

## Committee of Adjustment AGENDA

CofA 03/2021

March 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. A9/2021P - 614 Metler Road (Part 1)**

1

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Debbie and Vince Galati

<b>5.2.</b>	<b>A10/2021P - 614 Metler Road (Part 2)</b>	<b>11</b>
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	4. Debbie and Vince Galati (see comments from A9/2021P)	

<b>5.3.</b>	<b>A11/2021P - 614 Metler Road (Part 3)</b>	<b>20</b>
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	4. Debbie and Vince Galati (see comments from A9/2021P)	

**6. Applications for Consent**

<b>6.1.</b>	<b>B5/2021P - 614 Metler Road (Part 1)</b>	<b>29</b>
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	4. NPCA	
	5. Niagara Region	
	6. Debbie and Vince Galati (see comments from A9/2021P)	

<b>6.2.</b>	<b>B6/2021P - 614 Metler Road (Part 3)</b>	<b>48</b>
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	4. NPCA	
	5. Niagara Region	
	6. Debbie and Vince Galati (see comments from A9/2021P)	

<b>6.3.</b>	<b>B7/2021P - 1409 Station Street (Part 1)</b>	<b>67</b>
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
<b>6.4.</b>	<b>B8/2021P - 1411 Station Street (Part 5)</b>	<b>75</b>
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	<u>Public Comments</u>	
	1. Stephen Kaiser	
<b>6.5.</b>	<b>B9/2021P - 1413 Station Street (Part 6)</b>	<b>84</b>
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	<u>Public Comments</u>	
	1. Stephen Kaiser (see comments from A8/2021P)	
<b>6.6.</b>	<b>B10/2021P - 1415 Station Street (Part 8)</b>	<b>92</b>
	1. Town of Pelham Planning Department	
	2. Town of Pelham Public Works	
	3. Town of Pelham Building Department	
	<u>Public Comments</u>	
	1. Stephen Kaiser (see comments from A8/2021P)	
<b>7.</b>	<b>Minutes for Approval</b>	<b>100</b>
	February 2, 2021	
<b>8.</b>	<b>Adjournment</b>	

March 2, 2021

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

**Re: Minor Variance Application A9-2021P**  
**614 Metler Road, Pelham**  
Concession 6, Part of Lot 12  
**Roll No. 2732 010 008 15500**

The subject parcel, shown as Part 1 on the attached Consent Sketch, is located on the south side of Metler Road, lying west of Cream Street, legally described above, in the Town of Pelham.

The subject land is zoned 'Residential Village 1' (RV1) in accordance with Pelham Zoning By-law No. 1136 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 9.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 30.75 m, whereas 36 m is required.

Note: This application is being considered concurrently with consent files: B5 & B6-2021P and minor variance files: A10-2021P – A11-2021P.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

#### 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 a 'Settlement Area', more specifically a rural settlement area / hamlet. According to policy 1.1.4, *Rural Areas* may include rural settlement areas.

Policy 1.1.4.1 – states that healthy and viable *rural areas* should be supported by, among other things:

- a) Building upon rural character, and leveraging rural amenities and assets;
- c) Accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) Encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) Using rural *infrastructure* and *public service facilities* efficiently;

The existing zoning only permits one single detached dwelling, which limits the ability to provide a mix of housing stock. The proposed lot geometry and frontage is configured in a way that seeks to preserve the existing rural residential dwelling on Part 2.

Policy 1.1.4.3 states that the Town shall consider rural characteristics, the scale of development and the provision of appropriate service levels when directing development in rural *settlement areas*.

#### Greenbelt Plan (2017)

The subject lands are designated as a ‘Hamlet’ (*Settlement Area*) within the ‘Protected Countryside’ according to Schedule 1 of the Greenbelt Plan. Hamlets are substantially smaller than Towns / Villages and play a significantly lesser role in accommodating concentrations of residential, commercial, and non-agricultural development. Hamlets are not locations to which growth should be directed.

Policy 3.4.4 – states that Hamlets are subject to the Growth Plan policies and continue to be governed by official plans and are not subject to the policies of this Plan, save for a few key policies, (water resource system, parkland, open space and trails etc.). Limited growth is permitted through infill and *intensification* of Hamlets subject to appropriate private servicing.

#### 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.

The subject parcel is located within a ‘Rural Settlement’ according to the Growth Plan. *Rural Settlements* are privately serviced areas, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

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

- b) Growth will be limited in *settlement areas* that:
  - i. Are *rural settlements*;
  - ii. Are not serviced by existing or planned *municipal water and wastewater systems*; or
  - iii. Are in the Greenbelt Area.

Policy 4.2.1– states that *Water resource systems* will be identified for the long-term protection of *key hydrologic features, key hydrologic areas*, and their functions.

Schedule 'B1' of the Town's Official Plan identifies the subject lands as constituting a *highly vulnerable aquifer* and being located within the Fifteen Mile Creek subwatershed. As such, a number of land uses are prohibited.

According to the *Hydrogeological Assessment* and Regional staff, the proposed development appears capable of providing a sustainable level of private water and wastewater servicing subject to certain conditions of approval being fulfilled.

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

#### Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Hamlet' according to Schedules 'A' and 'B'. Hamlets are low density settlement areas that play an important housing, social, cultural, and economic role for the people within the local community and in supporting the surrounding agricultural and rural areas.

Policy 4.H.3.5 states that the minimum lot size for new lots in Hamlets should be 1 hectare unless a *Hydrogeological Assessment* determines that a smaller land area will adequately accommodate private water and sewage treatment facilities for long-term operation. In all cases, a minimum of 0.4 hectare (1 acre) of usable lot area for septic system purposes shall be provided.

Despite the reduced minimum lot frontage, the proposed lot area(s) exceed the minimum 0.4 ha usable lot area requirement. A *Hydrogeological Assessment* was prepared by Terra-Dynamics Consulting Inc. demonstrating that private services can adequately be accommodated, subject to recommended conditions.

Regional staff provided comments on the concurrent severance applications and offered no objections pending their recommended conditions of approval are satisfied.

#### 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 'Rural Settlement' according to Schedule 'A', and 'Highly Vulnerable Aquifer' according to Schedule 'B1'. The North Pelham Hamlet is not a focus area for future growth in the Town but does have policies that support limited development.

Policy A2.7.2 Cultural Heritage – states it is the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made. Encouraging development that is adjacent to significant cultural heritage resources to be of an appropriate scale and character.

No Part IV designated heritage properties exist on, or surround the subject lands, save for the Comfort Maple Tree to the southwest. The Town's Heritage Master Plan identified the subject lands as having high potential for deeply buried archaeological resources. Therefore, a Stage 1 – 2 Archaeological Assessment was required

by the Town and Region and was prepared by Detritus Consulting Ltd. to address the policy requirements. No further archaeological evaluation were recommended as no significant resources were uncovered and a clearance letter was received from the Ministry of Heritage, Sport, Tourism and Culture Industries.

In support of local policy and the Regional Official Plan, a *Hydrogeological Assessment*, prepared by Terra-Dynamics Consulting Inc. was prepared in accordance with a Terms of Reference reviewed by Regional staff.

It is noted that the minor variance application seeks to legalize the minimum lot frontage requirement of the default RV1 zoning provision to facilitate the concurrent severance applications.

Policy E1.5 (Minor Variances) – states that applicants should be prepared to demonstrate a need for the requested zoning relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of ‘need’ or ‘hardship’ as a *fifth test* of a minor variance, the local Official Plan raises this matter.

The Planning Justification Brief submitted with the application speaks to the *4 tests* under the *Planning Act* but not Policy E1.5.

The proposed minor variance conforms with the Pelham Official Plan as it supports additional housing, gentle low density residential growth appropriate for a rural settlement area. The lot frontage and geometry is compatible with the neighbourhood and logical given its objective to preserve the existing dwelling on Part 2.

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

The subject lands are currently zoned ‘RV1’ (Residential Village One) according to Schedule ‘A1’ of the Zoning By-law.

The proposed lots (Parts 1 – 3) do not comply with the section 9.2 b) (‘RV1’ zone) requirement for minimum lot frontage of 36 m. In addition, in an effort to satisfy both the minimum lot area provisions of the Zoning By-law and Niagara Region policies, and to preserve the existing dwelling on Part 2, zoning relief has been requested to permit a 1.5 m side yard setback, (file: A10-2021P). There does not appear to be any zoning issues associated with section 6.14 a) – Minimum Distance Separation requirements for new non-farm uses.

The minor variance application seeks relief from:

- i. **Section 9.2 (b) “Minimum Lot Frontage”** to permit a lot frontage of 30.75 m, whereas 36 m is required.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	Granting the reduced lot frontage is minor overall because there are no negatively induced impacts to the subject lands or its

	<p>surroundings. Specifically, the reductions are not so significant that they would negatively distort the rural character, and low density attributes of the North Pelham hamlet.</p> <p>Furthermore, the variances on their own merit do not compromise the ability for the subject lands to be adequately serviced privately and avoid negative impacts to the <i>highly vulnerable aquifer</i>, subject to the conditions of the concurrent severance application(s).</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>Granting the requested zoning relief will help facilitate the orderly development and gentle, low density residential growth that is anticipated and appropriate for designated Rural Settlement areas. The limited intensification of these designated hamlets are considered desirable if planned well and addressed in Provincial, Regional and local planning policies. The variance will facilitate the lot's creation and help add to the housing stock of Pelham.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The requested zoning relief maintains the intent and purpose of the Official Plan because their permission will not negatively impact the low density, rural settlement area character of North Pelham given the marginally reduced provisions. With the benefit of ensuring all the recommended conditions of severance approval are achieved, Town Planning staff are of the opinion there will be no negative impacts to the <i>highly vulnerable aquifer</i> despite the addition of new residences and private sewage systems. Furthermore, no significant archaeological resources were uncovered as part of the Stage 1-2 Archaeological Assessment, so there are no issues from those cultural heritage policies at this time.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The requested zoning relief maintains the intent and purpose of the Zoning By-law because adequate frontage is available to maintain the low density, rural settlement neighbourhood character and a sustainable private sewage system. The proposed frontage is also sized well enough to accommodate both a driveway entrance, adequate building face exposure to the public realm and maintain good spatial separation between lots. The larger side yard setback requirements for privately serviced dwellings in the RV1 zone helps increase balanced ground water infiltration rates and allow access to service rear yard private sewage systems.</p>

**Agency & Public Comments**

On January 27, 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 27, 2020)

- No objections.
- Building Department (February 16, 2021)
  - No comments.
- Public Works Department (February 16, 2021)
  - No comments.

Public comments were received from a neighbouring resident, which are summarized below.

- 1) Concerned with potential negative impacts to the water table.
  - As part of the development applications, the applicant retained the services of a licensed Water Resource Engineer to conduct a *Hydrogeological Assessment* analyzing the private servicing capabilities of the subject lands and impacts to the highly vulnerable aquifer.
  - The consultant recommended certain conditions be implemented to facilitate the development. The Region and Town have both requested these recommendations be required conditions of severance approval to ensure there are no negative impacts.

### 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 September 3, 2020 to discuss the subject applications.

The subject lands are located on the south side of Metler Road, lying west of Cream Street and are surrounded by agricultural uses to south, a church to the east and rural residential dwellings elsewhere.

Planning staff reviewed aerial photography to better understand the surrounding context. The following supporting studies and reports were submitted with the applications:

- *Stage 1 – 2 Archaeological Assessment*, prepared by Detritus Consulting Ltd. (October 19, 2020)
- *Planning Justification Brief*, prepared by Upper Canada Consultants (Dec 2020)
- *Hydrogeological Assessment*, prepared by Terra-Dynamics Consulting Inc. (November 11, 2020)

The proposed reduced lot frontage provision does not compromise the intent of the Zoning By-law or policy framework. The reduced frontage still maintains a comparable parcel fabric for the North Pelham hamlet which is not out of character with traditional, good lotting practice. The reduced frontage is not so drastic that it would negatively distort the rural residential character and built heritage of Metler Road in this area.

Town Planning staff continue to recommend the proposed dwellings on Parts 1 and 3 employ design characteristics that are respectful architectural to the neighbourhood including these structures via mass, proportions and scale. Specifically, the main front wall of these future dwellings should maintain a consistent front building alignment that enhance the Metler Road streetscape. Future dwellings are strongly discouraged not to employ any garage forward / dominant designs (i.e. 'snout houses'). Preserving the built heritage and rural character of North Pelham is a policy objective of the Official Plan.

The recommendations of the *Hydrogeological Assessment* to install private sewage systems to the south complement Planning staff's desire to employ relatively short front yard setbacks that maintain a consistent building alignment, orientation and streetscape along Metler Road. The *Development Agreement* condition stipulates design and plan requirements to this effect.

The proposed zoning relief does not harm any *key natural heritage features* or sensitive ecological areas. Subject to conditions of severance approval, the proposed development should not adversely impact neighbouring properties, the *highly vulnerable aquifer*, *key natural heritage features* or the nearby specialty croplands.

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, being that of a designated *Rural Settlement* area.

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 A9-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Obtain final certification for consent file B5-2021P from the Secretary-Treasurer of the Committee of Adjustment.

Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



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

## **Memorandum**

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

DATE: February 16, 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 A9/2021P  
614 Metler Road

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We have completed the review of the minor variance application A9/2021P to seek relief and to rectify zoning deficiencies as a result of consent application (B5/2021P), from:

1. Section 9.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 30.75 meters whereas the by-law requires 36 meters.

Public Works has no comments or conditions.

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To: Sarah Leach

Cc: Curtis Thompson

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

Date: February 16<sup>th</sup>, 2021

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

Comment for Re: Files #A9-2021P 614 Metler Rd., #A10-2021P 614 Metler Rd., #A11-2021P 614 Metler Rd., #B5/2021P 614 Metler Rd., #B6/2021P 614 Metler Rd., #B8/2021P 1411 Station St (Pt 5), #B10/2021P 1415 Station St (Pt 8),

The building department offers the following comment,

- No comment

Comment for Re: Files #B7/2021P 1409 Station St (Pt 7) & #B9/2021P 1413 Station St (Pt 6)

The building department offers the following comment,

- That the applicant remove the existing structures located on Part 7 (B7-2021P) and Part 6 (B9-2021P) to the satisfaction of the Chief Building Official. If any structures exceed 10m<sup>2</sup> than a Demolition Permit shall be obtained.

Kind Regards,

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

**From:** Debbie / Vince Galati [REDACTED]  
**Sent:** Monday, February 22, 2021 9:35 AM  
**To:** Nancy Bozzato <[NBozzato@pelham.ca](mailto:NBozzato@pelham.ca)>  
**Subject:** Notice of Public Hearing - Response

Good Morning Nancy,

This email is in response to File #s B5/2021P B6/2021P / A92021P A10/2021P  
Subject Lands 614 Metler Road.

After reading the notice regarding the above property we would like our input to be read by Council.

We live beside the property in question.

To Proceed with the variance which would allow for 3 homes on the property is cause for concern when considering the effect it will have on the Water table.

As we are Well and Septic system in North Pelham.

Growth in North Pelham is welcomed and expected but to change the minimum lot frontage potentially opens the door to allowing the same changes to areas close by.

This eventually altering the Village dynamics that appeal to current and future residents of Metler Road.

We ask that Council please take into consideration our concerns upon final decision.

Thank You for your time,

Vince and Debbie Galati

Note : A hard copy will be mailed out today to your attention.

March 2, 2021

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

**Re: Minor Variance Application A10-2021P**  
**614 Metler Road, Pelham**  
Concession 6, Part of Lot 12  
**Roll No. 2732 010 008 15500**

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The subject parcel, shown as Part 2 on the attached Consent Sketch, is located on the south side of Metler Road, lying west of Cream Street, legally described above, in the Town of Pelham.

The subject land is zoned 'Residential Village 1' (RV1) in accordance with Pelham Zoning By-law No. 1136 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 9.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 28.78 m, whereas 36 m is required.
- ii. **Section 9.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.5 m, whereas 3 m is required.

Note: This application is being considered concurrently with consent files: B5 & B6-2021P and minor variance files: A9-2021P & A11-2021P.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

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- a) Building upon rural character, and leveraging rural amenities and assets;
- c) Accommodating an appropriate range and mix of housing in *rural settlement areas*;
- d) Encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) Using *rural infrastructure* and *public service facilities* efficiently;

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Policy 1.1.4.3 states that the Town shall consider rural characteristics, the scale of development and the provision of appropriate service levels when directing development in *rural settlement areas*.

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

- b) Growth will be limited in *settlement areas* that:
  - i. Are *rural settlements*;
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  - iii. Are in the Greenbelt Area.

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Policy A2.7.2 Cultural Heritage – states it is the Plan’s objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made. Encouraging development that is adjacent to significant cultural heritage resources to be of an appropriate scale and character.

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Tree to the southwest. The Town's Heritage Master Plan identified the subject lands as having high potential for deeply buried archaeological resources. Therefore, a Stage 1 – 2 Archaeological Assessment was required by the Town and Region and was prepared by Detritus Consulting Ltd. to address the policy requirements. No further archaeological evaluation were recommended as no significant resources were uncovered and a clearance letter was received from the Ministry of Heritage, Sport, Tourism and Culture Industries.

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Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of 'need' or 'hardship' as a *fifth test* of a minor variance, the local Official Plan raises this matter.

The Planning Justification Brief submitted with the application speaks to the *4 tests* under the *Planning Act* but not Policy E1.5.

The proposed minor variance conforms with the Pelham Official Plan as it supports additional housing, gentle low density residential growth appropriate for a rural settlement area. The lot frontage and geometry is compatible with the neighbourhood and logical given its objective to preserve the existing dwelling on Part 2.

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

The subject lands are currently zoned 'RV1' (Residential Village One) according to Schedule 'A1' of the Zoning By-law.

The proposed lots (Parts 1 – 3) do not comply with the section 9.2 b) ('RV1' zone) requirement for minimum lot frontage of 36 m. In addition, in an effort to satisfy both the minimum lot area provisions of the Zoning By-law and Niagara Region policies, and to preserve the existing dwelling on Part 2, zoning relief has been requested to permit a 1.5 m side yard setback, (file: A10-2021P). There does not appear to be any zoning issues associated with section 6.14 a) – Minimum Distance Separation requirements for new non-farm uses.

The minor variance application seeks relief from:

- i. **Section 9.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 28.78 m, whereas 36 m is required.
- ii. **Section 9.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.5 m, whereas 3 m is required.

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

Minor Variance Test	Explanation
<p>1. The variance is minor in nature.</p>	<p>Granting the reduced lot frontage is minor overall because there are no negatively induced impacts to the subject lands or its surroundings. Specifically, the reductions are not so significant that they would negatively distort the rural character, and low density attributes of the North Pelham hamlet.</p> <p>Furthermore, the variances on their own merit do not compromise the ability for the subject lands to be adequately serviced privately and avoid negative impacts to the <i>highly vulnerable aquifer</i>, subject to the conditions of the concurrent severance application(s).</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>Granting the requested zoning relief will help facilitate the orderly development and gentle, low density residential growth that is anticipated and appropriate for designated Rural Settlement areas. The limited intensification of these designated hamlets are considered desirable if planned well and addressed in Provincial, Regional and local planning policies. The variance will facilitate the lot's creation and help add to the housing stock of Pelham.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The requested zoning relief maintains the intent and purpose of the Official Plan because their permission will not negatively impact the low density, rural settlement area character of North Pelham given the marginally reduced provisions. With the benefit of ensuring all the recommended conditions of severance approval are achieved, Town Planning staff are of the opinion there will be no negative impacts to the <i>highly vulnerable aquifer</i> despite the addition of new residences and private sewage systems. Furthermore, no significant archaeological resources were uncovered as part of the Stage 1-2 Archaeological Assessment, so there are no issues from those cultural heritage policies at this time.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>The requested zoning relief maintains the intent and purpose of the Zoning By-law because adequate frontage and side yard is available to maintain the low density, rural settlement neighbourhood character and a sustainable private sewage system. The proposed frontage is also sized well enough to accommodate both a driveway entrance, adequate building face exposure to the public realm and maintain good spatial separation between lots. The larger side yard setback requirements for privately serviced dwellings in the RV1 zone helps increase balanced ground water infiltration rates and allow access to service rear yard private sewage systems.</p>

**Agency & Public Comments**

On January 27, 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 27, 2020)
  - No objections.
- Building Department (February 16, 2021)
  - No comments.
- Public Works Department (February 16, 2021)
  - No comments.

Public comments were received from a neighbouring resident, which are summarized below.

- 1) Concerned with potential negative impacts to the water table.
  - As part of the development applications, the applicant retained the services of a licensed Water Resource Engineer to conduct a *Hydrogeological Assessment* analyzing the private servicing capabilities of the subject lands and impacts to the highly vulnerable aquifer.
  - The consultant recommended certain conditions be implemented to facilitate the development. The Region and Town have both requested these recommendations be required conditions of severance approval to ensure there are no negative impacts.

### 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 September 3, 2020 to discuss the subject applications.

The subject lands are located on the south side of Metler Road, lying west of Cream Street and are surrounded by agricultural uses to south, a church to the east and rural residential dwellings elsewhere.

Planning staff reviewed aerial photography to better understand the surrounding context. The following supporting studies and reports were submitted with the applications:

- *Stage 1 – 2 Archaeological Assessment*, prepared by Detritus Consulting Ltd. (October 19, 2020)
- *Planning Justification Brief*, prepared by Upper Canada Consultants (Dec 2020)
- *Hydrogeological Assessment*, prepared by Terra-Dynamics Consulting Inc. (November 11, 2020)

The proposed reduced lot frontage provision does not compromise the intent of the Zoning By-law or policy framework. The reduced frontage still maintains a comparable parcel fabric for the North Pelham hamlet which is not out of character with traditional, good lotting practice. The reduced frontage is not so drastic that it would negatively distort the rural residential character and built heritage of Metler Road in this area.

Town Planning staff continue to recommend the proposed dwellings on Parts 1 and 3 employ design characteristics that are respectful architectural to the neighbourhood including these structures via mass, proportions and scale. Specifically, the main front wall of these future dwellings should maintain a consistent front building alignment that enhance the Metler Road streetscape. Future dwellings are strongly discouraged not to employ any garage forward / dominant designs (i.e. 'snout houses'). Preserving the built heritage and rural character of North Pelham is a policy objective of the Official Plan.

The recommendations of the *Hydrogeological Assessment* to install private sewage systems to the south complement Planning staff's desire to employ relatively short front yard setbacks that maintain a consistent building alignment, orientation and streetscape along Metler Road. The *Development Agreement* condition stipulates design and plan requirements to this effect.

The proposed zoning relief does not harm any *key natural heritage features* or sensitive ecological areas. Subject to conditions of severance approval, the proposed development should not adversely impact neighbouring properties, the *highly vulnerable aquifer*, *key natural heritage features* or the nearby specialty croplands.

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, being that of a designated *Rural Settlement* area.

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 A10-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Obtain final certification for consent files B5-2021P and B6-2021P from the Secretary-Treasurer of the Committee of Adjustment.

Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



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

## **Memorandum**

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

DATE: February 16, 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 A10/2021P  
614 Metler Road

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We have completed the review of the minor variance application A10/2021P to seek relief and to rectify zoning deficiencies as a result of consent application (B5/2021P and B6/2021P), from:

1. Section 9.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 32.72 meters whereas the by-law requires 36 meters; and
2. Section 9.2 ( e) "Minimum Interior Side Yard" – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 3 meters.

Public Works has no comments or conditions.

To: Sarah Leach

Cc: Curtis Thompson

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

Date: February 16<sup>th</sup>, 2021

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

Comment for Re: Files #A9-2021P 614 Metler Rd., #A10-2021P 614 Metler Rd., #A11-2021P 614 Metler Rd., #B5/2021P 614 Metler Rd., #B6/2021P 614 Metler Rd., #B8/2021P 1411 Station St (Pt 5), #B10/2021P 1415 Station St (Pt 8),

The building department offers the following comment,

- No comment

Comment for Re: Files #B7/2021P 1409 Station St (Pt 7) & #B9/2021P 1413 Station St (Pt 6)

The building department offers the following comment,

- That the applicant remove the existing structures located on Part 7 (B7-2021P) and Part 6 (B9-2021P) to the satisfaction of the Chief Building Official. If any structures exceed 10m<sup>2</sup> than a Demolition Permit shall be obtained.

Kind Regards,

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

March 2, 2021

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

**Re: Minor Variance Application A11-2021P**  
**614 Metler Road, Pelham**  
Concession 6, Part of Lot 12  
**Roll No. 2732 010 008 15500**

The subject parcel, shown as Part 3 on the attached Consent Sketch, is located on the south side of Metler Road, lying west of Cream Street, legally described above, in the Town of Pelham.

The subject land is zoned 'Residential Village 1' (RV1) in accordance with Pelham Zoning By-law No. 1136 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 9.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 28.78 m, whereas 36 m is required.

Note: This application is being considered concurrently with consent files: B5 & B6-2021P and minor variance files: A9-2021P – A10-2021P.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

#### 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 a 'Settlement Area', more specifically a rural settlement area / hamlet. According to policy 1.1.4, *Rural Areas* may include rural settlement areas.

Policy 1.1.4.1 – states that healthy and viable *rural areas* should be supported by, among other things:

- a) Building upon rural character, and leveraging rural amenities and assets;
- c) Accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) Encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) Using rural *infrastructure* and *public service facilities* efficiently;

The existing zoning only permits one single detached dwelling, which limits the ability to provide a mix of housing stock. The proposed lot geometry and frontage is configured in a way that seeks to preserve the existing rural residential dwelling on Part 2.

Policy 1.1.4.3 states that the Town shall consider rural characteristics, the scale of development and the provision of appropriate service levels when directing development in rural *settlement areas*.

#### Greenbelt Plan (2017)

The subject lands are designated as a ‘Hamlet’ (*Settlement Area*) within the ‘Protected Countryside’ according to Schedule 1 of the Greenbelt Plan. Hamlets are substantially smaller than Towns / Villages and play a significantly lesser role in accommodating concentrations of residential, commercial, and non-agricultural development. Hamlets are not locations to which growth should be directed.

Policy 3.4.4 – states that Hamlets are subject to the Growth Plan policies and continue to be governed by official plans and are not subject to the policies of this Plan, save for a few key policies, (water resource system, parkland, open space and trails etc.). Limited growth is permitted through infill and *intensification* of Hamlets subject to appropriate private servicing.

#### 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.

The subject parcel is located within a ‘Rural Settlement’ according to the Growth Plan. *Rural Settlements* are privately serviced areas, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

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

- b) Growth will be limited in *settlement areas* that:
  - i. Are *rural settlements*;
  - ii. Are not serviced by existing or planned *municipal water and wastewater systems*; or
  - iii. Are in the Greenbelt Area.

Policy 4.2.1– states that *Water resource systems* will be identified for the long-term protection of *key hydrologic features, key hydrologic areas*, and their functions.

Schedule 'B1' of the Town's Official Plan identifies the subject lands as constituting a *highly vulnerable aquifer* and being located within the Fifteen Mile Creek subwatershed. As such, a number of land uses are prohibited.

According to the *Hydrogeological Assessment* and Regional staff, the proposed development appears capable of providing a sustainable level of private water and wastewater servicing subject to certain conditions of approval being fulfilled.

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

#### Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Hamlet' according to Schedules 'A' and 'B'. Hamlets are low density settlement areas that play an important housing, social, cultural, and economic role for the people within the local community and in supporting the surrounding agricultural and rural areas.

Policy 4.H.3.5 states that the minimum lot size for new lots in Hamlets should be 1 hectare unless a *Hydrogeological Assessment* determines that a smaller land area will adequately accommodate private water and sewage treatment facilities for long-term operation. In all cases, a minimum of 0.4 hectare (1 acre) of usable lot area for septic system purposes shall be provided.

Despite the reduced minimum lot frontage, the proposed lot area(s) exceed the minimum 0.4 ha usable lot area requirement. A *Hydrogeological Assessment* was prepared by Terra-Dynamics Consulting Inc. demonstrating that private services can adequately be accommodated, subject to recommended conditions.

Regional staff provided comments on the concurrent severance applications and offered no objections pending their recommended conditions of approval are satisfied.

#### 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 'Rural Settlement' according to Schedule 'A', and 'Highly Vulnerable Aquifer' according to Schedule 'B1'. The North Pelham Hamlet is not a focus area for future growth in the Town but does have policies that support limited development.

Policy A2.7.2 Cultural Heritage – states it is the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made. Encouraging development that is adjacent to significant cultural heritage resources to be of an appropriate scale and character.

No Part IV designated heritage properties exist on, or surround the subject lands, save for the Comfort Maple Tree to the southwest. The Town's Heritage Master Plan identified the subject lands as having high potential for deeply buried archaeological resources. Therefore, a Stage 1 – 2 Archaeological Assessment was required

by the Town and Region and was prepared by Detritus Consulting Ltd. to address the policy requirements. No further archaeological evaluation were recommended as no significant resources were uncovered and a clearance letter was received from the Ministry of Heritage, Sport, Tourism and Culture Industries.

In support of local policy and the Regional Official Plan, a *Hydrogeological Assessment*, prepared by Terra-Dynamics Consulting Inc. was prepared in accordance with a Terms of Reference reviewed by Regional staff.

It is noted that the minor variance application seeks to legalize the minimum lot frontage requirement of the default RV1 zoning provision to facilitate the concurrent severance applications.

Policy E1.5 (Minor Variances) – states that applicants should be prepared to demonstrate a need for the requested zoning relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of ‘need’ or ‘hardship’ as a *fifth test* of a minor variance, the local Official Plan raises this matter.

The Planning Justification Brief submitted with the application speaks to the *4 tests* under the *Planning Act* but not Policy E1.5.

The proposed minor variance conforms with the Pelham Official Plan as it supports additional housing, gentle low density residential growth appropriate for a rural settlement area. The lot frontage and geometry is compatible with the neighbourhood and logical given its objective to preserve the existing dwelling on Part 2.

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

The subject lands are currently zoned ‘RV1’ (Residential Village One) according to Schedule ‘A1’ of the Zoning By-law.

The proposed lots (Parts 1 – 3) do not comply with the section 9.2 b) (‘RV1’ zone) requirement for minimum lot frontage of 36 m. In addition, in an effort to satisfy both the minimum lot area provisions of the Zoning By-law and Niagara Region policies, and to preserve the existing dwelling on Part 2, zoning relief has been requested to permit a 1.5 m side yard setback, (file: A10-2021P). There does not appear to be any zoning issues associated with section 6.14 a) – Minimum Distance Separation requirements for new non-farm uses.

The minor variance application seeks relief from:

- i. **Section 9.2 (b) “Minimum Lot Frontage”** to permit a lot frontage of 28.78 m, whereas 36 m is required.

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

Minor Variance Test	Explanation
1. The variance is minor in nature.	Granting the reduced lot frontage is minor overall because there are no negatively induced impacts to the subject lands or its

	<p>surroundings. Specifically, the reductions are not so significant that they would negatively distort the rural character, and low density attributes of the North Pelham hamlet.</p> <p>Furthermore, the variances on their own merit do not compromise the ability for the subject lands to be adequately serviced privately and avoid negative impacts to the <i>highly vulnerable aquifer</i>, subject to the conditions of the concurrent severance application(s).</p>
2. The variance is desirable for the development or use of the land.	<p>Granting the requested zoning relief will help facilitate the orderly development and gentle, low density residential growth that is anticipated and appropriate for designated Rural Settlement areas. The limited intensification of these designated hamlets are considered desirable if planned well and addressed in Provincial, Regional and local planning policies. The variance will facilitate the lot's creation and help add to the housing stock of Pelham.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The requested zoning relief maintains the intent and purpose of the Official Plan because their permission will not negatively impact the low density, rural settlement area character of North Pelham given the marginally reduced provisions. With the benefit of ensuring all the recommended conditions of severance approval are achieved, Town Planning staff are of the opinion there will be no negative impacts to the <i>highly vulnerable aquifer</i> despite the addition of new residences and private sewage systems. Furthermore, no significant archaeological resources were uncovered as part of the Stage 1-2 Archaeological Assessment, so there are no issues from those cultural heritage policies at this time.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The requested zoning relief maintains the intent and purpose of the Zoning By-law because adequate frontage is available to maintain the low density, rural settlement neighbourhood character and a sustainable private sewage system. The proposed frontage is also sized well enough to accommodate both a driveway entrance, adequate building face exposure to the public realm and maintain good spatial separation between lots. The larger side yard setback requirements for privately serviced dwellings in the RV1 zone helps increase balanced ground water infiltration rates and allow access to service rear yard private sewage systems.</p>

**Agency & Public Comments**

On January 27, 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 27, 2020)

- No objections.
- Building Department (February 16, 2021)
  - No comments.
- Public Works Department (February 16, 2021)
  - No comments.

Public comments were received from a neighbouring resident, which are summarized below.

- 1) Concerned with potential negative impacts to the water table.
  - As part of the development applications, the applicant retained the services of a licensed Water Resource Engineer to conduct a *Hydrogeological Assessment* analyzing the private servicing capabilities of the subject lands and impacts to the highly vulnerable aquifer.
  - The consultant recommended certain conditions be implemented to facilitate the development. The Region and Town have both requested these recommendations be required conditions of severance approval to ensure there are no negative impacts.

### 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 September 3, 2020 to discuss the subject applications.

The subject lands are located on the south side of Metler Road, lying west of Cream Street and are surrounded by agricultural uses to south, a church to the east and rural residential dwellings elsewhere.

Planning staff reviewed aerial photography to better understand the surrounding context. The following supporting studies and reports were submitted with the applications:

- *Stage 1 – 2 Archaeological Assessment*, prepared by Detritus Consulting Ltd. (October 19, 2020)
- *Planning Justification Brief*, prepared by Upper Canada Consultants (Dec 2020)
- *Hydrogeological Assessment*, prepared by Terra-Dynamics Consulting Inc. (November 11, 2020)

The proposed reduced lot frontage provision does not compromise the intent of the Zoning By-law or policy framework. The reduced frontage still maintains a comparable parcel fabric for the North Pelham hamlet which is not out of character with traditional, good lotting practice. The reduced frontage is not so drastic that it would negatively distort the rural residential character and built heritage of Metler Road in this area.

Town Planning staff continue to recommend the proposed dwellings on Parts 1 and 3 employ design characteristics that are respectful architectural to the neighbourhood including these structures via mass, proportions and scale. Specifically, the main front wall of these future dwellings should maintain a consistent front building alignment that enhance the Metler Road streetscape. Future dwellings are strongly discouraged not to employ any garage forward / dominant designs (i.e. 'snout houses'). Preserving the built heritage and rural character of North Pelham is a policy objective of the Official Plan.

The recommendations of the *Hydrogeological Assessment* to install private sewage systems to the south complement Planning staff's desire to employ relatively short front yard setbacks that maintain a consistent building alignment, orientation and streetscape along Metler Road. The *Development Agreement* condition stipulates design and plan requirements to this effect.

The proposed zoning relief does not harm any *key natural heritage features* or sensitive ecological areas. Subject to conditions of severance approval, the proposed development should not adversely impact neighbouring properties, the *highly vulnerable aquifer*, *key natural heritage features* or the nearby specialty croplands.

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, being that of a designated *Rural Settlement* area.

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 A11-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Obtain final certification for consent file B6-2021P from the Secretary-Treasurer of the Committee of Adjustment.

Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



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

## **Memorandum**

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

DATE: February 16, 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 A11/2021P  
614 Metler Road

---

We have completed the review of the minor variance application A11/2021P to seek relief and to rectify zoning deficiencies as a result of consent application (B6/2021P), from:

1. Section 9.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 28.78 meters whereas the by-law requires 36 meters.

Public Works has no comments or conditions.

---

To: Sarah Leach

Cc: Curtis Thompson

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

Date: February 16<sup>th</sup>, 2021

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

Comment for Re: Files #A9-2021P 614 Metler Rd., #A10-2021P 614 Metler Rd., #A11-2021P 614 Metler Rd., #B5/2021P 614 Metler Rd., #B6/2021P 614 Metler Rd., #B8/2021P 1411 Station St (Pt 5), #B10/2021P 1415 Station St (Pt 8),

The building department offers the following comment,

- No comment

Comment for Re: Files #B7/2021P 1409 Station St (Pt 7) & #B9/2021P 1413 Station St (Pt 6)

The building department offers the following comment,

- That the applicant remove the existing structures located on Part 7 (B7-2021P) and Part 6 (B9-2021P) to the satisfaction of the Chief Building Official. If any structures exceed 10m<sup>2</sup> than a Demolition Permit shall be obtained.

Kind Regards,

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

March 2, 2021

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

**Re: Consent Application B5-2021P**  
**614 Metler Road, Pelham**  
Concession 6, Part of Lot 12  
**Roll No. 2732 010 008 15500**

The subject parcel, shown as Part 1 on the attached sketch, has 30.75 m of frontage on the south side of Metler Road, lying west of Cream Street, legally described above, in the Town of Pelham.

Application is made for consent to convey 4,046.86 m<sup>2</sup> of land (Part 1) to create a new lot for single detached residential use. Part 2 (4,046.86 m<sup>2</sup>) will be retained for continued use of the existing single detached dwelling.

Note: This application is being considered concurrently with consent file: B6-2021P and minor variance files: A9-2021P – A11-2021P.

### **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

The balance of this *Recommendation Report* helps address the Provincial interests at play (Section 2 of the Act), and the land division criteria of (Ss. 51(24)) in more depth through the Provincial land use planning policy framework, the Niagara Region and Town of Pelham Official Plans. Furthermore, comments were solicited from agencies including the Niagara Peninsula Conservation Authority, Niagara Region, school boards and public utilities among others.

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 a ‘Settlement Area’, more specifically a rural settlement area / hamlet. According to policy 1.1.4, *Rural Areas* may include rural settlement areas.

Policy 1.1.4.1 – states that healthy and viable *rural areas* should be supported by, among other things:

- a) Building upon rural character, and leveraging rural amenities and assets;
- c) Accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) Encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) Using rural *infrastructure* and *public service facilities* efficiently;

The existing zoning only permits one single detached dwelling, which limits the ability to provide a mix of housing stock. The proposed lot geometry is configured in a way that seeks to preserve the existing rural residential dwelling on Part 2.

Policy 1.1.4.3 states that the Town shall consider rural characteristics, the scale of development and the provision of appropriate service levels when directing development in rural *settlement areas*.

Policy 2.6.2 (Cultural Heritage & Archaeology) – states that *development* and *site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been conserved.

A *Stage 1 – 2 Archaeological Assessment* was conducted which concluded no significant archaeological resources were uncovered. Consequently, a Ministry clearance letter was provided with the application. Planning staff are of the opinion the proposed severance is consistent with the PPS and that the lot geometry successfully helps achieve the growth management objectives of North Pelham, respect the rural character and subject to conditions, adequately manages private water and sewage system services.

### Greenbelt Plan (2017)

The subject lands are designated as a ‘Hamlet’ (*Settlement Area*) within the ‘Protected Countryside’ according to Schedule 1 of the Greenbelt Plan. Hamlets are substantially smaller than Towns / Villages and play a significantly lesser role in accommodating concentrations of residential, commercial, and non-agricultural development. Hamlets are not locations to which growth should be directed.

Policy 3.4.4 – states that Hamlets are subject to the Growth Plan policies and continue to be governed by official plans and are not subject to the policies of this Plan, save for a few key policies, (water resource system, parkland, open space and trails etc.). Limited growth is permitted through infill and *intensification* of Hamlets subject to appropriate private servicing.

The proposed consent is consistent with the policies of the Growth Plan (see below), and provide for limited residential infill development on private services.

#### 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.

The subject parcel is located within a ‘Rural Settlement’ according to the Growth Plan. *Rural Settlements* are privately serviced areas, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

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

- b) Growth will be limited in *settlement areas* that:
  - i. Are *rural settlements*;
  - ii. Are not serviced by existing or planned *municipal water and wastewater systems*; or
  - iii. Are in the Greenbelt Area.

Policy 4.2.1– states that *Water resource systems* will be identified for the long-term protection of *key hydrologic features, key hydrologic areas*, and their functions.

Schedule ‘B1’ of the Town’s Official Plan identifies the subject lands as constituting a *highly vulnerable aquifer* and being located within the Fifteen Mile Creek subwatershed. As such, a number of land uses are prohibited.

According to the *Hydrogeological Assessment* and Regional staff, the proposed development appears capable of providing a sustainable level of private water and wastewater servicing subject to certain conditions of approval being fulfilled.

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 ‘Hamlet’ according to Schedules ‘A’ and ‘B’. Hamlets are low density settlement areas that play an important housing, social, cultural, and economic role for the people within the local community and in supporting the surrounding agricultural and rural areas.

Policy 4.H.3.1 states that proposed Hamlet development must still comply with the MDS formula requirements.

The proposed development is not located in proximity to existing livestock operations.

Policy 4.H.3.5 states that the minimum lot size for new lots in Hamlets should be 1 hectare unless a *Hydrogeological Assessment* determines that a smaller land area will adequately accommodate private water and sewage treatment facilities for long-term operation. In all cases, a minimum of 0.4 hectare (1 acre) of usable lot area for septic system purposes shall be provided.

The proposed lots exceed the minimum 0.4 ha usable lot area requirement. A *Hydrogeological Assessment* was prepared by Terra-Dynamics Consulting Inc. demonstrating that private services can adequately be accommodated without negative impacts underground or to neighbouring development, subject to recommended conditions.

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. A *Stage 1 – 2 Archaeological Assessment* was prepared by Detritus Consulting Ltd. and a clearance letter were received from the Ministry of Heritage, Sport, Tourism and Culture Industries. No further archaeological evaluation is recommended as no significant resources were uncovered.

Regional staff provided comments and offered no objections pending their recommended conditions of approval are satisfied.

#### 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 'Rural Settlement' according to Schedule 'A', and 'Highly Vulnerable Aquifer' according to Schedule 'B1'. The North Pelham Hamlet is not a focus area for future growth in the Town but does have policies that support limited development.

Policy A2.7.2 Cultural Heritage – states it is the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made. Encouraging development that is adjacent to significant cultural heritage resources to be of an appropriate scale and character.

No Part IV designated heritage properties exist on, or surround the subject lands, save for the Comfort Maple Tree to the southwest. The Town's Heritage Master Plan identified the subject lands as having high potential for deeply buried archaeological resources. Therefore, a *Stage 1 – 2 Archaeological Assessment* was required by the Town and Region and one was prepared by Detritus Consulting Ltd. to address the policy requirements. No further archaeological evaluation were recommended as no significant resources were uncovered and a clearance letter was received from the Province to this effect.

Policy B2.4.3.1 (Preferred Means of Lot Creation) – states that further development in North Pelham will be limited to infilling of lots that will support land use that respects the existing character and built form of the Hamlet. Lot creation shall occur through the consent process. Proposed lot areas less than 1.0 hectare may be considered provided they are supported by a Hydrogeological Assessment and Private Servicing Study that confirms that a smaller lot will adequately accommodate private water and wastewater treatment facilities for long-term operation, consistent with Regional policy.

In support of this policy and the Regional Official Plan, a *Hydrogeological Assessment*, prepared by Terra-Dynamics Consulting Inc. was prepared in accordance with a Terms of Reference reviewed by Regional staff.

Policy B2.4.3.2 (Preferred Means of Servicing) – requires all development in North Pelham to be serviced by private water and sewage systems. No residential development over five (5) residential units shall be permitted unless supported by a *Functional Servicing Report* and a *Hydrogeological Assessment*.

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;
  - ✓ No concerns.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Zoning relief is required as a condition of approval and has been applied for under concurrent minor variance applications (files A9-2021P & A10-2021P).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ No concern subject to conditions.
- e) Will not have a negative impact on the drainage patterns in the area;
  - ✓ Demonstration required as a condition of approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
  - ✓ The concurrent severance application (B6-2021P), together with this application, represent the total cumulative developability for the original subject property generally, given the servicing and policy constraints affecting the lands. The lands to the south are also outside of the *Rural Settlement* hamlet boundary and are located within the Greenbelt Plan. Several key planning policies prohibit *settlement area* boundary expansions into the *Protected Countryside*.
- 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 regulated features of the NPCA and Niagara Region.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
  - ✓ No objection from Region subject to conditions.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
  - ✓ The proposed development is not located in proximity to an existing livestock operation.

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

The subject lands are currently zoned 'RV1' (Residential Village One) according to Schedule 'A1' of the Zoning By-law.

The proposed lots (Parts 1 – 3) do not comply with the section 9.2 b) ('RV1' zone) requirement for minimum lot frontage of 36 m. In addition, in an effort to satisfy both the minimum lot area provisions of the Zoning By-law and Niagara Region policies, and to preserve the existing dwelling on Part 2, zoning relief has been requested to permit a 1.5 m side yard setback, (file: A10-2021P). There does not appear to be any zoning issues associated with section 6.14 a) – Minimum Distance Separation requirements for new non-farm uses.

These zoning provision deficiencies, where they apply, are required to be addressed as a condition of severance approval.

**Agency & Public Comments**

On January 27, 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 27, 2020)
  - No objections.
- Niagara Region Planning & Development Services (February 24, 2021)
  - See attached.
  - No objections to findings of *Hydrogeological Assessment*, the reduced lot sizes and the proposed lot provided the applicant enter into a *Development Agreement* registered on title with the Town addressing its recommendations. In addition, the standard archaeological warning clause be included.
  - Existing septic system serving 614 Metler Road will need to be replaced with a system that complies with the *Ontario Building Code* and is located wholly within the proposed lot lines of Part 2.
- Building Department (February 16, 2021)
  - No comments.
- Public Works Department (February 16, 2021)
  - See conditions.

Public comments were received from a neighbouring resident, which were related to the concurrent minor variance applications seeking reduced minimum lot frontages. Please refer to public correspondence under files A9 to A11-2021P.

**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 September 3, 2020 to discuss the subject applications.

The subject lands are located on the south side of Metler Road, lying west of Cream Street and are surrounded by agricultural uses to south, a church to the east and rural residential dwellings elsewhere.

Planning staff reviewed aerial photography to better understand the surrounding context. The following supporting studies and reports were submitted with the applications:

- *Stage 1 – 2 Archaeological Assessment*, prepared by Detritus Consulting Ltd. (October 19, 2020)
- *Planning Justification Brief*, prepared by Upper Canada Consultants (Dec 2020)
- *Hydrogeological Assessment*, prepared by Terra-Dynamics Consulting Inc. (November 11, 2020)

The proposed lot geometry is logical overall notwithstanding a slight angle between Parts 2 – 3. This lot line intends to accommodate and preserve the existing dwelling while also maintaining adequate land area for septic system purposes.

Town Planning staff note that the existing dwelling on Part 2 has a front yard setback of 10 m from Metler Road, with a small covered verandah encroaching closer. Traditionally, buildings situated relatively close to Metler Road have helped to define the built heritage of North Pelham for many decades. Directly east of the subject lands are two (2) early 20<sup>th</sup> century red brick buildings, notably the First Presbyterian Church of North Pelham. Town Planning staff recommend the proposed dwellings on Parts 1 and 3 employ design characteristics that are architecturally respectful to the neighbourhood including these existing structures via new building's mass, proportion and scale. Specifically, the main front wall of these future dwellings should maintain a consistent front building alignment that enhances the Metler Road streetscape. The future dwellings are strongly discouraged not to provide any garage forward / dominant designs (i.e. 'snout houses'). Preserving the built heritage and rural character of North Pelham which is a policy objective of the Official Plan.

The recommendations of the *Hydrogeological Assessment* to install private sewage systems to the south of the new dwellings complement Planning staff's desire to employ relatively short front yard setbacks that maintain a consistent building alignment, orientation and streetscape along Metler Road. The *Development Agreement* condition stipulates design requirements to this effect.

The proposed development avoids harm to any *key natural heritage features* or sensitive ecological areas. Subject to conditions, the proposed development should not adversely impact neighbouring properties, the *highly vulnerable aquifer, key natural heritage features, key hydrologic / hydrogeological features* or the nearby specialty croplands.

Planning staff is of the opinion that, subject to conditions, the proposal applies current planning and development goals regarding the enablement of appropriate economic development on lands suitable to do so, being that of a designated *Rural Settlement* area.

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 B5-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Obtain approval for any deficient Zoning By-law regulations to the satisfaction of the Director of Community Planning & Development.
- Confirm that no existing utilities cross the proposed new lot line(s). Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.
- Enter into a *Development Agreement* with the Town that is registered on title, to the satisfaction of the Director of Community Planning & Development, addressing the following:
  - Implementation of recommendations from the *Hydrogeological Assessment* prepared by Terra-Dynamics Consulting Inc. (dated November 11, 2020), specifically:
    1. That all lots be equipped with sewage systems providing at least 50% nitrogen reduction of septic effluent Level IV / tertiary treatment;
    2. That future sewage disposal systems observe the required setbacks from the existing potable water supplies illustrated on Figure 4, unless these water supplies are decommissioned by an Ontario-licensed water well contractor; and
    3. That water be supplied by cisterns for each of the proposed lots. Otherwise, the construction of new groundwater supplies should require:
      - a) A water supply assessment completed in accordance with the Ministry of Environment, Conservation and Parks D-5-5 Guidelines for Private Wells: Water Supply Assessment;
      - b) Well construction within the Pre-Halton or Bedrock aquifers; and
      - c) That its location(s) comply with the *Ontario Building Code* setbacks.
  - That a new private sewage system be installed wholly on Part 2 meeting the above mentioned requirements to the satisfaction of the Region.
  - Submission and approval of a comprehensive overall Lot Grading & Drainage Plan for all parcels demonstrating that drainage does not negatively affect, nor rely on neighbouring properties, to the satisfaction of the Director of Public Works, or designate.
    - The Lot Grading & Drainage Plan shall provide building envelopes demonstrating consistent streetscape alignment along Metler Road with septic systems located south of the proposed dwelling footprints. The Site Plan and Grading Plan provided at the time of building permit shall not deviate from that approved under this Agreement, to the satisfaction of the Director of Community Planning & Development.
  - Standard archaeological warning clauses.
  - Obtain approval for a Driveway Entrance and Culvert Permit for the construction or modification of all new or existing driveway entrances. Installation of driveway entrances shall be in accordance with Town standards, to the satisfaction of the Director of Public Works and the applicant shall bear all costs associated with such. Any street trees needing to be removed shall be replaced with an approved large caliper tree in accordance with the Town's Street Tree Planting List.
- 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.

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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: February 16, 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 B5/2021P  
614 Metler Road

---

We have completed the review of the consent application B5/2021P for consent to convey 4,046.86 square meters of land (Part 1), for future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 614 Metler Road.

Public Works has the following conditions;

1. That the applicant confirm that no existing utilities cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
2. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works or his designate.
3. That the applicant obtains a Driveway Entrance and Culvert Permit for the construction of all new or modification of existing driveways or entrances. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

---

To: Sarah Leach

Cc: Curtis Thompson

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

Date: February 16<sup>th</sup>, 2021

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

Comment for Re: Files #A9-2021P 614 Metler Rd., #A10-2021P 614 Metler Rd., #A11-2021P 614 Metler Rd., #B5/2021P 614 Metler Rd., #B6/2021P 614 Metler Rd., #B8/2021P 1411 Station St (Pt 5), #B10/2021P 1415 Station St (Pt 8),

The building department offers the following comment,

- No comment

Comment for Re: Files #B7/2021P 1409 Station St (Pt 7) & #B9/2021P 1413 Station St (Pt 6)

The building department offers the following comment,

- That the applicant remove the existing structures located on Part 7 (B7-2021P) and Part 6 (B9-2021P) to the satisfaction of the Chief Building Official. If any structures exceed 10m<sup>2</sup> than a Demolition Permit shall be obtained.

Kind Regards,

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

**From:** [Nicholas Godfrey](#)  
**To:** [Sarah Leach](#)  
**Subject:** RE: Committee of Adjustment Notice of Hearing - March 2, 2021 1 of 2  
**Date:** Wednesday, January 27, 2021 11:39:45 AM

---

Good morning Sarah,

Please note that we have no objections to the proposed applications as we have no regulated features at this site.

Best,

**Nicholas Godfrey, M.A.**  
**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 278  
[ngodfrey@npca.ca](mailto:ngodfrey@npca.ca)  
[www.npca.ca](http://www.npca.ca)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [facebook.com/NPCAOntario](https://facebook.com/NPCAOntario) & [twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

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

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

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

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**From:** Sarah Leach <SLeach@pelham.ca>  
**Sent:** January 27, 2021 9:25 AM  
**To:** Nicholas Godfrey <ngodfrey@npca.ca>; Sarah Mastroianni <smastroianni@npca.ca>  
**Subject:** Committee of Adjustment Notice of Hearing - March 2, 2021 1 of 2

Good morning,

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

- A9/2021P – 614 Metler Road (Part 1)
- A10/2021P – 614 Metler Road (Part 2)
- A11/2021P – 614 Metler Road (Part 3)
- B5/2021P – 614 Metler Road (Part 1)
- B6/2021P – 614 Metler Road (Part 3)
- Planning Justification (relevant to all applications above)

Please see the attached scan of fees. Fees will be sent by mail.

Thank you,  
Sarah



**Sarah Leach, BA.**

Administrative Assistant to the Clerk

Town of Pelham

T: 905-892-2607 x322 | E: sleach@pelham.ca

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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**Sarah Leach, BA.**

Administrative Assistant to the Clerk

Town of Pelham

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**Sarah Leach, BA.**

Administrative Assistant to the Clerk

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**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**

February 24, 2021

File No.: D.06.06.CS-21-0003  
D.06.06.CS-21-0004

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  
Consent Applications  
Town File Nos.: B5/2021P & B6/2021P  
Address: 614 Metler Road, Pelham  
Legal Description: Part of Lot 12, Concession 6, Town of Pelham**

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Regional Planning and Development Services staff have reviewed the information circulated for two consent applications at 614 Metler Road, Pelham. The consent applications propose the creation of two new lots (Part 1 and 3 on the submitted sketch) for future residential use. Part 2 will be retained for continued residential use.

A preconsultation meeting for the proposed consent applications was held on September 3, 2020, with staff from the Town and Region, as well as the Owner in attendance.

The consent applications were circulated with three associated minor variance applications (Town File Numbers: A9/2021P, A10/2021P, and A11/2021P), which seek relief from the Town's Zoning By-law to permit a reduced minimum lot frontage for Parts 1, 2, and 3, as well as a reduced minimum interior side yard setback for the existing dwelling on Part 2. As the requested variances do not affect Provincial or Regional interests, Regional staff have no comment on these applications.

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

## **Provincial and Regional Policy**

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS), and are designated as Hamlet (North Pelham) in the Regional Official Plan (ROP). As Settlement Areas, Hamlets are to be a focus of growth and development, and their vitality and regeneration is promoted by both the PPS and the ROP. The ROP states that Hamlets are to be designated in local Official Plans for further development of a low-density nature without the provision of municipal water and sewer services.

The ROP requires a minimum lot size of 1 hectare for new lots in Hamlets, unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment on the lot over the long term. The proposed lots will each total 4,046.86 square metres (0.4 hectares) in area. Accordingly, a Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020) was submitted with the application. The Hydrogeological Assessment supports the reduced lot size of 0.4 hectares, provided:

- i. All lots are equipped with sewage systems that provide at least 50% nitrogen reduction of septic effluent Level IV/tertiary treatment;
- ii. Future sewage disposal systems observe the required set-backs from existing water supplies identified in Figure 4 of the Hydrogeological Assessment, unless these water supplies are decommissioned by an Ontario-licensed water well contractor; and
- iii. Water is supplied by cisterns for each of the lots. Alternatively, the construction of new groundwater supplies on the lots will require:
  - a) A water supply assessment (completed in accordance with the Ministry of Environment, Conservation and Parks' D-5-5 Guidelines for Private Wells: Water Supply Assessment);
  - b) Well construction within the Pre-Halton or Bedrock aquifers; and
  - c) Locations meeting the Ontario Building Code setbacks.

Regional Engineering staff have reviewed the Hydrogeological Assessment and offer no objections, provided the report's recommendations are addressed through a development agreement on the severed and retained lots. A condition has been included in the conclusion to address this requirement. Regional staff also note that the existing shallow bored well on the lot may need to be decommissioned, depending on the location of the future septic systems.

## **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.

At the preconsultation meeting, the subject lands were identified as having high archaeological potential given that they are identified as such in the Town's Heritage Master Plan. A Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Limited (dated October 19, 2020) was submitted with the applications. The Stage 2 Assessment did not result in the identification of any archaeological resources, and the Licensed Archaeologist recommended that additional archaeological assessment for the subject lands was not warranted.

In a letter dated December 3, 2020, the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) acknowledged the information contained in the Stage 1 and 2 Archeological Assessment and its recommendations. The report has been entered into the Ontario Public Register of Archaeological Reports. As such, Regional staff are satisfied that archaeological resources have been adequately addressed for the subject lands.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of a standard archaeological clause in the development agreement for the severed and retained lots, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition regarding this clause is included in the conclusion to this letter.

### **Minimum Distance Separation**

Provincial and Regional policies require that new development, including lot creation, 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 MDS setbacks.

### **Private Servicing**

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 the existing single residential-dwelling and detached accessory structure located on Part 2. Based on a site inspection, it was determined that this existing system will not be wholly contained within the new proposed lot lines of Part 2. Therefore, a new sewage system will be required to service this lot, meeting minimum Ontario Building Code (OBC) requirements, as well as the recommendations outlined in the Hydrogeological

Assessment submitted with the applications. There appears to be enough usable area on Part 2 south of the existing dwelling for the replacement system.

Therefore, PSS staff have no objections to the proposed applications, provided a new sewage system is installed for Part 2, which meets both the requirements of the OBC, as well as the recommendations included in the Hydrogeological Assessment submitted with these applications. Additionally, PSS staff note that the future sewage systems for Parts 1 and 3 will be required to comply with these same requirements as part of the sewage system permit .

## **Conclusion**

In conclusion, Regional Planning and Development Services staff have no objections to the proposed consent applications from a Provincial or Regional perspective, subject to the satisfaction of any local requirements, and the following conditions:

1. That the owner enters into a development agreement with the Town, to be registered against the title of Parts 1, 2 and 3, to require:
  - a. Implementation of the recommendations of the Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020), including:
    - i. The lots be equipped with sewage systems that provide at least 50% nitrogen reduction of septic effluent Level IV/tertiary treatment.
    - ii. Future sewage disposal systems observe the required set-backs from existing water supplies as shown on Figure 4 of the Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020), unless these water supplies are decommissioned by an Ontario-licensed water well contractor.
    - iii. Water is supplied by cisterns for each lot. Alternatively, the construction of new groundwater supplies will require:
      1. A water supply assessment completed in accordance with the Ministry of Environment, Conservation and Parks D-5-5 Guidelines for Private Wells: Water Supply Assessment;
      2. Well construction within the Pre-Halton or Bedrock aquifers; and
      3. Locations meeting the Ontario Building Code setbacks.
  - b. Inclusion of the following warning clause:

*“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) (416-212-8886) must be notified, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

2. That a new sewage system be installed for Part 2, which meets all requirements of the Ontario Building Code, as well as the recommendations of the Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020).

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 these applications.

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  
Justin Noort, Private Sewage System Inspector, Niagara Region  
Curtis Thompson, Planner, Town of Pelham

March 2, 2021

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

**Re: Consent Application B6-2021P**  
**614 Metler Road, Pelham**  
Concession 6, Part of Lot 12  
**Roll No. 2732 010 008 15500**

The subject parcel, shown as Part 3 on the attached sketch, has 28.78 m of frontage on the south side of Metler Road, lying west of Cream Street, legally described above, in the Town of Pelham.

Application is made for consent to convey 4,046.86 m<sup>2</sup> of land (Part 3) to create a new lot for single detached residential use. Part 2 (4,046.86 m<sup>2</sup>) will be retained for continued use of the existing single detached dwelling.

Note: This application is being considered concurrently with consent file: B5-2021P and minor variance files: A9-2021P – A11-2021P.

### **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

The balance of this *Recommendation Report* helps address the Provincial interests at play (Section 2 of the Act), and the land division criteria of (Ss. 51(24)) in more depth through the Provincial land use planning policy framework, the Niagara Region and Town of Pelham Official Plans. Furthermore, comments were solicited from agencies including the Niagara Peninsula Conservation Authority, Niagara Region, school boards and public utilities among others.

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 a ‘Settlement Area’, more specifically a rural settlement area / hamlet. According to policy 1.1.4, *Rural Areas* may include rural settlement areas.

Policy 1.1.4.1 – states that healthy and viable *rural areas* should be supported by, among other things:

- a) Building upon rural character, and leveraging rural amenities and assets;
- c) Accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) Encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) Using rural *infrastructure* and *public service facilities* efficiently;

The existing zoning only permits one single detached dwelling, which limits the ability to provide a mix of housing stock. The proposed lot geometry is configured in a way that seeks to preserve the existing rural residential dwelling on Part 2.

Policy 1.1.4.3 states that the Town shall consider rural characteristics, the scale of development and the provision of appropriate service levels when directing development in rural *settlement areas*.

Policy 2.6.2 (Cultural Heritage & Archaeology) – states that *development* and *site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been conserved.

A *Stage 1 – 2 Archaeological Assessment* was conducted which concluded no significant archaeological resources were uncovered. Consequently, a Ministry clearance letter was provided with the application. Planning staff are of the opinion the proposed severance is consistent with the PPS and that the lot geometry successfully helps achieve the growth management objectives of North Pelham, respect the rural character and subject to conditions, adequately manages private water and sewage system services.

### Greenbelt Plan (2017)

The subject lands are designated as a ‘Hamlet’ (*Settlement Area*) within the ‘Protected Countryside’ according to Schedule 1 of the Greenbelt Plan. Hamlets are substantially smaller than Towns / Villages and play a significantly lesser role in accommodating concentrations of residential, commercial, and non-agricultural development. Hamlets are not locations to which growth should be directed.

Policy 3.4.4 – states that Hamlets are subject to the Growth Plan policies and continue to be governed by official plans and are not subject to the policies of this Plan, save for a few key policies, (water resource system, parkland, open space and trails etc.). Limited growth is permitted through infill and *intensification* of Hamlets subject to appropriate private servicing.

The proposed consent is consistent with the policies of the Growth Plan (see below), and provide for limited residential infill development on private services.

#### 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.

The subject parcel is located within a ‘Rural Settlement’ according to the Growth Plan. *Rural Settlements* are privately serviced areas, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

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

- b) Growth will be limited in *settlement areas* that:
  - i. Are *rural settlements*;
  - ii. Are not serviced by existing or planned *municipal water and wastewater systems*; or
  - iii. Are in the Greenbelt Area.

Policy 4.2.1– states that *Water resource systems* will be identified for the long-term protection of *key hydrologic features, key hydrologic areas*, and their functions.

Schedule ‘B1’ of the Town’s Official Plan identifies the subject lands as constituting a *highly vulnerable aquifer* and being located within the Fifteen Mile Creek subwatershed. As such, a number of land uses are prohibited.

According to the *Hydrogeological Assessment* and Regional staff, the proposed development appears capable of providing a sustainable level of private water and wastewater servicing subject to certain conditions of approval being fulfilled.

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 ‘Hamlet’ according to Schedules ‘A’ and ‘B’. Hamlets are low density settlement areas that play an important housing, social, cultural, and economic role for the people within the local community and in supporting the surrounding agricultural and rural areas.

Policy 4.H.3.1 states that proposed Hamlet development must still comply with the MDS formula requirements.

The proposed development is not located in proximity to existing livestock operations.

Policy 4.H.3.5 states that the minimum lot size for new lots in Hamlets should be 1 hectare unless a *Hydrogeological Assessment* determines that a smaller land area will adequately accommodate private water and sewage treatment facilities for long-term operation. In all cases, a minimum of 0.4 hectare (1 acre) of usable lot area for septic system purposes shall be provided.

The proposed lots exceed the minimum 0.4 ha usable lot area requirement. A *Hydrogeological Assessment* was prepared by Terra-Dynamics Consulting Inc. demonstrating that private services can adequately be accommodated without negative impacts underground or to neighbouring development, subject to recommended conditions.

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. A *Stage 1 – 2 Archaeological Assessment* was prepared by Detritus Consulting Ltd. and a clearance letter were received from the Ministry of Heritage, Sport, Tourism and Culture Industries. No further archaeological evaluation is recommended as no significant resources were uncovered.

Regional staff provided comments and offered no objections pending their recommended conditions of approval are satisfied.

#### 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 'Rural Settlement' according to Schedule 'A', and 'Highly Vulnerable Aquifer' according to Schedule 'B1'. The North Pelham Hamlet is not a focus area for future growth in the Town but does have policies that support limited development.

Policy A2.7.2 Cultural Heritage – states it is the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made. Encouraging development that is adjacent to significant cultural heritage resources to be of an appropriate scale and character.

No Part IV designated heritage properties exist on, or surround the subject lands, save for the Comfort Maple Tree to the southwest. The Town's Heritage Master Plan identified the subject lands as having high potential for deeply buried archaeological resources. Therefore, a *Stage 1 – 2 Archaeological Assessment* was required by the Town and Region and one was prepared by Detritus Consulting Ltd. to address the policy requirements. No further archaeological evaluation were recommended as no significant resources were uncovered and a clearance letter was received from the Province to this effect.

Policy B2.4.3.1 (Preferred Means of Lot Creation) – states that further development in North Pelham will be limited to infilling of lots that will support land use that respects the existing character and built form of the Hamlet. Lot creation shall occur through the consent process. Proposed lot areas less than 1.0 hectare may be considered provided they are supported by a Hydrogeological Assessment and Private Servicing Study that confirms that a smaller lot will adequately accommodate private water and wastewater treatment facilities for long-term operation, consistent with Regional policy.

In support of this policy and the Regional Official Plan, a *Hydrogeological Assessment*, prepared by Terra-Dynamics Consulting Inc. was prepared in accordance with a Terms of Reference reviewed by Regional staff.

Policy B2.4.3.2 (Preferred Means of Servicing) – requires all development in North Pelham to be serviced by private water and sewage systems. No residential development over five (5) residential units shall be permitted unless supported by a *Functional Servicing Report* and a *Hydrogeological Assessment*.

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;
  - ✓ No concerns.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Zoning relief is required as a condition of approval and has been applied for under concurrent minor variance applications (files A9-2021P & A10-2021P).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ No concern subject to conditions.
- e) Will not have a negative impact on the drainage patterns in the area;
  - ✓ Demonstration required as a condition of approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
  - ✓ The concurrent severance application (B5-2021P), together with this application, represent the total cumulative developability for the original subject property generally, given the servicing and policy constraints affecting the lands. The lands to the south are also outside of the *Rural Settlement* hamlet boundary and are located within the Greenbelt Plan. Several key planning policies prohibit *settlement area* boundary expansions into the *Protected Countryside*.
- 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 regulated features of the NPCA and Niagara Region.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
  - ✓ No objection from Region subject to conditions.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
  - ✓ The proposed development is not located in proximity to an existing livestock operation.

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

The subject lands are currently zoned 'RV1' (Residential Village One) according to Schedule 'A1' of the Zoning By-law.

The proposed lots (Parts 1 – 3) do not comply with the section 9.2 b) ('RV1' zone) requirement for minimum lot frontage of 36 m. In addition, in an effort to satisfy both the minimum lot area provisions of the Zoning By-law and Niagara Region policies, and to preserve the existing dwelling on Part 2, zoning relief has been requested to permit a 1.5 m side yard setback, (file: A10-2021P). There does not appear to be any zoning issues associated with section 6.14 a) – Minimum Distance Separation requirements for new non-farm uses.

These zoning provision deficiencies, where they apply, are required to be addressed as a condition of severance approval.

**Agency & Public Comments**

On January 27, 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 27, 2020)
  - No objections.
- Niagara Region Planning & Development Services (February 24, 2021)
  - See attached.
  - No objections to findings of *Hydrogeological Assessment*, the reduced lot sizes and the proposed lot provided the applicant enter into a *Development Agreement* registered on title with the Town addressing its recommendations. In addition, the standard archaeological warning clause be included.
  - Existing septic system serving 614 Metler Road will need to be replaced with a system that complies with the *Ontario Building Code* and is located wholly within the proposed lot lines of Part 2.
- Building Department (February 16, 2021)
  - No comments.
- Public Works Department (February 16, 2021)
  - See conditions.

Public comments were received from a neighbouring resident, which were related to the concurrent minor variance applications seeking reduced minimum lot frontages. Please refer to public correspondence under files A9 to A11-2021P.

**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 September 3, 2020 to discuss the subject applications.

The subject lands are located on the south side of Metler Road, lying west of Cream Street and are surrounded by agricultural uses to south, a church to the east and rural residential dwellings elsewhere.

Planning staff reviewed aerial photography to better understand the surrounding context. The following supporting studies and reports were submitted with the applications:

- *Stage 1 – 2 Archaeological Assessment*, prepared by Detritus Consulting Ltd. (October 19, 2020)
- *Planning Justification Brief*, prepared by Upper Canada Consultants (Dec 2020)
- *Hydrogeological Assessment*, prepared by Terra-Dynamics Consulting Inc. (November 11, 2020)

The proposed lot geometry is logical overall notwithstanding a slight angle between Parts 2 – 3. This lot line intends to accommodate and preserve the existing dwelling while also maintaining adequate land area for septic system purposes.

Town Planning staff note that the existing dwelling on Part 2 has a front yard setback of 10 m from Metler Road, with a small covered verandah encroaching closer. Traditionally, buildings situated relatively close to Metler Road have helped to define the built heritage of North Pelham for many decades. Directly east of the subject lands are two (2) early 20<sup>th</sup> century red brick buildings, notably the First Presbyterian Church of North Pelham. Town Planning staff recommend the proposed dwellings on Parts 1 and 3 employ design characteristics that are architecturally respectful to the neighbourhood including these existing structures via new building's mass, proportion and scale. Specifically, the main front wall of these future dwellings should maintain a consistent front building alignment that enhances the Metler Road streetscape. The future dwellings are strongly discouraged not to provide any garage forward / dominant designs (i.e. 'snout houses'). Preserving the built heritage and rural character of North Pelham which is a policy objective of the Official Plan.

The recommendations of the *Hydrogeological Assessment* to install private sewage systems to the south of the new dwellings complement Planning staff's desire to employ relatively short front yard setbacks that maintain a consistent building alignment, orientation and streetscape along Metler Road. The *Development Agreement* condition stipulates design requirements to this effect.

The proposed development avoids harm to any *key natural heritage features* or sensitive ecological areas. Subject to conditions, the proposed development should not adversely impact neighbouring properties, the *highly vulnerable aquifer, key natural heritage features, key hydrologic / hydrogeological features* or the nearby specialty croplands.

Planning staff is of the opinion that, subject to conditions, the proposal applies current planning and development goals regarding the enablement of appropriate economic development on lands suitable to do so, being that of a designated *Rural Settlement* area.

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 B6-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Obtain approval for any deficient Zoning By-law regulations to the satisfaction of the Director of Community Planning & Development.
- Remove the existing deck on the eastern wall of the existing dwelling, to the satisfaction of the Chief Building Official. If a Demolition Permit is required in accordance with the *Ontario Building Code*, the applicant shall bear the costs and responsibility of that work.
- Confirm that no existing utilities cross the proposed new lot line(s). Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.
- Enter into a *Development Agreement* with the Town that is registered on title, to the satisfaction of the Director of Community Planning & Development, addressing the following:
  - Implementation of recommendations from the *Hydrogeological Assessment* prepared by Terra-Dynamics Consulting Inc. (dated November 11, 2020), specifically:
    1. That all lots be equipped with sewage systems providing at least 50% nitrogen reduction of septic effluent Level IV / tertiary treatment;
    2. That future sewage disposal systems observe the required setbacks from the existing potable water supplies illustrated on Figure 4, unless these water supplies are decommissioned by an Ontario-licensed water well contractor; and
    3. That water be supplied by cisterns for each of the proposed lots. Otherwise, the construction of new groundwater supplies should require:
      - a) A water supply assessment completed in accordance with the Ministry of Environment, Conservation and Parks D-5-5 Guidelines for Private Wells: Water Supply Assessment;
      - b) Well construction within the Pre-Halton or Bedrock aquifers; and
      - c) That its location(s) comply with the *Ontario Building Code* setbacks.
  - That a new private sewage system be installed wholly on Part 2 meeting the above mentioned requirements to the satisfaction of the Region.
  - Submission and approval of a comprehensive overall Lot Grading & Drainage Plan for all parcels demonstrating that drainage does not negatively affect, nor rely on neighbouring properties, to the satisfaction of the Director of Public Works, or designate.
    - The Lot Grading & Drainage Plan shall provide building envelopes demonstrating consistent streetscape alignment along Metler Road with septic systems located south of the proposed dwelling footprints. The Site Plan and Grading Plan provided at the time of building permit shall not deviate from that approved under this Agreement, to the satisfaction of the Director of Community Planning & Development.
  - Standard archaeological warning clauses.
  - Obtain approval for a Driveway Entrance and Culvert Permit for the construction or modification of all new or existing driveway entrances. Installation of driveway entrances shall be in accordance with Town standards, to the satisfaction of the Director of Public Works and the applicant shall bear all costs associated with such. Any street trees needing to be removed shall be replaced with an approved large caliper tree in accordance with the Town's Street Tree Planting List.
- 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: February 16, 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 B6/2021P  
614 Metler Road

We have completed the review of the consent application B6/2021P for consent to convey 4,046.86 square meters of land (Part 3), for future construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 614 Metler Road.

Public Works has the following conditions;

1. That the applicant confirm that no existing utilities cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
2. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works or his designate.
3. That the applicant obtains a Driveway Entrance and Culvert Permit for the construction of all new or modification of existing driveways or entrances. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

---

To: Sarah Leach

Cc: Curtis Thompson

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

Date: February 16<sup>th</sup>, 2021

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

Comment for Re: Files #A9-2021P 614 Metler Rd., #A10-2021P 614 Metler Rd., #A11-2021P 614 Metler Rd., #B5/2021P 614 Metler Rd., #B6/2021P 614 Metler Rd., #B8/2021P 1411 Station St (Pt 5), #B10/2021P 1415 Station St (Pt 8),

The building department offers the following comment,

- No comment

Comment for Re: Files #B7/2021P 1409 Station St (Pt 7) & #B9/2021P 1413 Station St (Pt 6)

The building department offers the following comment,

- That the applicant remove the existing structures located on Part 7 (B7-2021P) and Part 6 (B9-2021P) to the satisfaction of the Chief Building Official. If any structures exceed 10m<sup>2</sup> than a Demolition Permit shall be obtained.

Kind Regards,

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

**From:** [Nicholas Godfrey](#)  
**To:** [Sarah Leach](#)  
**Subject:** RE: Committee of Adjustment Notice of Hearing - March 2, 2021 1 of 2  
**Date:** Wednesday, January 27, 2021 11:39:45 AM

---

Good morning Sarah,

Please note that we have no objections to the proposed applications as we have no regulated features at this site.

Best,

**Nicholas Godfrey, M.A.**  
**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 278  
[ngodfrey@npca.ca](mailto:ngodfrey@npca.ca)  
[www.npca.ca](http://www.npca.ca)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [facebook.com/NPCAOntario](https://facebook.com/NPCAOntario) & [twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

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

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

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

---

**From:** Sarah Leach <SLeach@pelham.ca>  
**Sent:** January 27, 2021 9:25 AM  
**To:** Nicholas Godfrey <ngodfrey@npca.ca>; Sarah Mastroianni <smastroianni@npca.ca>  
**Subject:** Committee of Adjustment Notice of Hearing - March 2, 2021 1 of 2

Good morning,

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

- A9/2021P – 614 Metler Road (Part 1)
- A10/2021P – 614 Metler Road (Part 2)
- A11/2021P – 614 Metler Road (Part 3)
- B5/2021P – 614 Metler Road (Part 1)
- B6/2021P – 614 Metler Road (Part 3)
- Planning Justification (relevant to all applications above)

Please see the attached scan of fees. Fees will be sent by mail.

Thank you,  
Sarah



**Sarah Leach, BA.**

Administrative Assistant to the Clerk

Town of Pelham

T: 905-892-2607 x322 | E: sleach@pelham.ca

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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**Sarah Leach, BA.**

Administrative Assistant to the Clerk

Town of Pelham

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20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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**Sarah Leach, BA.**

Administrative Assistant to the Clerk

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**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**

February 24, 2021

File No.: D.06.06.CS-21-0003  
D.06.06.CS-21-0004

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  
Consent Applications  
Town File Nos.: B5/2021P & B6/2021P  
Address: 614 Metler Road, Pelham  
Legal Description: Part of Lot 12, Concession 6, Town of Pelham**

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Regional Planning and Development Services staff have reviewed the information circulated for two consent applications at 614 Metler Road, Pelham. The consent applications propose the creation of two new lots (Part 1 and 3 on the submitted sketch) for future residential use. Part 2 will be retained for continued residential use.

A preconsultation meeting for the proposed consent applications was held on September 3, 2020, with staff from the Town and Region, as well as the Owner in attendance.

The consent applications were circulated with three associated minor variance applications (Town File Numbers: A9/2021P, A10/2021P, and A11/2021P), which seek relief from the Town's Zoning By-law to permit a reduced minimum lot frontage for Parts 1, 2, and 3, as well as a reduced minimum interior side yard setback for the existing dwelling on Part 2. As the requested variances do not affect Provincial or Regional interests, Regional staff have no comment on these applications.

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

## **Provincial and Regional Policy**

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS), and are designated as Hamlet (North Pelham) in the Regional Official Plan (ROP). As Settlement Areas, Hamlets are to be a focus of growth and development, and their vitality and regeneration is promoted by both the PPS and the ROP. The ROP states that Hamlets are to be designated in local Official Plans for further development of a low-density nature without the provision of municipal water and sewer services.

The ROP requires a minimum lot size of 1 hectare for new lots in Hamlets, unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment on the lot over the long term. The proposed lots will each total 4,046.86 square metres (0.4 hectares) in area. Accordingly, a Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020) was submitted with the application. The Hydrogeological Assessment supports the reduced lot size of 0.4 hectares, provided:

- i. All lots are equipped with sewage systems that provide at least 50% nitrogen reduction of septic effluent Level IV/tertiary treatment;
- ii. Future sewage disposal systems observe the required set-backs from existing water supplies identified in Figure 4 of the Hydrogeological Assessment, unless these water supplies are decommissioned by an Ontario-licensed water well contractor; and
- iii. Water is supplied by cisterns for each of the lots. Alternatively, the construction of new groundwater supplies on the lots will require:
  - a) A water supply assessment (completed in accordance with the Ministry of Environment, Conservation and Parks' D-5-5 Guidelines for Private Wells: Water Supply Assessment);
  - b) Well construction within the Pre-Halton or Bedrock aquifers; and
  - c) Locations meeting the Ontario Building Code setbacks.

Regional Engineering staff have reviewed the Hydrogeological Assessment and offer no objections, provided the report's recommendations are addressed through a development agreement on the severed and retained lots. A condition has been included in the conclusion to address this requirement. Regional staff also note that the existing shallow bored well on the lot may need to be decommissioned, depending on the location of the future septic systems.

## **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.

At the preconsultation meeting, the subject lands were identified as having high archaeological potential given that they are identified as such in the Town's Heritage Master Plan. A Stage 1 and 2 Archeological Assessment, prepared by Detritus Consulting Limited (dated October 19, 2020) was submitted with the applications. The Stage 2 Assessment did not result in the identification of any archaeological resources, and the Licensed Archaeologist recommended that additional archaeological assessment for the subject lands was not warranted.

In a letter dated December 3, 2020, the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) acknowledged the information contained in the Stage 1 and 2 Archeological Assessment and its recommendations. The report has been entered into the Ontario Public Register of Archaeological Reports. As such, Regional staff are satisfied that archaeological resources have been adequately addressed for the subject lands.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of a standard archaeological clause in the development agreement for the severed and retained lots, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition regarding this clause is included in the conclusion to this letter.

### **Minimum Distance Separation**

Provincial and Regional policies require that new development, including lot creation, 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 MDS setbacks.

### **Private Servicing**

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 the existing single residential-dwelling and detached accessory structure located on Part 2. Based on a site inspection, it was determined that this existing system will not be wholly contained within the new proposed lot lines of Part 2. Therefore, a new sewage system will be required to service this lot, meeting minimum Ontario Building Code (OBC) requirements, as well as the recommendations outlined in the Hydrogeological

Assessment submitted with the applications. There appears to be enough usable area on Part 2 south of the existing dwelling for the replacement system.

Therefore, PSS staff have no objections to the proposed applications, provided a new sewage system is installed for Part 2, which meets both the requirements of the OBC, as well as the recommendations included in the Hydrogeological Assessment submitted with these applications. Additionally, PSS staff note that the future sewage systems for Parts 1 and 3 will be required to comply with these same requirements as part of the sewage system permit .

## Conclusion

In conclusion, Regional Planning and Development Services staff have no objections to the proposed consent applications from a Provincial or Regional perspective, subject to the satisfaction of any local requirements, and the following conditions:

1. That the owner enters into a development agreement with the Town, to be registered against the title of Parts 1, 2 and 3, to require:
  - a. Implementation of the recommendations of the Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020), including:
    - i. The lots be equipped with sewage systems that provide at least 50% nitrogen reduction of septic effluent Level IV/tertiary treatment.
    - ii. Future sewage disposal systems observe the required set-backs from existing water supplies as shown on Figure 4 of the Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020), unless these water supplies are decommissioned by an Ontario-licensed water well contractor.
    - iii. Water is supplied by cisterns for each lot. Alternatively, the construction of new groundwater supplies will require:
      1. A water supply assessment completed in accordance with the Ministry of Environment, Conservation and Parks D-5-5 Guidelines for Private Wells: Water Supply Assessment;
      2. Well construction within the Pre-Halton or Bedrock aquifers; and
      3. Locations meeting the Ontario Building Code setbacks.
  - b. Inclusion of the following warning clause:

*“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) (416-212-8886) must be notified, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

2. That a new sewage system be installed for Part 2, which meets all requirements of the Ontario Building Code, as well as the recommendations of the Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020).

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 these applications.

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  
Justin Noort, Private Sewage System Inspector, Niagara Region  
Curtis Thompson, Planner, Town of Pelham

March 2, 2021

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

**Re: Consent Application B7-2021P**  
**1409 Station Street, Pelham**  
Part of Lot 13, Plan 717  
**Roll No. 2732 030 004 02800**

The subject parcel, shown as Part 7 on the attached sketch, is an interior parcel of land situated 60.99 m east of Station Street, lying north of Summersides Boulevard, legally described above, in the Town of Pelham.

Application is made for consent to partial mortgage discharge, new mortgage and to convey 5,622.9 m<sup>2</sup> of land (Part 7) to merge with the abutting property to the east (Part 9) for future development. Part 1 (1,615.2 m<sup>2</sup> of land) is to be retained for continued residential use of the single detached dwelling known as 1409 Station Street.

Note: The boundary adjustment will facilitate rear yard land consolidation for an active draft plan of subdivision application in East Fonthill (file no: 26T19-02-2020 known as *Park Place South*).

### **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 help facilitate and streamline an active draft plan of 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 compact, new housing options to be built 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 an active draft plan of subdivision under one land holding.

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) and 'EF-Medium Density Residential' (to the east flanking Summersides Boulevard).

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, as street frontage will become off Summersides Boulevard.
- 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;
  - ✓ Part 7 is currently subject to an active Zoning By-law Amendment application to implement residential development in conformity with the East Fonthill Secondary Plan policies.
- 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 active draft plan of subdivision / development application while the existing dwelling maintains a smaller lot area, more appropriate for itself and 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, new mortgage and to convey Part 7 to be added to the abutting lot to the east (Part 9) 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 7 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 Consent Sketch does not illustrate the existing cluster of accessory buildings on Part 7 which serve 1409 Station Street (Part 1). The proposed parcel reconfiguration will result in these structures contravening Section 5.2 of the Zoning By-law because they would not be exclusively devoted to a main use or building located on the same lot, because Part 9 is vacant. Therefore, a condition of approval is required to ensure zoning compliance will be achieved.

There is currently an active Zoning By-law Amendment application on the Part 7 and Part 9 lands, which seek to rezone from 'Agricultural' to various site-specific residential uses.

**Agency & Public Comments**

On January 20, 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:

- Building Department (February 16, 2021)
  - See conditions.

- Public Works Department (February 10, 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 an active draft plan of subdivision application. The application for consent to partial mortgage discharge, new mortgage, and to convey 5,622.9 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 owners and applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on May 21, 2020 and November 19, 2020 to discuss the subject application. A *Planning Justification Brief* (December 16, 2020) 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 – Single detached residential
- East – Vacant land
- South – Residential & contractor yard
- West – Institutional (church & elementary school)

Planning staff are familiar with the subject lands and 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.

Town staff note that the existing driveway of 1405 Station Street and 1409 Station Street (Part 1) is actually shared. Specifically, the vehicles of 1405 Station Street may traverse partly onto Part 1 to access their detached garage. It is both party's interest to protect this shared driveway arrangement through a perpetual easement registered on title or through a boundary adjustment. However, because 1409 Station Street (Part 1) is the retained parcel, and not technically subject to the conveyance, imposing a condition on those lands may not be appropriate at this time.

It is noted that the proposed development of Parts 7 and 9 are currently the subject of *Planning Act* applications. Specifically, applications for Zoning By-law Amendment (file AM-08-2020) and draft plan of subdivision approval (file 26T19-02-2020). This severance (boundary adjustment) approval simplifies the aforementioned development applications by consolidating the individual parcels into one larger land holding under one ownership model for the concurrent proposals.

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 and simplify the active draft plan of subdivision and rezoning applications. The boundary adjustment 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 at this time.

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

Consequently, Planning staff recommend that consent file B7-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Remove all existing accessory buildings on Part 7, if any structure exceeds 10 m<sup>2</sup> in area, a Demolition Permit shall be obtained and closed to the satisfaction of the Chief Building Official.
- Confirm that no existing utilities cross the proposed new lot line. Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.
- 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.
- Merge Part 7 with Part 9.
- 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: February 10, 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 B7/2021P  
1409 Station Street

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We have completed the review of the consent application B7/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to convey 5,622.9 square meters of land (Part 7), to be added to the abutting property to the east (Part 9), for future development. Part 1 is to be retained for continued residential use of dwelling known municipally as 1409 Station Street.

Upon this review, Public Works has the following comments;

1. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
2. 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.

To: Sarah Leach

Cc: Curtis Thompson

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

Date: February 16<sup>th</sup>, 2021

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

Comment for Re: Files #A9-2021P 614 Metler Rd., #A10-2021P 614 Metler Rd., #A11-2021P 614 Metler Rd., #B5/2021P 614 Metler Rd., #B6/2021P 614 Metler Rd., #B8/2021P 1411 Station St (Pt 5), #B10/2021P 1415 Station St (Pt 8),

The building department offers the following comment,

- No comment

Comment for Re: Files #B7/2021P 1409 Station St (Pt 7) & #B9/2021P 1413 Station St (Pt 6)

The building department offers the following comment,

- That the applicant remove the existing structures located on Part 7 (B7-2021P) and Part 6 (B9-2021P) to the satisfaction of the Chief Building Official. If any structures exceed 10m<sup>2</sup> than a Demolition Permit shall be obtained.

Kind Regards,

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

March 2, 2021

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

**Re: Consent Application B8-2021P**  
**1411 Station Street, Pelham**  
Part of Lots 11 – 12, Plan 717  
**Roll No. 2732 030 004 02700**

The subject parcel, shown as Part 5 on the attached sketch, is an interior parcel of land situated 60.99 m east of Station Street, lying north of Summersides Boulevard, legally described above, in the Town of Pelham.

Application is made for consent to partial mortgage discharge, new mortgage and to convey 238.1 m<sup>2</sup> of land (Part 5) to merge with the abutting properties to the east (Parts 8 – 9) for future development. Part 2 (1,543.8 m<sup>2</sup> of land) is to be retained for continued residential use of the single detached dwelling known as 1411 Station Street.

Note: The boundary adjustment will facilitate rear yard land consolidation for a future draft plan of subdivision application 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 compact, new housing options to be built 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' (Part 2 on the west) and 'East Fonthill Secondary Plan Area' (Part 5 on 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), Part 5 is designated 'EF – Low Density Residential'.

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, as street frontage will become off Summersides Boulevard.
- 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;
  - ✓ Compliant.
- 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 dwelling maintains a smaller lot area, more appropriate for itself and 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, new mortgage and to convey Part 5 to be added to the abutting lots to the east (Parts 8 – 9) for future development purposes. A new lot will not be created as a result of this consent. Part 2 will be retained for continued single detached residential use.

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

Part 2 is currently zoned 'Residential 2' (R2) to the west and 'Agricultural' (A) to the east, while Part 5 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 5 or 8 beyond that which is permitted under Section 7 would require a Zoning By-law Amendment.

**Agency & Public Comments**

On January 20, 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:

- Building Department (February 16, 2021)
  - No comments.
- Public Works Department (February 10, 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 application. The application for consent to partial mortgage discharge, new mortgage, and to convey 238.1 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 owners and applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on November 19, 2020 to discuss the subject application. A *Planning Justification Brief* (December 16, 2020) 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 – Single detached residential
- East – Vacant land
- South – Single detached Residential
- West – Institutional (church & elementary school)

Planning staff are familiar with the subject lands and 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 draft plan of 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 at this time.

It is noted that the anticipated development of Parts 5 and 8 will be subject to future *Planning Act* approvals such as a Zoning By-law Amendment, and draft plan of subdivision. This severance (boundary adjustment) application will 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.

Consequently, Planning staff recommend that consent file B8-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Confirm that no existing utilities cross the proposed new lot line. Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.

- 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.
- Obtain final certification of consent file: B10-2021P (Part 8) and ensure that the necessary transfer has been completed and certified by the Land Registry Office, prior to the issuance of the final certificate of consent file B8-2021P, to the satisfaction of the Secretary Treasurer of the Committee of Adjustment.
- Merge Part 5 with Parts 8 – 9.
- 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: February 10, 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 B8/2021P  
1411 Station Street

We have completed the review of the consent application B8/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to convey 2,381.1 square meters of land (Part 5), to be added to the abutting properties to the east (Parts 8 & 9), for future development. Part 2 is to be retained for continued residential use of dwelling known municipally as 1411 Station Street.

Upon this review, Public Works has the following comments;

1. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
2. 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.

To: Sarah Leach

Cc: Curtis Thompson

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

Date: February 16<sup>th</sup>, 2021

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

Comment for Re: Files #A9-2021P 614 Metler Rd., #A10-2021P 614 Metler Rd., #A11-2021P 614 Metler Rd., #B5/2021P 614 Metler Rd., #B6/2021P 614 Metler Rd., #B8/2021P 1411 Station St (Pt 5), #B10/2021P 1415 Station St (Pt 8),

The building department offers the following comment,

- No comment

Comment for Re: Files #B7/2021P 1409 Station St (Pt 7) & #B9/2021P 1413 Station St (Pt 6)

The building department offers the following comment,

- That the applicant remove the existing structures located on Part 7 (B7-2021P) and Part 6 (B9-2021P) to the satisfaction of the Chief Building Official. If any structures exceed 10m<sup>2</sup> than a Demolition Permit shall be obtained.

Kind Regards,

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

**From:** [Stephen Kaiser](#)  
**To:** [Nancy Bozzato](#)  
**Cc:** [Holly Willford](#); [Barbara Wiens](#); [Curtis Thompson](#)  
**Subject:** Committee of Adjustment File Number B8/2021P, B9/2021P and B10/2021P  
**Date:** Monday, February 1, 2021 9:28:35 AM

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Good Morning Nancy,

Thank you for the Notice regarding the three proposed severances on Station Street in Fonthill that are in close proximity to the property my wife and I own a [REDACTED] Station Street.

We were aware of all three initiatives prior to receiving the Notice and are supportive of the three Applications that are before the Committee on March 2nd.

I trust you will convey our thoughts to the Committee at the Hearing.

Most appreciated!

All the best!

Stephen

**Stephen Kaiser**

Kaiser & Associates Inc.

[REDACTED] Canboro Road  
P.O. Box 123  
Ridgeville, ON L0S 1M0

Phone: [REDACTED]

Email: [REDACTED]

March 2, 2021

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

**Re: Consent Application B9-2021P**  
**1413 Station Street, Pelham**  
Lot 10 and Part of Lot 9, Plan 717  
**Roll No. 2732 030 004 02600**

The subject parcel, shown as Part 6 on the attached sketch, is an interior parcel of land situated 60.99 m east of Station Street, lying north of Summersides Boulevard, legally described above, in the Town of Pelham.

Application is made for consent to partial mortgage discharge, new mortgage and to convey 184.9 m<sup>2</sup> of land (Part 6) to merge with the abutting properties to the east (Parts 8 – 9) for future development. Part 3 (614.9 m<sup>2</sup> of land) is to be retained for continued residential use of the single detached dwelling known as 1413 Station Street.

Note: The boundary adjustment will facilitate rear yard land consolidation for a future draft plan of subdivision application 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 compact, new housing options to be built 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' (Part 3 on the west) and 'East Fonthill Secondary Plan Area' (Part 6 on 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), Part 6 is designated 'EF – Low Density Residential'.

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, as street frontage will become off Summersides Boulevard.
- 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;
  - ✓ Compliant.
- 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 dwelling maintains a smaller lot area, more appropriate for itself and 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, new mortgage and to convey Part 6 to be added to the abutting lots to the east (Parts 8 – 9) for future development purposes. A new lot will not be created as a result of this consent. Part 3 will be retained for continued single detached residential use.

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

Part 3 is currently zoned 'Residential 2' (R2) to the west and 'Agricultural' (A) to the east, while Part 6 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 6 or 8 beyond that which is permitted under Section 7 would require a Zoning By-law Amendment and will be part of a future development application.

**Agency & Public Comments**

On January 20, 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:

- Building Department (February 16, 2021)
  - See attached.
- Public Works Department (February 10, 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 application. The application for consent to partial mortgage discharge, new mortgage, and to convey 184.9 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 owners and applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on November 19, 2020 to discuss the subject application. A *Planning Justification Brief* (December 16, 2020) 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 – Single detached residential
- East – Vacant land
- South – Single detached Residential
- West – Institutional (church & elementary school)

Planning staff are familiar with the subject lands and 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 draft plan of 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 at this time.

It is noted that the anticipated development of Parts 6 and 8 will be subject to future *Planning Act* approvals such as a Zoning By-law Amendment, and draft plan of subdivision. This severance (boundary adjustment) application will 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.

Consequently, Planning staff recommend that consent file B9-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Remove all existing accessory buildings on Part 6, if any structure exceeds 10 m<sup>2</sup> in area, a Demolition Permit shall be obtained and closed to the satisfaction of the Chief Building Official.

- Confirm that no existing utilities cross the proposed new lot line. Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.
- 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.
- Obtain final certification of consent file: B10-2021P (Part 8) and ensure that the necessary transfer has been completed and certified by the Land Registry Office, prior to the issuance of the final certificate of consent file B9-2021P, to the satisfaction of the Secretary Treasurer of the Committee of Adjustment.
- Merge Part 6 with Parts 8 – 9.
- 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: February 10, 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 B9/2021P  
1413 Station Street

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We have completed the review of the consent application B9/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to convey 184.9 square meters of land (Part 6), to be added to the abutting properties to the east (Part 8 & 9), for future development. Part 3 is to be retained for continued residential use of dwelling known municipally as 1413 Station Street.

Upon this review, Public Works has the following comments;

1. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
2. 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.

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To: Sarah Leach

Cc: Curtis Thompson

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

Date: February 16<sup>th</sup>, 2021

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

Comment for Re: Files #A9-2021P 614 Metler Rd., #A10-2021P 614 Metler Rd., #A11-2021P 614 Metler Rd., #B5/2021P 614 Metler Rd., #B6/2021P 614 Metler Rd., #B8/2021P 1411 Station St (Pt 5), #B10/2021P 1415 Station St (Pt 8),

The building department offers the following comment,

- No comment

Comment for Re: Files #B7/2021P 1409 Station St (Pt 7) & #B9/2021P 1413 Station St (Pt 6)

The building department offers the following comment,

- That the applicant remove the existing structures located on Part 7 (B7-2021P) and Part 6 (B9-2021P) to the satisfaction of the Chief Building Official. If any structures exceed 10m<sup>2</sup> than a Demolition Permit shall be obtained.

Kind Regards,

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

March 2, 2021

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

**Re: Consent Application B10-2021P**  
**1415 Station Street, Pelham**  
Part of Lot 9, Plan 717  
**Roll No. 2732 030 004 02500**

The subject parcel, shown as Part 8 on the attached sketch, is an interior parcel of land situated 60.99 m east of Station Street, lying north of Summersides Boulevard, legally described above, in the Town of Pelham.

Application is made for consent to partial mortgage discharge, new mortgage and to convey 8,322 m<sup>2</sup> of land (Part 8) to merge with the abutting properties to the east (Part 9) for future development. Part 4 (1,628.8 m<sup>2</sup> of land) is to be retained for continued residential use of the single detached dwelling known as 1415 Station Street.

Note: The boundary adjustment will facilitate rear yard land consolidation for a future draft plan of subdivision application 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 compact, new housing options to be built 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' (Part 4 on the west) and 'East Fonthill Secondary Plan Area' (Part 8 on 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), Part 6 is designated 'EF – Low Density Residential'.

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, as street frontage will become off Summersides Boulevard.
- 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;
  - ✓ Compliant.
- 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 dwelling maintains a smaller lot area, more appropriate for itself and 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, new mortgage and to convey Part 8 to be added to the abutting lot to the east (Part 9) for future development purposes. A new lot will not be created as a result of this consent. Part 4 will be retained for continued single detached residential use.

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

Part 3 is currently zoned 'Residential 2' (R2) to the west and 'Agricultural' (A) to the east, while Part 6 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 8 beyond that which is permitted under Section 7 would require a Zoning By-law Amendment.

**Agency & Public Comments**

On January 20, 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:

- Building Department (February 16, 2021)
  - See attached.
- Public Works Department (February 10, 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 application. The application for consent to partial mortgage discharge, new mortgage, and to convey 8,322 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 owners and applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on November 19, 2020 to discuss the subject application. A *Planning Justification Brief* (December 16, 2020) 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 – Single detached residential
- East – Vacant land
- South – Single detached Residential
- West – Institutional (church & elementary school)

Planning staff are familiar with the subject lands and 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 draft plan of 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 at this time.

It is noted that the anticipated development of Part 8 will be subject to future *Planning Act* approvals such as a Zoning By-law Amendment, and draft plan of subdivision. This severance (boundary adjustment) application will 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.

Consequently, Planning staff recommend that consent file B10-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Confirm that no existing utilities cross the proposed new lot line. Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.

- 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.
- Merge Part 8 with Part 9.
- 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: February 10, 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 B10/2021P  
1415 Station Street

We have completed the review of the consent application B10/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to convey 8,322 square meters of land (Part 8), to be added to the abutting property to the east (Part 9), for future development. Part 4 is to be retained for continued residential use of dwelling known municipally as 1415 Station Street.

Upon this review, Public Works has the following comments;

1. That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
2. 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.

To: Sarah Leach

Cc: Curtis Thompson

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

Date: February 16<sup>th</sup>, 2021

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

Comment for Re: Files #A9-2021P 614 Metler Rd., #A10-2021P 614 Metler Rd., #A11-2021P 614 Metler Rd., #B5/2021P 614 Metler Rd., #B6/2021P 614 Metler Rd., #B8/2021P 1411 Station St (Pt 5), #B10/2021P 1415 Station St (Pt 8),

The building department offers the following comment,

- No comment

Comment for Re: Files #B7/2021P 1409 Station St (Pt 7) & #B9/2021P 1413 Station St (Pt 6)

The building department offers the following comment,

- That the applicant remove the existing structures located on Part 7 (B7-2021P) and Part 6 (B9-2021P) to the satisfaction of the Chief Building Official. If any structures exceed 10m<sup>2</sup> than a Demolition Permit shall be obtained.

Kind Regards,

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

**Meeting #:** CofA 02/2021  
**Date:** Tuesday, February 2, 2021  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present Donald Cook  
Sandra Marsh  
Bernie Law

Members Absent John Klassen  
Brenda Stan

Staff Present Nancy Bozzato  
Holly Willford  
Sarah Leach  
Jason Marr  
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 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 to the Committee of Adjustment advised the Committee the applicant for A12/2021P has requested an adjournment in order to satisfy concern's from the Niagara Region.

The Agent, Mr. Tod Barber confirmed the applicant is requesting an adjournment to work with the Region.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**THAT application A12/2021P be adjourned, sine die.**

**Carried**

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

##### **5.1 A8/2021P - 596 Chantler Road**

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

Application for relief of Section 7.7 (a) "Maximum (Accessory) Lot Coverage" – to permit a maximum (accessory) lot coverage of 2.2% and Section 7.7 (d) "Maximum (Accessory) Building Height" – to permit a maximum (accessory) building height of 4m.

###### **Representation**

The Agent Criag Rohe 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

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

Mr. Craig Rohe, Agent stated the application is minor and required to facilitate an accessory structure on the property to house tools and a summer vehicle. He indicated he is in support of the staff

recommendation and is satisfied with the requested conditions. Mr. Rohe stated it is his client's intention to build the structure as per the submitted designs.

### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer confirmed there are no pre-registered members of the public. She advised she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:15 pm and confirmed no e-mails have 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 driveway is coming off Cream Street and not Chantler Road. In response, Mr. Rohe indicated that the property has two driveways. He stated the primary driveway is from Chantler Road and the secondary driveway is from Cream Street. Mr. Rohe stated to access the accessory structure the applicant would use the Cream Street access.

**Moved By** Bernie Law

**Seconded By** Donald Cook

**THAT the public portion of the meeting be closed.**

**Carried**

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application for relief, of Section 7.7 (a) "Maximum (Accessory) Lot Coverage" – to permit a maximum (accessory) lot coverage of 2.2% and Section 7.7 (d) "Maximum (Accessory) Building Height" – to permit a maximum (accessory) building height of 4m, is hereby: GRANTED.**

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

- 1. The variance is minor in nature as adequate land area remains available to handle stormwater runoff, maintain privacy, the**

**existing septic system, preserve a rear yard amenity area, given the rural context and as no negative 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 because it will allow for enhanced use of the rural residential property and as it allows for enhanced storage and use of the facility.**
- 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. 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.**

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

1. **Ensure no plumbing fixtures, living space or bedrooms are provided in the building permit for the proposed garage.**

**Carried**

## **5.2 A12/2021P - 414 Welland Road**

The application was adjourned.

## **6. Applications for Consent**

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

#### **Purpose of Application**

Application for consent to partial discharge of mortgage, consent to convey 3,084 square metres of land (Part 2) and together with 1616 square metres of land for an easement in perpetuity over Part 3, to the benefit of Part 2 for access

#### **Representation**

The Agent Craig Rohe 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. Bell
5. Hydro One
6. Guy Lessard

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

Mr. Rohe indicated the Shops on 20 development is currently under site plan review with the Town and Niagara Region. He stated as part of the development there will be a private road that provides access to the plaza and Part 2, which is being severed for a future residential apartment building. Mr. Rohe indicated through the design of the plaza property the Niagara Region is only allowing 1 access from Highway 20, being right in

and right out. He stated when Part 2 is developed in the future it will have its access over Part 3 as an easement. Mr. Rohe indicated he supports the staff report and suggested conditions.

### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer confirmed there are no pre-registered members of the public. She advised she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:24 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 has no comments.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**THAT the public portion of the meeting be closed.**

**Carried**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application is made for consent to partial discharge of mortgage, consent to convey 3,084 square metres of land (Part 2) and together with 1616 square metres of land for an easement in perpetuity over Part 3, to the benefit of Part 2 for access, 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. **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 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 B3/2021P - 1435 Station Street**

**Purpose of Application**

Application for consent to partial discharge of mortgage and consent to convey 365 square metres of land (Part 2), to be added to the abutting property to the east (Part 3).

**Representation**

The Agent Stephen Kaiser from Kaiser & Associates was electronically present.

**Correspondence Received**

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

### **Applicant's Comments**

Mr. Kaiser indicated he has reviewed the staff report and has been in discussion with the Town regarding the easement. He stated he understands the condition has been changed and is in agreement with what is being put forward. Mr. Kaiser indicated this piece of land is to facilitate a part of a road within the plan of subdivision.

### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer confirmed there are no pre-registered members of the public. She advised she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:32 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 has no comments.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**THAT the public portion of the meeting be closed.**

**Carried**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application is made for consent to partial discharge of mortgage and consent to convey 365 square metres of land (Part 2), to be added to the abutting property to the east (Part 3), 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 Secretary-Treasurer**

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

1. **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.**

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

1. **Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east, 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 Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**

3. **That the final certification fee of \$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**

### **6.3 B4/2021P - 855 Chantler Road**

#### **Purpose of Application**

Application for consent to partial discharge of mortgage and consent to convey 6,127.6 square metres of land (Part 1).

#### **Representation**

The applicants 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.

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

The applicants had no comments.

#### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer confirmed there are no pre-registered members of the public. She advised she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:42 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 how to ensure the special zoning condition that no other residential development will occur. In response, Ms. Willford indicated this

will be a condition of the provisional consent and that the Secretary Treasurer will not issue the certificate of consent without receiving the appropriate clearance from the Planning Department. Mr. Thompson indicated he had nothing else to add. The applicant stated they are aware of the requirement and have started working on their rezoning application.

**Moved By** Sandra Marsh  
**Seconded By** Bernie Law

**THAT the public portion of the meeting be closed.**

**Carried**

**Moved By** Bernie Law  
**Seconded By** Sandra Marsh

**Application is made for consent to convey 6,127.6 square metres of land (Part 1), is hereby: GRANTED**

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

- 1. That the applicant is aware additional zoning amendments are required.**
- 2. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and with conditions fulfilled, 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. This Committee is satisfied that the application conforms to the criteria for the severance of a Surplus Farm Dwelling as stipulated in the Town of Pelham Official Plan, the Regional Policy Plan and the Provincial Policy Statement.**
- 5. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 6. 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 Community Planning & Development**

1. 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.
  1. 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.

**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**

**7. Minutes for Approval**

**Moved By** Sandra Marsh

**Seconded By** Donald Cook

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

**Carried**

**Moved By** Bernie Law  
**Seconded By** Donald Cook

**That the minutes of the January 12, 2021 Committee of Adjustment hearing be approved.**

**Carried**

**8. Adjournment**

**Moved By** Sandra Marsh  
**Seconded By** Bernie Law

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for March 2, 2021 at 4:00 pm.**

**Carried**

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Don Cook, Chair

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Secretary-Treasurer, Nancy J. Bozzato