outside of the above-noted features and setbacks; therefore, 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 the creation of a new lot) 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 the discovery of archaeological resources due to their proximity (within 300 metres) to a watercourse, a portion of which runs through the northern portion of the subject lands. The Town of Pelham has an approved Heritage Master Plan, and therefore has jurisdiction on matters related to archaeological resources. Accordingly, Regional staff defer to the Town on any requirements for an archaeological assessment.

## **Private Septic System**

Regional Private Sewage Systems (PSS) staff have reviewed the application and note that no record was found for the existing legal non-conforming sewage system servicing Part 1. At the time of PSS staff's inspection, no visual defects were observed with the existing sewage system. The existing tank is located north of the existing dwelling and the in-ground bed is located west of the existing dwelling.

The proposed consent will not adversely impact the existing sewage system on Part 1, which currently supports the existing dwelling, as well as two detached accessory buildings. There also appears to be usable area on Part 1 for any future septic system repair or replacement that may be required.

Therefore, provided no changes are proposed for the existing dwelling, PSS staff have no objections to this application.

## **Conclusion**

In conclusion, Regional Planning and Development Services staff have no objections to the proposed consent application from a Provincial or Regional perspective, subject to the following conditions:

1. That Part 2 is rezoned for 'Agricultural Purposes Only' to preclude construction of a dwelling in perpetuity;
2. The satisfaction of any local requirements, including archeological assessment(s) and MDS setbacks.

January 20, 2021

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Subject to the above-noted conditions, the consent application is consistent with the Provincial Policy Statement, and conforms to Provincial plans and the Regional Official Plan from a Provincial and Regional perspective.

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).

Please send a copy of the staff report and notice of the Committee's decision on this application.

Kind regards,



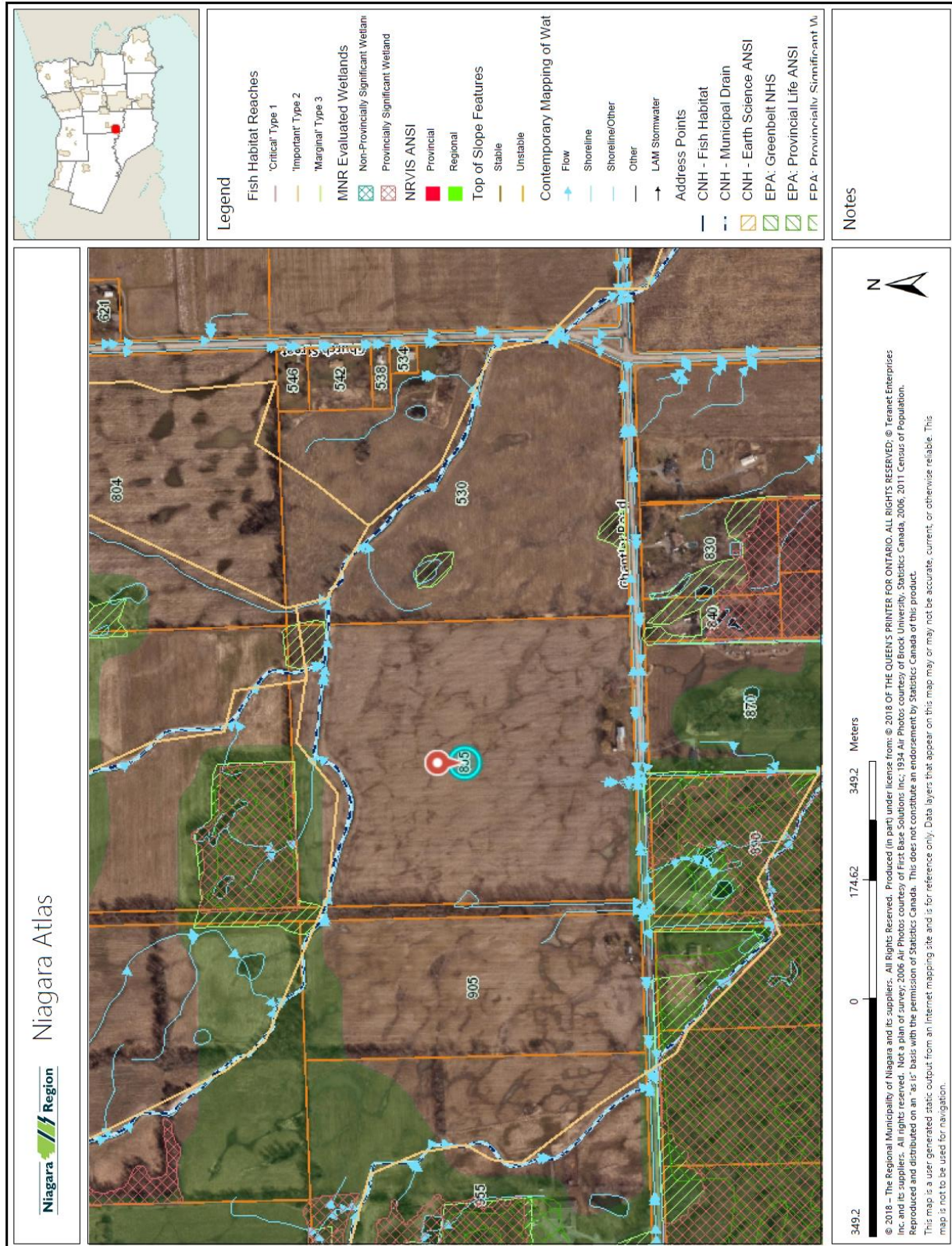
Amy Shanks  
Development Planner

cc: Britney Fricke, MCIP, RPP, Senior Development Planner, Niagara Region  
Justin Noort, C.E.T, Private Sewage System Inspector. Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region  
Curtis Thompson, Planner, Town of Pelham

Appendix: Core Natural Heritage Features Map



## Appendix: Core Natural Heritage Features Map





**Committee of Adjustment****Minutes**

**Meeting #:** CofA 12/2020  
**Date:** Tuesday, December 1, 2020  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Donald Cook  
John Klassen  
Sandra Marsh

**Staff Present** Nancy Bozzato  
Holly Willford  
Sarah Leach  
Curtis Thompson

**1. Attendance**

Applicant, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

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

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

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

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

**4. Requests for Withdrawal or Adjournment**

None.

## **5. Applications for Minor Variance**

### **5.1 A28/2020P - 1 Highway 20 West**

#### **Purpose of Application**

Application for relief of Section 6.16 (d) (i) “Ingress and Egress – Minimum 2-way Drive Aisle Width” – to permit a drive aisle of 6.25m for two-way traffic whereas the by-law requires 7.5m drive aisle for two-way traffic, Section 19.3 (a) “Maximum (Residential) Gross Floor Area” – to permit not more than 80% of the gross floor area whereas the by-law allows for not more than 50% gross floor area and whereas the property received a minor variance approval to allow not more than 75%, Section 19.3 (b) and 20.1 (c) “Dwelling Unit to the Rear of Ground Floor Behind Commercial” – to permit a dwelling unit behind a commercial use whereas the by-law requires a dwelling unit shall only be permitted above the ground floor of any commercial use and Section 20.2 (c) “Maximum Lot Coverage” – to permit a maximum Lot Coverage of 48% whereas the by-law allows 40% and whereas the property received a minor variance approval to allow 42%, to construct a residential apartment on the ground floor of the proposed 3-storey, mixed-use building

#### **Representation**

The Agents, Craig Rohe from Upper Canada Consultants and Todd Barber from Forest Green Creations were electronically present.

#### **Correspondence Received**

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

#### **Applicant's Comments**

Mr. Craig Rohe indicated he supports the staff recommendation report. He stated the applicant is ready to execute the site plan agreement; however the developer was able to find ways to enhance the project which is why the minor variances are being sought. Mr. Barber stated his organization was invited to tweak the design and look for opportunities to enhance. He stated there is an additional residential unit at grade and more green space.

## **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated there were no pre-registered members of the public and checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:16 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

## **Members Comments**

A Member asked if the old Keith's restaurant would be torn down. In response, Mr. Rohe indicated he understands the building will remain. The Member asked if the parking lot would be demolished. In response, Mr. Barber indicated there will be no revisions to the 'Keith's' building, rather he indicated the proposal is celebrating the building by incorporating the original brick into the courtyard. He further advised the build is under different ownership.

A Member indicated some of the parking is owned by the applicant and some is owned by the Town of Pelham. Another Member indicated he agreed and that this was seen by the Committee earlier.

A Member indicated the additional residential unit is an asset to this development.

A Member indicated he does not like to see driveways decreased and indicated that someone with a large vehicle may have difficulty, however stated he believes he can live with the requested decrease.

**Moved By** Sandra Marsh

**Seconded By** John Klassen

**Application for relief, of Section 6.16 (d) (i) "Ingress and Egress – Minimum 2-way Drive Aisle Width" – to permit a drive aisle of 6.25m for two-way traffic whereas the by-law requires 7.5m drive aisle for two-way traffic, Section 19.3 (a) " Maximum (Residential) Gross Floor Area" – to permit not more than 80% of the gross floor area whereas the by-law allows for not more than 50% gross floor area and whereas the property received a minor variance approval to allow not more than 75%, Section 19.3 (b) and 20.1 (c) "Dwelling Unit to the Rear of Ground Floor Behind Commercial" – to permit a dwelling unit behind a commercial use whereas the by-law requires a dwelling unit shall only be permitted above the ground floor of any commercial**

**use and Section 20.2 (c) “Maximum Lot Coverage” – to permit a maximum Lot Coverage of 48% whereas the by-law allows 40% and whereas the property received a minor variance approval to allow 42%, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as the parking area will still function well and allow for safe and practical movement of vehicles, as it will not affect the appearance of the building as commercial along the frontage and commercial uses are still being provided at grade and as it will not negatively affect the function of the site adequate space for appropriate parking, pedestrian connections and amenity space for the new residential dwelling unit and storm water can be appropriately managed**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as will allow for a more efficient use of the parking area while facilitating some outdoor amenity space for the ground floor residential unit, as it support existing and future commercial uses and it will allow for an improved building design and site function in a key location in Downtown Fonthill.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

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

**Prior to the issuance of the Building Permit:**

- 2. To the satisfaction of the Chief Building Official that:**
  - 1. A filing of a Record of Site Condition be submitted.**
- 3. To the satisfaction of the Director of Community Development and Planning that:**
  - 1. Provide revised drawings for the Site Plan Agreement.**

**Carried**

## **6. Applications for Consent**

### **6.1 B11/2020P - 282 Canboro Road**

#### **Purpose of Application**

Application for consent to convey 1,034 square metres of land (Part 3), to be added to the abutting property to the west, for continued residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 282 Canboro Road.

#### **Representation**

The Agent, Ethan Laman from Upper Canada Consultants was electronically present.

#### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning and Development Services
5. NPCA
6. Hydro One
7. Bell
8. Beverly Sneath
9. Shawn Reeves

## Pre-Registered Members of the Public

### 1. Shawn Reeves

#### **Applicant's Comments**

Mr. Laman indicated he agreed with the recommendation report and suggested conditions. He stated the application is for a minor boundary adjustment.

#### **Public Comments**

Mr. Shawn Reeves indicated he owns property that abuts the application. He stated the property zoning is currently CR and stated he understands commercial property needs 90m of frontage to have a commercial use on the lands. He stated this application, if approved, provides the property the required frontage to be used as commercial. He indicated he is concerned the lands will not be used for residential property in the future. He stated he is concerned he will have a commercial property beside his residential home and indicated this would devalue his property. He stated he is not opposed to the use being residential but is opposed to it being commercial.

A Member indicated the Committee could only consider the application before them, being a boundary adjustment. He stated the Committee cannot consider what may happen in the future. The Member advised any redevelopment would require a rezoning and that there would be another public meeting.

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:34 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

#### **Members Comments**

A Member asked why the southerly boundary of the sketch did not extend. In response, Mr. Laman indicated the boundary was chosen to ensure both parcels are 1 acre in size for septic requirements.

A Member asked if the 286 is zoned commercial rural and is legal non-conforming residential, does that prohibit the owner to build a commercial venue right now. In response, Mr. Curtis Thompson, Town Planner,

indicated the house would likely have to come down, as there are requirements for private sewage systems. He stated it would be difficult to support with another building on the property. The Member indicated, with the addition of these lands he will have over an acre (1.2) of lands and stated the owner would only need a minor variance to allow for a residential and commercial venture on the property, as there is a requirement of 1.9 acres. The Member asked Curtis to confirm the owner would require another minor variance in the future for a commercial use. In response, Mr. Thompson indicated the 1.9-acre requirement is a subsection in the commercial rural zone that relates to the permission of accessory rights for residential uses and stated this requirement would come into play if they were proposing a commercial with a residential above, etc. He stated if it is only a standalone commercial building, the requirement is 1 acre and 30m of frontage. Mr. Thompson said hypothetically this could happen, subject to site plan approval. He stated if it was for a mixed-use building they would need some type of zoning relief.

A Member asked Mr. Thompson if it is important for the consent to have 1 acre of lands. In response, Mr. Thompson stated this satisfies the requirement of the Region for sewage system.

**Moved By** John Klassen

**Seconded By** Sandra Marsh

**Application is made for consent to convey 1,034 square metres of land (Part 3), to be added to the abutting property to the west, for continued residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 282 Canboro Road, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The applicant is aware that additional zoning applications may be required for accessory building uses and / or that demolition permits may be required if zoning compliance cannot be achieved.**
- 2. application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**

3. **This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
4. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

1. **Submit a comprehensive overall Lot Grading & Drainage Plan for all Parts demonstrating that drainage neither relies upon, nor negatively impacts adjacent properties, and that all drainage will be contained within their respective lots.**
2. **Confirm that no existing utilities cross the proposed lot line. In the event that services do cross, the applicant shall be responsible for the costs and responsibility of their relocation and/or removal.**

**To the Satisfaction of the Director of Community Planning and Development**

1. **Provide a revised Consent Sketch illustrating all existing accessory structures, regardless of whether they are proposed to remain or be removed. If zoning compliance cannot be demonstrated, the Applicant shall either obtain and close Demolition Permit(s), as applicable for their removal, or obtain subsequent zoning approval for their continued existence**

**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 to merge with Part 2 of the**



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, together with the registrable legal descriptions of the subject parcel and the consolidated parcel.

2. That 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.

**Carried**

**7. Minutes for Approval**

**Moved By** Sandra Marsh

**Seconded By** John Klassen

**That the minutes of the September 1, 2020 Committee of Adjustment hearing be approved.**

**Carried**

**Moved By** John Klassen

**Seconded By** Sandra Marsh

**That the minutes of the November 3, 2020 Committee of Adjustment hearing be approved.**

**Carried**

**8. Adjournment**

**Moved By** John Klassen

**Seconded By** Sandra Marsh

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for January 12, 2021 at 4:00 pm.**

**Carried**

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Don Cook, Chair

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Secretary-Treasurer, Nancy J. Bozzato

**Committee of Adjustment****Minutes**

**Meeting #:** CofA 01/2021  
**Date:** Tuesday, January 12, 2021  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Donald Cook  
John Klassen  
Bernie Law

**Members Absent** Sandra Marsh  
Brenda Stan

**Staff Present** Nancy Bozzato  
Holly Willford  
Sarah Leach  
Curtis Thompson  
Derek Young

**1. Attendance**

Applicant, Agents, pre-registered members of the public and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

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

Noting that a quorum was present, Chair Cook 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. Disclosure of Pecuniary Interest and General Nature Thereof**

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

#### **4. Requests for Withdrawal or Adjournment**

Ms. Holly Willford, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made. Ms. Willford suggested the Committee may wish to hear application A2/2021P after application B1/2021P as both applications relate to the same property and as the consent procedurally should be heard first. The Committee agreed.

#### **5. Applications for Minor Variance**

##### **5.1 A1/2021P - 1150 Live Avenue (Part 3)**

##### **Purpose of Application**

Application for relief of Section 13.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 9.75 meters whereas the by-law requires 19 meters to allow for future development.

##### **Representation**

The Agents Matt Kernahan from Upper Canada Consultants and Patrick Maloney from Sullivan Mahoney LLP were electronically present.

##### **Correspondence Received**

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

##### **Public Comments**

1. Shellee and Harry Niznik
2. Steve Talosi Jr.

##### **Applicant's Comments**

Mr. Maloney stated the application being heard relates to an approved severance heard at the October 6, 2020 Committee of Adjustment hearing. Mr. Maloney advised no appeals were filed, therefore the decisions are binding, subject to meeting conditions. Mr. Maloney indicated one of the conditions for creating Part 2 on the sketch was that the zoning compliance issue be addressed. Mr. Maloney advised the original plan was to correct the zoning issues as part of a re-zoning application for the whole property; however, he stated his client heard the concerns of the residents with regards to what Part 3 will look like in the

future. Mr. Maloney advised this application does not relate to the development of the lands but more with respect to the creation of Part 2. He stated they heard from the residents and did not want to rush a re-zoning application and therefore brought forth a minor variance application. He stated he agrees with the opinion from the Town Planning staff and stated the request meets the tests in the Planning Act and the Official Plan of the Town. In addition, Mr. Kernahan indicated the minor variance meets the four tests in the Planning Act and briefly reviewed each test.

### **Public Comments**

Mr. Kevin Hooiveld indicated he is a new resident to Timbercreek Crescent and wanted to join the meeting to get more context on what was being planned. He indicated he did not have comments for objection or support at this time. Mr. Hooiveld indicated he simply wanted to know what is happening in that space as the new driveway will back into his backyard. In response, Chair Cook advised the application strictly deals with a request to reduced lot frontage. The Chair indicated if the owner wants to redevelop the property to a higher density than what is allowed in the R1 zoning, he would need to apply for a re-zoning amendment, which would be heard in front of Council, being a different public process. Mr. Hooiveld indicated he was satisfied with the response.

Mr. Steve Talosi Jr. indicated he would like to ask a question with regard to Mr. Maloney's statement that this application relates to Part 2, yet the application he received references Part 3 and therefore is confused. In response, Chair Cook indicated previously on these lands there were two conveyances Part 1 and Part 2, and what is required as a condition for the consent of Part 2 would be to bring the frontage of the remnant parcel, Part 3, into zoning compliance. Mr. Talosi then asked if this means the lot frontage of all of Part 3 could be reduced to 9.75m. In response, Chair Cook indicated the reason the Committee is hearing the application is because of the consent granted for Part 2. In further response, Mr. Maloney, Agent for the applicant indicated the Chair is correct and that the Part 2 severance has a condition that requires this zoning deficiency to be corrected. Mr. Maloney stated this does not mean all of the lots to be developed in Part 3 will have a minimum lot frontage of 9.75m. Mr. Talosi indicated he may have misinterpreted the application as he thought it would be for any lot put into Part 3, however the application is just to allow the frontage of the laneway to remain 9.75m. Mr. Maloney indicated that was correct any consideration for lot frontage on lots created within Part 3

would be addressed at a re-zoning amendment and a different public meeting process. Furthermore, the Chair advised under the current zoning only 1 house can exist in Part 3 and that particular house will have a frontage of 9.75m, being the frontage of Lot 3. Mr. Talosi thanked the Chair for further clarification.

Mr. Peter Scott stated the Chair indicated the notice was sent to owners within 60m, however he stated his understanding was the last notice was sent to owners within 100m of the property and asked for comment. In response, the Chair indicated the Planning Act specifies the circulation distance. In Further response, Ms. Willford indicated the Chair is correct that notices of hearing are circulated as stipulated in the Planning Act and that this notice of hearing and the last notice of hearing was circulated 60m or 200ft. She stated circulation is based on a radius of the property boundary of the subject property, being Part 3. Ms. Willford stated the subject boundary in this application would have only been for Part 3 and not have included Parts 1 and 2 and that could be the difference. Ms. Nancy Bozzato, Secretary– Treasurer concurred with Ms. Willford’s explanation and stated the Planning Act regulates how we send notices and she indicated a consent and minor variance application are both circulated at 60m or 200ft and that a zoning amendment application would be circulated double.

Mr. Scott asked how many lots within a 100m of this property zoned as R1 have a 9.75m lot frontage. He stated to his knowledge there are none and indicated he believes the request is not minor in nature and would not fit in with the current character of the neighbourhood. In response, The Chair asked Mr. Curtis Thompson, Town Planner, to respond. Mr. Thompson indicated he did not know of any off the top of his head however, knows of some lots with very narrow frontages but may not have the exact same zoning. Mr. Scott stated there is none.

Mr. Scott stated at the last meeting he and the residents were strongly opposed to this development application for the deviation from the Town approved by-laws. He stated he and other residents stated there would be restricted access at Part 3 however was told by the Committee it would not be discussed. Mr. Scott stated the applicant’s lawyer, Mr. Patrick Maloney indicated at the last meeting it would be disingenuous to provide that information, however Mr. Scott stated he believes it is disingenuous by the developer by not providing a detailed plan that addresses the residents’ concerns. Chair Cook advised Mr. Scott that the Committee has no authority over what may or may not happen with development on this

property and the Committee can only discuss the ramifications related to the existing zoning by-law relief.

Mr. Scott stated about a month ago on Bacon Lane a fire broke-out and burned a brand new home to the ground and indicated he is concerned about the small lot frontage and restricting emergencies services being able to access the lands. In response, the Chair indicated the proposal is for a driveway for one house. Furthermore, Ms. Bozzato stated the fire and emergency services were circulated on the application and did not provide any comment. In addition, Mr. Maloney stated the Building Code has a requirement as it relates to fire lanes and 9.75m exceeds that requirement. He stated the requirement is 6m.

Mr. Scott asked the Chair if the Chair can refer the application back to Town Council or the developer for more information or must you make a decision. In response, the Chair advised the Committee is a Committee of Town Council and stated the members have been appointed by Council to review requests for variances and consents. The Chair indicated the Committee will be rendering a decision. The Chair stated the minutes of the meetings are circulated to Council for information. Ms. Bozzato indicated the only way the Committee would defer the decision is if they did not have enough information to render a decision. Ms. Bozzato stated the Town of Pelham Council does not have jurisdiction over minor variances or consent because that authority has been delegated to the Committee of Adjustment. Mr. Maloney indicated both the Chair and Ms. Bozzato are correct.

Ms. Holly Willford, Assistant Secretary Treasurer checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:04 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member asked Mr. Thompson if the application is granted, can the applicant build a house with a long driveway and then come back to the Committee of Adjustment for a consent to create two more lots without going through re-zoning? In response, Mr. Thompson indicated the Town cannot prevent an applicant from making an application, he stated they could make an application however does not know what Town staff's position on the application would be. He stated it would likely have zoning

issues that could be rectified through minor variance or a zoning by-law amendment. Mr. Thompson stated that to change the use of the land, from single detached house to something other, semi or townhouse, would require a re-zoning application.

A Member indicated the application is truly a driveway so that the developer in the future can go into the back of the property.

A Member indicated he agrees with the Chair and that the decision is based on only what the applicant has asked for being a minor variance and what will happen on Part 3 is not relevant to this application.

**Moved By** John Klassen

**Seconded By** Bernie Law

**Application for relief, of Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 9.75 meters whereas the by-law requires 19 meters is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the surrounding area and as the lands are wide enough to accommodate either, a single detached dwelling positioned near Line Avenue or a private laneway that could serve future internal development opportunities.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for the creation of an (adjacent) additional residential building lot.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**



1. **That the approval of the minor variance is subject to Consent File B8/2020P obtaining final approval.**

**Carried**

## **5.2 A3/2021P - 1012 Cream Street (Part 1)**

### **Purpose of Application**

Application for relief of Section 7.2 (a) “Minimum Lot Frontage” – to permit a minimum lot frontage of 125.8m whereas the by-law requires 180m, Section 7.2 (b) “Minimum Lot Area” – to permit a minimum lot area of 3.5 hectares whereas the by-law requires 10 hectares and of Section 7.2 (e) “Minimum Side Yard” – to permit a minimum side yard of 18m whereas the by-law requires 46m to rectify zoning deficiencies as a result of a consent application (B10/2020P).

### **Representation**

The Applicant’s Agent, Mr. William Heikoop, from Upper Canada Consultants was electronically present.

### **Correspondence Received**

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

### **Applicant's Comments**

Mr. Heikoop, Agent, indicated he had no further comments and stated the staff report was very comprehensive.

### **Public Comments**

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:17 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberated.

## **Members Comments**

The Members made no comments.

**Moved By** Bernie Law

**Seconded By** John Klassen

**Application for relief, of Section 7.2 (a) “Minimum Lot Frontage” – to permit a minimum lot frontage of 125.8m whereas the by-law requires 180m, Section 7.2 (b) “Minimum Lot Area” – to permit a minimum lot area of 3.5 hectares whereas the by-law requires 10 hectares and of Section 7.2 (e) “Minimum Side Yard” – to permit a minimum side yard of 18m whereas the by-law requires 46mis hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature overall because there are no negatively induced impacts to the subject lands or its surroundings.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land recognize an existing undersized (agriculturally designated & zoned) parcel of land which is understandably being severed from its urban half as this is clearly desirable from a land holdings perspective.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**

**The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

- 1. That the approval of the minor variance is subject to Consent File B10/2020P obtaining final approval.**

### **5.3 A4/2021P - 1120 Haist Street (Part 1)**

#### **Purpose of Application**

Applications A4/2021P and A5/2021P were heard concurrently.

Application A4/2021P and A5/2021P request relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 685m<sup>2</sup> whereas the by-law requires 700 m<sup>2</sup>, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 18m whereas the by-law requires 19m and of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30% construct a single detached dwelling.

#### **Representation**

The Applicant and his Agent, Mr. Greg Taras, from Urban & Environmental Management Inc. was electronically present.

#### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Rosemary Dougan

#### **Applicant's Comments**

Mr. Taras, Agent indicated he and the applicant are in support of all recommendations except for the point on the archeological condition. He stated at pre-consultation the applicant was told no archeological assessment would not be required for Parts 1, 2 and 3, but would be required for Part 4. Mr. Taras stated the applicant has conducted a Stage 1-2 Archeological Assessment and indicated nothing was found. Mr. Taras stated the draft report has been submitted to the Town and the report will be submitted to the Ministry to receive a clearance letter. Mr. Taras requested, if a clearance letter from the ministry is provided, than the applicant not require a licensed archeologist during excavation.

In response, the Chair requested Mr. Thompson to speak to the request. Mr. Thompson confirmed the Town has received the Stage 1-2 Archeological Assessment which is about to be submitted to the Ministry. He indicated at the time of writing the report the Town did not have this information. Mr. Thompson indicated he has spoken to the Director of Development and Community Plan and she indicated that condition could be amended as Mr. Taras has identified or could be waived based on the results of the archeological assessment.

Through discussion, the Committee determined the requested condition regarding the requirement of a licensed archeologist during excavation be amended to requiring a clearance letter from the ministry with regards to the already completed Stage 1-2 Archeological Assessment.

### **Public Comments**

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:39 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberated.

### **Members Comments**

The Members made no further comments.

**Moved By** John Klassen

**Seconded By** Bernie Law

**Application A4/2021P for relief, of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 685m<sup>2</sup> whereas the by-law requires 700 m<sup>2</sup>, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 18m whereas the by-law requires 19m and of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30% construct a single detached dwelling, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the surrounding area and as smaller lot sizes are increasingly becoming common and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, given**

**modern civil design, house design and infrastructure standards and as no adverse impacts are anticipated.**

- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will legally recognize the recently created residential building lot, will help facilitate a larger building footprint / gross floor area for the new dwelling and offer more design flexibility.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

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

**Prior to the issuance of the Building Permit:**

- 2. To the satisfaction of the Director of Community Development and Planning that:**
  - 1. Provide front dwelling Elevation Plans that positively contribute to the public street through the use of a covered front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc.**

2. **Provide written confirmation to the Director of Community Planning and Development certifying that the Ministry of Heritage, Sport, Tourism and Culture is satisfied pertaining to requirements for an archaeological assessment for the property.**

**Carried**

**Moved By John Klassen**

**Seconded By Bernie Law**

**Application A5/2021P for relief, of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 685m<sup>2</sup> whereas the by-law requires 700 m<sup>2</sup>, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 18m whereas the by-law requires 19m and of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30% construct a single detached dwelling, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

1. **The variance is minor in nature given the surrounding area and as smaller lot sizes are increasingly becoming common and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, given modern civil design, house design and infrastructure standards and as no adverse impacts are anticipated.**
2. **The general purpose and intent of the Zoning By-Law is maintained.**
3. **The intent of the Official Plan is maintained.**
4. **The proposal is desirable for the appropriate development and/or use of the land as it will legally recognize the recently created residential building lot, will help facilitate a larger building footprint / gross floor area for the new dwelling and offer more design flexibility.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**

6. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

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

**Prior to the issuance of the Building Permit:**

2. **To the satisfaction of the Director of Community Development and Planning that:**
  1. **Provide front dwelling Elevation Plans that positively contribute to the public street through the use of a covered front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc.**
  2. **Provide written confirmation to the Director of Community Planning and Development certifying that the Ministry of Heritage, Sport, Tourism and Culture is satisfied pertaining to requirements for an archaeological assessment for the property.**

**Carried**

#### **5.4 A5/2021P - 1120 Haist Street (Part 2)**

Application A5/2021P was heard concurrently with Application A4/2021P. See application A4/2021P for minutes and decision.

## **5.5 A6/2021P - 1120 Haist Street (Part 3)**

### **Purpose of Application**

Application request relief of Section 13.2 (b) “Minimum Corner Lot Frontage” to permit a corner lot frontage of 19.5 m, whereas 20 m is required, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30%, Section 13.2 (e) “Minimum Interior Yard Setback” – to permit a minimum interior yard setback of 1.2m whereas the by-law requires 1.8m, Section 13.2 (e) “Minimum Exterior Side Yard Setback” – to permit a minimum exterior side yard setback of 3m whereas the by-law requires 5m and, Section 6.35 (c) “Yard Encroachments – Unenclosed Porches” – to permit an unenclosed porch and steps to project into a required front yard to a maximum distance of 2.2m whereas the by-law allows a maximum distance of 1.5m to construct a single detached dwelling.

### **Representation**

The Applicant and his Agent, Mr. Greg Taras, from Urban & Environmental Management Inc. were electronically present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Rosemary Dougan

### **Applicant's Comments**

Mr. Taras, Agent indicated similarly to applications A4 and A5/2021P he agreed with everything except the point on the archeological condition.

The Committee determined, similarly to applications A4 and A5/2021P the requested condition regarding the requirement of a licensed archeologist during excavation be amended to requiring a clearance letter from the ministry with regards to the already completed Stage 1-2 Archeological Assessment.



## **Public Comments**

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:54 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberated.

## **Members Comments**

The Chair stated the applicants original request for Section 13 (c) was for a reduction from 5m to 1.2m, however Planning staff recommend approval of 3m and asked the Agent if he is okay with this. In response, Mr. Taras indicated he and the applicant are okay with this.

**Moved By** John Klassen

**Seconded By** Donald Cook

**Application for relief, of Section 13.2 (b) “Minimum Corner Lot Frontage” to permit a corner lot frontage of 19.5 m, whereas 20 m is required, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 45% whereas the by-law allows 30%, Section 13.2 (e) “Minimum Interior Yard Setback” – to permit a minimum interior yard setback of 1.2m whereas the by-law requires 1.8m, Section 13.2 (e) “Minimum Exterior Side Yard Setback” – to permit a minimum exterior side yard setback of 3m whereas the by-law requires 5m and, Section 6.35 (c) “Yard Encroachments – Unenclosed Porches” – to permit an unenclosed porch and steps to project into a required front yard to a maximum distance of 2.2m whereas the by-law allows a maximum distance of 1.5m, is hereby: GRANTED.**

The above decision is based on the following reasons:

1. The variance is minor in nature given the surrounding area and as smaller lot sizes are increasingly becoming common and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, given modern civil design, house design and infrastructure standards, as it will offer more design flexibility and no adverse impacts are anticipated.

2. **The general purpose and intent of the Zoning By-Law is maintained.**
3. **The intent of the Official Plan is maintained.**
4. **The proposal is desirable for the appropriate development and/or use of the land as it will legally recognize the recently created residential building lot, as will help facilitate a larger building footprint / gross floor area for the new dwelling, and it will offer more design flexibility.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

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

**Prior to the issuance of the Building Permit:**

2. **To the satisfaction of the Director of Community Development and Planning that:**
  1. **Provide front dwelling Elevation Plans that positively contribute to the public street through the use of a covered front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc.**
  2. **Provide written confirmation to the Director of Community Planning and Development certifying that the Ministry of Heritage, Sport, Tourism and Culture is satisfied pertaining to requirements for an archaeological assessment for the property.**

## **6. Applications for Consent**

### **6.1 B1/2021P - 695 Quaker Road**

#### **Purpose of Application**

Application for consent to partial discharge of mortgage and consent to convey 540.4 square metres of land (Part 2) for residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 695 Quaker Road

#### **Representation**

The Agents Matt Kernahan from Upper Canada Consultants and Patrick Maloney from Sullivan Mahoney LLP were electronically present.

#### **Correspondence Received**

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

#### **Applicant's Comments**

The Agents made no further comments.

#### **Public Comments**

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:12 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford closed the public comment portion of the application.

## **Members Comments**

A Member indicated he was happy to see the subject land reach this point as the lands in question are becoming an appropriate parcel of land for development.

A Member indicated he has a problem with the condition of the Stage 1 – 2 Archeological Assessment and that no demolition or change of grading shall happen prior to the clearance letter as he drove past the property and stated Part 2 has been totally regraded. He stated he does not like this and asked why is the Committee imposing the condition now when the land has been distributed, including the removal of the carport. The member asked Mr. Thompson if a demolition permit has been taken out. In response, Mr. Thompson indicated he is not aware if a demolition permit has been taken out. The Agent, Mr. Kernahan stated he can confirm the applicant has made an application for a demolition permit and has also applied and received the entrance permit.

The Member indicated he is concerned the grading has changed prior to the issuance of the release letter from the Ministry. In response, Mr. Kernahan stated in the absence of a Planning Act application, there is no requirement for an archeological assessment. He further stated his client was not aware of the conditions of the Committee prior to applying and receiving the demolition permit.

A Member asked if the Building Department has any parameters or obligations when issuing demolition permits. In response, Mr. Kernahan indicated he was not personally involved in that process and he cannot speak on behalf of the Building Department, however stated the requirement of an archeological assessment is not triggered by a building permit but it is triggered by a development application. He stated he would be surprised if the Building Department required an archeological assessment. In further response, Mr. Maloney indicated the Chief Building Official will issue a permit after checking all applicable law and if the property was within a heritage district, and no requirements were imposed on the site, the Chief Building Official would have to issue the permit.

A Member stated he was not sure why the condition is being suggested, as the lands are not 'virgin'. Through further discussion it was determined by the Committee, as the condition is not being questioned by the applicant or agents, the condition would remain as suggested.

**Moved By** Bernie Law  
**Seconded By** John Klassen

**Application is made for consent to partial discharge of mortgage and consent to convey 540.4 square metres of land (Part 2) for residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 695 Quaker Road, is hereby:  
GRANTED**

**The above decision is based on the following reasons:**

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 4. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

- 1. Ensure Part 2 is serviced with, at a minimum, an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. The applicant shall bear all costs associated with these works.**
- 2. Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots confirming no existing or proposed service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to**

other lands. Locate cards are required after the installation of new services.

3. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The driveway entrance shall be located on the east side of Part 2. The applicant shall bear all costs associated with these works.
4. Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.

**To the Satisfaction of the Director of Community Planning and Development**

1. Provide one (1) required parking stall in accordance with Section 6.16 (a) of the Zoning By-law by obtaining and completing a building permit for the construction of a carport or garage on Part 1. Alternatively, the applicant shall obtain zoning relief to amend this parking provision.
2. Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible 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.
3. Provide north & west dwelling *Elevation Plan(s)* that positively contribute to the public street through the use of a front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., to the satisfaction of the Director of Community Planning & Development. Said *Elevation*

***Plans* shall be substantially unaltered from those at the time of building permit.**

4. **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.**

**To the Satisfaction of the Secretary-Treasurer**

1. **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.**
2. **That the final certification fee of \$399, 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.**

**Carried**

**6.2 A2/2021P - 695 Quaker Road**

**Purpose of Application**

Application for relief of Section 6.16 (a) “Parking Requirements” – to permit 1 required parking stall outdoors whereas the by-law requires 1 parking stall in a private garage or carport.

**Representation**

The Agents Matt Kernahan from Upper Canada Consultants and Patrick Maloney from Sullivan Mahoney LLP were electronically present.

**Correspondence Received**

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

### **Applicant's Comments**

Mr. Kernahan indicated the application is for relief for building a garage or carport. Mr. Mahoney indicated he drove the area and many houses do have garages but no one seems to use the garage, therefore outdoor parking would be consistent.

### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated there were no pre-registered members of the public and checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:35 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

The Members made no comments.

**Moved By** John Klassen

**Seconded By** Bernie Law

**Application for relief, of Section 6.16 (a) “Parking Requirements” – to permit 1 required parking stall outdoors whereas the by-law requires 1 parking stall in a private garage or carport is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as there is no substantiated negative impact that would result to either the homeowner, or neighbourhood, from not having a parking structure and parking will be available in the new driveway(s).**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it offers the homeowner flexibility to decide if they wish to construct such a structure.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**



6. **No objections were received from commenting agencies or abutting property owners.**
7. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

1. **That the approval of the minor variance is subject to Consent File B1/2021P obtaining final approval.**

**Carried**

**7. Minutes for Approval**

None.

**8. Adjournment**

**Moved By** Bernie Law

**Seconded By** John Klassen

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for February 1, 2021 at 4:00 pm.**

**Carried**

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Don Cook, Chair

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Secretary-Treasurer, Nancy J. Bozzato