

Committee of Adjustment AGENDA

CofA 04/2021

April 7, 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 and subsequent publication to the Town's website at 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. A18/2021P - 879 Foss Road

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

Public Comments

1. Flowers Canada Ontario
2. Sunrise Greenhouses
3. Willowbrook Nurseries Inc.
4. United Floral Distributors
5. Jan and Kitty VanZanten
6. Dave Jones
7. The Clark Family
8. Jessica Dreyer
9. The Hultink Family

6. Applications for Consent

6.1. B11/2021P - 1419 Station Street

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1. Town of Pelham Planning Department
2. Town of Pelham Public Works
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7. Minutes for Approval

8. Appointment of Secretary-Treasurer

Pursuant to the *Planning Act, R.S.O. 1990, c.P.13, s 44(8)*, the Committee shall appoint a Secretary-Treasurer.

9. Adjournment

April 7, 2021

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

Re: Minor Variance Application A18/2021P
879 Foss Road, Pelham
Concession 10, Part of Lot 17
Roll No. 2732 010 016 15100

The subject land is located on the south side of Canboro Road, lying east of Victoria Avenue, legally described above, and known locally as 1010 Canboro Road in the Town of Pelham.

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

- i. **Section 7.3 (e) "Minimum Rear Yard"** seeking 11.5 m, whereas 15 m is required.
- ii. **Section 7.3 (g) (i) "Supplementary Setback Distances"** seeking a 36 m distance from an adjacent dwelling, whereas 45 m is required.

The proposal seeks to construct a $\pm 3,060 \text{ m}^2$ easterly greenhouse addition.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2020)

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

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

The subject land is located in a 'Prime Agricultural Area' according to the PPS. The permitted uses

(among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands). The Ministry of Agricultural, Food & Rural Affairs, and Town of Pelham Zoning By-law define greenhouses as agricultural uses.

Greenbelt Plan (2017)

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

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

Section 3.1.2.5 states that where *agricultural uses* and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*, based on Provincial guidance.

The proposed greenhouse expansion will serve the VanZanten Greenhouses agricultural operation by increasing and / or diversifying its product yield while ensuring adequate spatial separation is maintained from adjacent residential dwellings. No exhaust ventilation is proposed along the eastern wall and the crops of choice are not known to expel unpleasant odours.

Regional Official Plan (Consolidated August 2014)

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

Policy 5.B.6 states that in the *Unique Agricultural Area*, the predominant use of land will be for agriculture of all types, which includes greenhouse bedding plants.

Regional Planning staff provided comments on this application and offered no objections as their matters of Provincial and Regional concern will be addressed through the concurrent Site Plan Control application.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject parcel as ‘Specialty Agricultural’. The purpose of this designation is to implement the Greenbelt Plan and recognize the importance of specialty croplands.

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

Policy B2.2.8 (Greenhouses in Specialty Agricultural designation) – states that greenhouses shall be subject to a Zoning By-law Amendment where:

- a) The lot area is less than 3 hectares; or
 - Lot area is 6.2 ha
- b) The total lot coverage of the greenhouse exceeds 30%; or
 - Lot coverage is $\pm 20\%$
- c) An accessory retail component is proposed; or
 - N/A
- d) Over 10,000 liters of water per day is required to sustain the greenhouse operation.
 - N/A
 - The existing pond is currently supplied by roof rainwater and is used for irrigation. This helps minimize the development’s impact on the potable groundwater supply.

A concurrent Site Plan Approval application (file SP-02-2021) is being undertaken at this time in response to policy B2.2.8 and the Town’s Site Plan Control By-law.

Based on the proposed development submission, a Zoning By-law Amendment is not warranted pursuant to the Specialty Agricultural policies. Planning staff are of the opinion the expansion conforms to the Official Plan and represents appropriate agricultural economic growth without causing any adverse impacts to sensitive natural heritage features, or the neighbourhood at-large.

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

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

- i. **Section 7.3 (e) “Minimum Rear Yard”** seeking 11.5 m, whereas 15 m is required.
- ii. **Section 7.3 (g) (i) “Supplementary Setback Distances”** seeking a 36 m distance from an

adjacent dwelling, whereas 45 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.	<p>The reduction of the setbacks to the east are minor overall because the greenhouse expansion is relatively benign in nature. The proposed building mass and orientation should not adversely impact drainage, subject to conditions and Site Plan Approval.</p> <p>Further, the greenhouse operation relies on natural sunlight for plant growth as opposed to artificial lighting, which can be a source of light pollution. The existing eastern driveway is reserved for emergency access while the existing western driveway provides continued domestic and commercial access. No objections have been received from the neighbourhood, or the nearest dwelling at this time.</p> <p>Planning staff are of the opinion the zoning requests are minor in nature.</p>
2. The variance is desirable for the development or use of the land.	<p>The reduction of the eastern setbacks are desirable because it will allow for improved usage of the existing agricultural parcel. Of which, the eastern half has not been actively cultivated in almost 10 years (according to aerial imagery records), and the eastern greenhouse expansion will help preserve the balance of the lands which continue to be farmed.</p> <p>Allowing for the proposed zoning relief, will help avoid removal of existing cultivated farm land, avoid impacting a regulated tributary which supports the Coyle Creek subwatershed and support the local agricultural economy.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The requested variances maintains the general purpose and intent of the Official Plan because it supports the existing agricultural greenhouse operation and its future economic growth. The rural community and adjacent Fenwick village character will be maintained, the greenhouse use is permitted, and no adverse impacts are anticipated</p>

	<p>regarding water quality, hydrogeology, light / odour pollution and stormwater runoff.</p> <p>The proposed expansion satisfies the local Official Plan policies as it currently undergoes the required Site Plan Approval / Agreement process and meets the exemption criteria from a Council approved Zoning By-law Amendment.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The variances maintains the general intent of the Zoning By-law because the requested setback reductions still leave adequate space for passage, negative drainage, and spatial separation between adjacent land uses. The greenhouse operation is benign in nature as it does not rely on artificial lighting that could otherwise potentially emit undesirable light pollution to the surrounding neighbourhood. Furthermore, no exhaust ventilation is proposed along the eastern wall as per supplied building Elevation Plans. Notwithstanding, any ambient odour created from the applicant's floriculture operation is not considered culturally unpleasant or pungent.</p>

Agency & Public Comments

On March 3rd and 30th 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. The subsequent Notice was re-circulated in order to clarify a typo.

To date, the following comments have been received:

- Niagara Peninsula Conservation Authority (March 25, 2021)
 - See attached.
 - No objections.
- Niagara Region Planning & Development Services (March 4, 2021)
 - See attached.
 - No objections, as Provincial and Regional matters will be addressed through concurrent Site Plan Control application.
- Building Department (March 29, 2021)
 - Building permit(s) are required.
- Public Works Department (March 30, 2021)
 - See conditions.

- Should the applicant require a new driveway access, they must obtain approval through a Driveway Entrance & Culvert Permit issued through the Public Works department prior to any works within the Town right-of-way.

Several public comments were received at the time of this writing. All of which offered their support for the proposed greenhouse expansion at 879 Foss Road. The letters included were provided from other local greenhouse operators, a local floral distributor, the Flowers Canada (Ontario) association and some nearby residents.

Planning Staff Comments

The subject lands are located on the northeast corner of Farr Street and Foss Road. The following land uses surround the property:

- North – *Significant Woodlands*
- East – Single detached residential
- South – Agricultural and rural residential
- West – Agricultural and rural residential

The proposed minor variance application seeks zoning relief to reduce the rear yard setback from 15 m to 11.5 m, and to reduce the setback from an adjacent dwelling from 45 m, to 36 m.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate agricultural development and making efficient use of existing agricultural land which was currently not being productively cultivated. The proposed minor variances should not negatively impact the surrounding land uses with regards to land use incompatibility, odour and storm water runoff.

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

Given this analysis, Planning staff recommend that minor variance file A18/2021P **be approved** subject to the following conditions:

THAT the applicant

- Submit for approval, a scoped Lot Grading & Drainage Plan demonstrating that storm runoff does not negatively impact, nor rely upon neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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

Memorandum

Public Works Department - Engineering

DATE: March 30th, 2021
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Derek Young, Manager of Engineering
RE: File A18/2021P
897 Foss Road

Public Works has completed a review of the minor variance application A18/2021P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- **Section 7.3 (e) “Minimum Side Yard”** – to permit a minimum side yard of 11.5m whereas the by-law requires 15m; and;
- **Section 7.3 (g) (i) “Supplementary Setback Distance”** – to permit a supplementary setback distance (to dwelling on adjacent lot) of 36m whereas the by-law requires 45m.

Public Works has the following comments;

1. That the applicant submits a scoped lot grading and drainage plan 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.
2. Should the applicant require a new access, they will need to obtain approval through a Driveway Entrance and Culvert Permit from the Public Works Department prior to the installation of a new driveway onto Town right-of-way.

To: Sarah Leach

Cc: Curtis Thompson

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

Date: March 29th, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – April 7th, 2021 Hearing

Comment for Re: Files #B11-2021-1419 Station St.

The building department offers the following comment,

- Building permit required for relocation of existing shed on Part 1 or demolition permit as it appears greater than 10m2.
- Demolition permit required for the removal of the structure on Part 3 if it has not already, as it appears to be greater than 10m2

Comment for Re: Files #A18-2021P-879 Foss Rd., B12-2021P-87 Port Robinson, B13-2021P-Port Robinson & B14-2021P 91 Port Robinson

The building department offers the following comment,

- Building permits are required for the proposed future building construction.

Kind Regards,

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

From: [Shanks, Amy](#)
To: [Sarah Leach](#)
Cc: [Development Planning Applications](#); [Holly Willford](#); [Curtis Thompson](#); [Ramundo, Matteo](#); [Karlewicz, Lori](#); [Goodale, Caitlin](#)
Subject: RE: Committee of Adjustment Notice of Hearing - April 7, 2021 1 of 2
Date: Thursday, March 4, 2021 3:49:02 PM

Good afternoon Sarah,

Regional staff have reviewed the minor variance application for 879 Foss Road, and offer no objection to this application as proposed, as all matters of Regional and Provincial interest associated with the proposed development will be addressed through the concurrent site plan application on the subject lands.

In regards to the consent applications at 87 Port Robinson Road and 1419 Station Street, as relayed previously at the preconsultation meetings for these items, there are no matters of Regional or Provincial interest associated with these proposals and therefore Regional staff will not need to review them.

I hope this information is of assistance. Please let me know if you have any more questions.

Kind regards,
Amy

Amy Shanks, M.PL.
Development Planner
Planning and Development Services
Regional Municipality of Niagara
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, Ontario L2V 4T7
905-980-6000 ext. 3264
amy.shanks@niagararegion.ca

From: Sarah Leach <SLeach@pelham.ca>
Sent: Wednesday, March 3, 2021 8:38 AM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>; rowcentre@bell.ca; ngodfrey@npca.ca; Sarah Mastroianni <smastroianni@npca.ca>
Subject: Committee of Adjustment Notice of Hearing - April 7, 2021 1 of 2

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good afternoon,

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

- A18/2021P – 879 Foss Road, Planning Justification Brief & Septic Review and receipt
- B11/2021P – 1419 Station Street & Planning Justification Brief (**not relevant to NPCA**)
- B12/2021P – 87 Port Robinson Road ***Planning Justification Report for all Port Robinson Files***
- B13/2021P – 89 Port Robinson Road
- B14/2021P – 91 Port Robinson Road

Please note, attachments will be sent in 2 emails due to size.

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

From: [Nicholas Godfrey](#)
To: [Sarah Leach](#)
Subject: RE: Committee of Adjustment Notice of Hearing - April 7, 2021 1 of 2
Date: Thursday, March 25, 2021 5:08:51 PM

Good afternoon Sarah,

I apologize for the delayed response:

A18/2021P – 879 Foss Road

NPCA staff are in agreement that because the proposed expansion is directed away from the regulated watercourse, there will be no negative impacts. The NPCA have no objections.

B11/2021P – 1419 Station Street

The NPCA have no regulated features at this site.

B12/2021P – 87 Port Robinson Road

B13/2021P – 89 Port Robinson Road

B14/2021P – 91 Port Robinson Road

While NPCA mapping indicates the subject parcels contain an NPCA regulated watercourse, given the low hydrological and ecological function of the watercourse, NPCA staff have no objections to the proposed application.

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

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 278
ngodfrey@npca.ca
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 & 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>.

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

879 Foss Road

Town of Pelham

April 7, 2021

Application for Minor Variance
For VanZanten Greenhouses

Prepared by:

NPG ▶ PLANNING
SOLUTIONS

Description of Subject Land

Subject Land

Lot Area: +/- 6.16 ha

Frontage: +/-151 m

Access: Foss Road



Proposed Greenhouse Expansion



Proposed Expansion

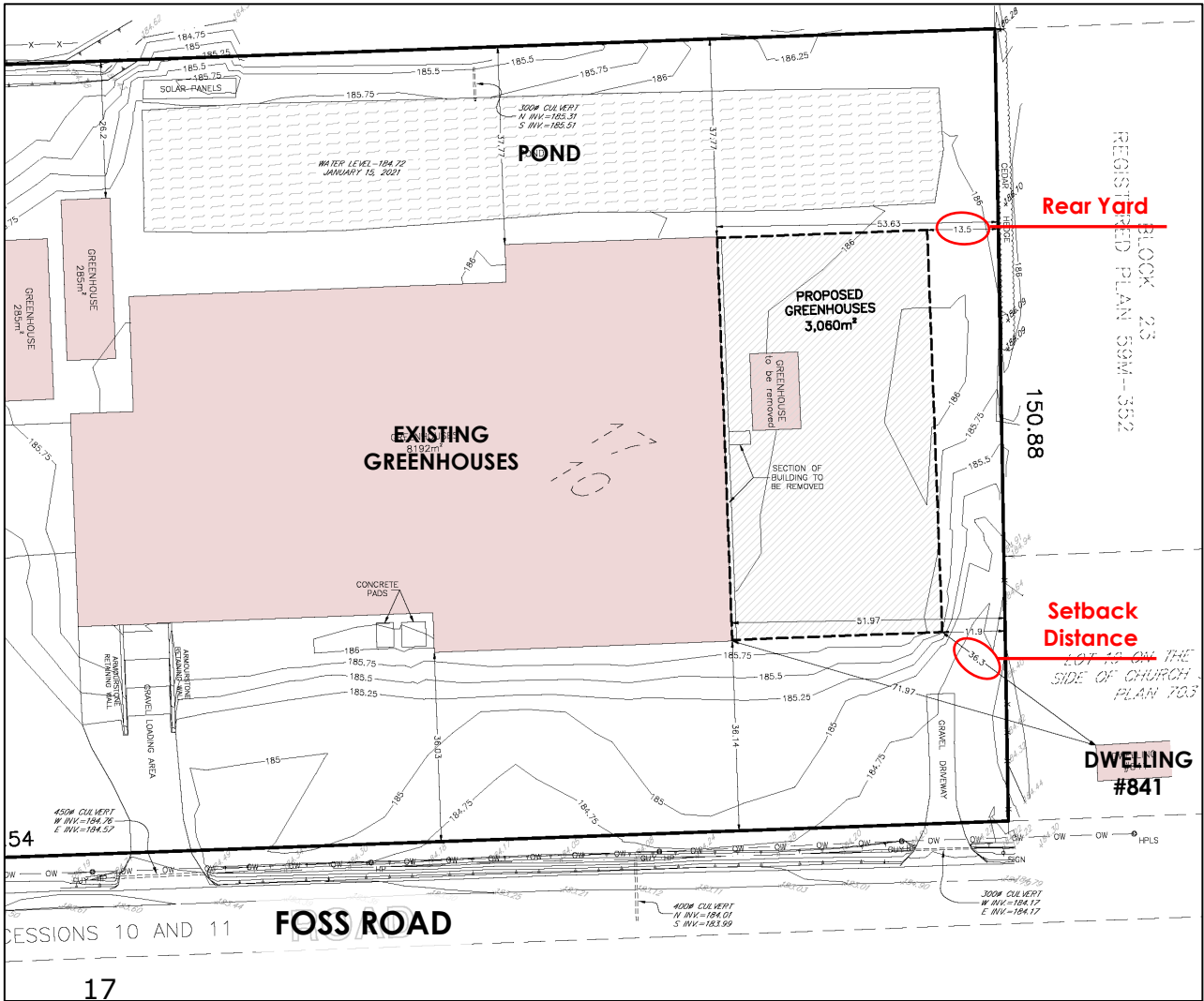
Building Area: 3,060 sqm.

Total Lot Coverage (post expansion): 20%

Proposed Minor Variance

ZONE: AGRICULTURAL

REGULATION	REQUIRED	PROPOSED	RELIEF SOUGHT
Minimum Rear Yard	15 m	11.5 m	3.5 m
Supplementary Setback Distance from a Dwelling on Adjacent Lot	45 m	36 m from dwelling #841 Foss Rd	9 m



**Gravel
Driveway for
Emergency
Access**

**Existing
Landscape
Buffer**

**Dwelling at
#841 Foss
Road**



- ✓ Supports economic development and the farming community in the Town and Region.
- ✓ Is desirable for the area and is compatible with adjacent land uses.
- ✓ Does not impact surrounding and on-site natural heritage features.
- ✓ Will utilize on-site private systems for servicing needs.
- ✓ Is consistent with the PPS, and conforms with the Growth Plan, NROP and the Town of Pelham Official Plan.





January 21, 2021

SUBJECT: Support for the Expansion of Van Zanten Greenhouses in Pelham ON

To whom it may concern,

I'm writing today to express the support of Flowers Canada (Ontario) Inc. (FCO) for the proposed expansion of Van Zanten Greenhouses in Pelham.

Flowers Canada (Ontario) Inc. is the provincial trade association of Ontario's flower producers. Our members across the province include greenhouse farmers, distributors and importers/exporters all producing or trading in cut flowers, potted plants, bedding plants, and cut greens. Our goal is to improve and strengthen the unity of the floriculture sector. Additionally, we strive to create an environment for our sector to thrive and prosper as a major contributor to the economy and quality of life in Ontario.

Ontario's flower growers contribute significantly to the economy of our province and the numerous local farming communities within it, including Pelham ON. In 2019, Ontario's flower growers realized farm gate sales of nearly \$820 million, with over \$340 million being derived from exports. Furthermore, our sector has invested heavily on advanced technologies to further optimize production, thereby creating a wide diversity of innovative and exciting employment opportunities throughout rural Ontario.

We believe that Ontario's greenhouse sector is well positioned to capitalize on sales opportunities across North America, and we actively encourage all members to seek opportunities for growth, wherever possible.

We feel that Van Zanten Greenhouses' efforts to expand are a testament to their faith and commitment to the people and skills available in the Pelham community. Van Zanten Greenhouses is a member of FCO in good standing, and we believe that their expansion plans hold great opportunity for growth in our sector, and the local economy of Pelham. For any questions, please do not hesitate to contact our executive director, Andrew Morse, at andrew@fco.ca.

Sincerely,

Arielle DeBoer
Vice President, FCO



3324 Second Avenue,
Vineland, Ontario, Canada
L0R2E0

Tel: (905) 562-3411

E-mail: rodney@sunrisegreenhouses.ca

January 27, 2021

RE: VanZanten Greenhouse zoning relief.

To the Town of Pelham,

We are aware that VanZanten Greenhouses at 879 Foss Road in Fenwick is planning an addition expansion to their greenhouse. We'd like to voice our support of that plan. Although we are not located in Pelham, we are very much involved in your community.

VanZanten Greenhouses provides us space and growing expertise for two of the floral crops we grow and market in Canada, and Eastern United States. This is an important part of our greenhouse business. In fact many of these plants go through floral distributors, wholesalers and garden centres such as United Floral Distributors, Niagara Quality Flowers and Rice Road Greenhouses, all who are a part of the Pelham community.

We hope that our support of the VanZanten family and their farm will also see you support them on this project.

Respectfully submitted,

Rodney Bierhuizen



WILLOWBROOK NURSERIES INC.

935 VICTORIA AVE., R.R. #4
FENWICK, ON CANADA L0S 1C0
TEL: (905)892-5350/(800)661-5237
FAX: (905)892-3790

January 27, 2021

To whom it may concern:

I understand that Jan VanZanten is applying for a minor variance for expansion to his greenhouse business.

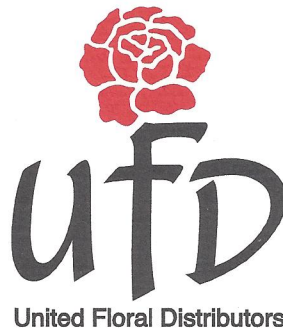
As owner and neighbour to Jan VanZanten and chair of the Pelham Greenhouse Growers Group, I fully support the expansion of his greenhouse business and the application for a minor variance.

The expansion of our nurseries and greenhouse businesses from time to time are necessary in order to remain viable during these challenging times.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely

John Langendoen



January 30, 2021

RE: VanZanten Greenhouse zoning relief.

To the Town of Pelham,

On behalf of United Floral Distributors at 1050 Canboro road in Fenwick we wanted to send a letter regarding the minor variance application for VanZanten Greenhouses at 879 Foss Road.

This letter is to show our support for their addition to the greenhouse on the east side of their property, as long as this greenhouse is not used for the growing or processing of Marijuana. As a Floral products company, we rely on local floral greenhouse farms to supply us with fresh product for our customers. We need our greenhouse growers to be able to continue to support us so that we can also continue to be a successful business here in the Pelham community.

Currently we employ 120+ people here in Pelham. Much of the employment we are able to provide is directly linked to the amount of floral products we can supply, so we need our greenhouse partners to be able to continue to grow and expand as well.

We ask that you positively consider supporting this application for the continued success of Pelham and its floral community.

Respectfully submitted,

Albert Elmers

Owner

February 02, 2021

RE: VanZanten Greenhouse zoning relief.

To the Town of Pelham,

We are writing you this brief letter to show our support for our neighbour's expansion plans at 879 Foss road. We live at 31 Martha court and the rear of our property backs on to the east side of the VanZanten property. We actually began the greenhouse farm there in 1990. Over time our son Jan and his wife Christel have taken over the family greenhouse at that address.

We are very excited to see them continue to work hard and support their growing family. They plan to build onto the greenhouse and we are writing this letter to let you know that as neighbours and parents we support them and are excited to see this happen.

We hope the Town of Pelham will also support the VanZanten family in this project for the continued success of floriculture and gardening in Pelham, and of course the whole Pelham community.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jan and Kitty VanZanten', with a stylized flourish at the end.

Jan and Kitty VanZanten

31 Martha Court, Fenwick (Pelham) Ontario.

March 05, 2021

RE: Vanzanten Greenhouse zoning relief.

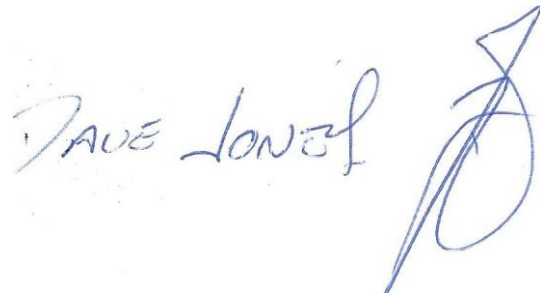
To the Town of Pelham,

We are writing you this brief letter to show our support for our neighbour's expansion plans at 879 Foss road. We understand that they plan to add to their greenhouse on the east side of the property.

We live across the road from their farm at 874 Foss Road, and being neighbours with them for quite some time we are excited to see them be able to continue with the growth of their farm.

We hope the Town will also support the Vanzanten family in this project for the continued success of the whole community.

Sincerely,

A handwritten signature in blue ink that reads "Dave Jones" followed by a stylized, looped flourish.

Dave Jones and Family.

March 04-2021

RE: Vanzanten Greenhouse zoning relief.

To the Town of Pelham,

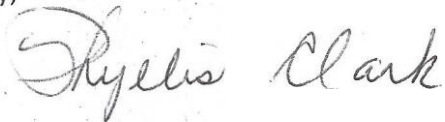
Although our address is 916 Church street, we are neighbours to the Vanzanten family as our property backs onto the north east corner of the Vanzanten property.

We are writing you this brief letter to express our support for our neighbour's expansion plans at 879 Foss Road on the east side of their property.

We have been neighbours with them for quite some time and we are excited to see them be able to continue with the growth of their farm and family.

We hope the Town will also support the Vanzanten family in this project for the continued success of the whole Pelham community.

Sincerely,

A handwritten signature in cursive script that reads "Skyelis Clark". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

The Clark family
916 Church Street,
Fenwick, Ontario.

March 09, 2021

RE: VanZanten Greenhouse zoning relief.

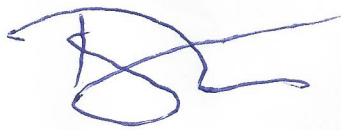
To the Town of Pelham,

By way of introduction we are the Dreyer family living at 907 Foss road, and are neighbours to the west of the VanZanten family farm. We are writing this letter in support of their application for a minor variance in relation to an expansion of the east side of the greenhouse.

It would be wonderful to see the Town of Pelham also support its local farms and farmers so that they can continue to be a vibrant part of our communities.

Sincerely,

Jessica Dreyer

A handwritten signature in blue ink, appearing to be 'JD' or a stylized version of the name, located to the right of the printed name 'Jessica Dreyer'.

February, 2021

RE: VanZanten Greenhouse zoning relief.

To the Town of Pelham,

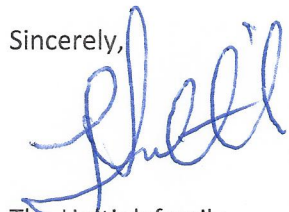
We are writing you this letter to voice our support for VanZanten Greenhouses and their plans to add an addition to the greenhouse. We are their neighbours on the north side with a large equestrian farm and are thankful to have them as neighbours.

In these trying economic times it is good to see a small family farm continue to work hard to support themselves and the community. It would be good to see the Town of Pelham support their citizens and business' as well.

We also appreciate having a greenhouse involved in floriculture as neighbours. It wouldn't be good to see another farm leave our community or be sold for other growing purposes.

We sincerely hope you take our support of this application by the VanZanten family seriously and continue to support local Pelham farms!

Sincerely,



The Hultink family.

935 Farr street, Pelham.

April 7, 2021

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

Re: Consent Application B11-2021P
1419 Station Street, Pelham
Part of Lots 5, 6, 7 & 8, Plan 717
Roll No. 2732 030 004 02400

The subject parcel, shown as Parts 2 – 3 on the attached sketch, is an interior parcel of land situated 61 m east of Station Street, lying north of Summersides Boulevard, legally described above, in the Town of Pelham.

Application is made for consent to convey 11,322.4 m² of land (Parts 2 – 3) to merge with the abutting property to the east (Part 4) for future development. Part 1 (1,250.34 m² of land) is to be retained for continued residential use of the single detached dwelling known as 1419 Station Street.

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 and future draft plan of subdivision development by consolidating the large, underutilized rear yard open space into a more productive urban development on lands designated for urban growth.

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 & future 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).

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 4 is currently subject to an active Zoning By-law Amendment application to implement residential development in conformity with the East Fonthill Secondary Plan policies. Parts 2 – 3 are not subject to a rezoning application but will continue to comply with their existing zoning regulations.
- 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 and future 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 convey Parts 2 – 3 to be added to the abutting lot to the east (Part 4) 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 Parts 2 – 3 are wholly zoned 'Agricultural' (A), according to Schedule 'A5' of 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 accessory building on Part 3 which was illustrated on a previous Consent application (file B5-2018). The proposed parcel reconfiguration will result in this structure contravening Section 5.2 of the Zoning By-law because it would not be exclusively devoted to a main use or building located on the same lot, because Part 4 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 4 lands, which seek to rezone from 'Agricultural' to various site-specific residential uses.

Agency & Public Comments

On March 3, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Bell Canada (March 26 & 31, 2021)
 - There are existing overhead aerial telecommunications infrastructure on Part 1.
- Niagara Region Planning & Development Services (March 4, 2021)
 - No Provincial or Regional interests.
- Niagara Peninsula Conservation Authority (March 25, 2021)
 - No regulated features impact the subject lands.
- Building Department (March 29, 2021)
 - See conditions.
- Public Works Department (March 30, 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 future draft plan of subdivision application. The application for consent to convey 11,322.4 m² of land (Pats 2 – 3) 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 January 21, 2021 to discuss the subject application. A *Planning Justification Brief* (January 28, 2021) 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 – Vacant residential land
- 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.

It is noted that the proposed development of Part 4 is 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 and future subsequent applications by the same landowner.

To date, no applications for Zoning By-law Amendment or Draft Plan of Subdivision approval have been made on the severed lands (Parts 2 – 3). These lands will be subject to future *Planning Act* development applications for their successional development. The proposed boundary adjustment provides for appropriate land consolidation which is the next incremental step towards facilitating future development approval(s).

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 B11-2021P **be approved** subject to the following conditions:

THAT the applicant

- Remove the existing accessory building on Part 3, if the structures exceeds 10 m² in area, then a Demolition Permit is required to be obtained and completed to the satisfaction of the Chief Building Official.
- Remove or relocate the existing accessory building on Part 1 to achieve zoning compliance, if the structure exceeds 10 m² in area, a Demolition Permit shall be obtained and completed to the satisfaction of the Chief Building Official. If the structure is to be relocated, then a Building Permit shall be obtained and completed to the satisfaction of the same.
- 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 Parts 2 – 3 with Part 4.
- 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: March 30th, 2021

TO: Curtis Thompson, Planner

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

FROM: Derek Young, Manager of Engineering

RE: File B11/2021P
1419 Station Street

We have completed the review of the consent application B11/2021P for consent to convey 11,322 square metres of land (Parts 2 and 3), to be added to the abutting properties to the east (Part 4), for future development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1419 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 on all properties involved, 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: March 29th, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – April 7th, 2021 Hearing

Comment for Re: Files #B11-2021-1419 Station St.

The building department offers the following comment,

- Building permit required for relocation of existing shed on Part 1 or demolition permit as it appears greater than 10m2.
- Demolition permit required for the removal of the structure on Part 3 if it has not already, as it appears to be greater than 10m2

Comment for Re: Files #A18-2021P-879 Foss Rd., B12-2021P-87 Port Robinson, B13-2021P-Port Robinson & B14-2021P 91 Port Robinson

The building department offers the following comment,

- Building permits are required for the proposed future building construction.

Kind Regards,

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

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

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



March 26, 2021

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

Attention: Sarah Leach
Email only: SLeach@pelham.ca

Dear Ms Leach:

Subject: Application for Consent – Severance
1419 Station Street, Fonthill
Part of Lots 5, 6 and 7 and all of Lot 8, Plan 717
CofA File: B11/2021P Bell File: 905-21-109

We acknowledge receipt and thank you for your correspondence March 3, 2021.

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

Bell Canada would like to confirm that a blanket easement over Part 1 or a 3.0m wide corridor to be measured 1.5m on either side of the aerial facilities found along the east of Part 1 boundary, to extend from any pole within the lands to a minimum of 1.0m past any anchor installation and to be measured 0.5m on either side of the guy wire installation, as can be accommodated, would satisfy our needs (please see attached sketch).

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

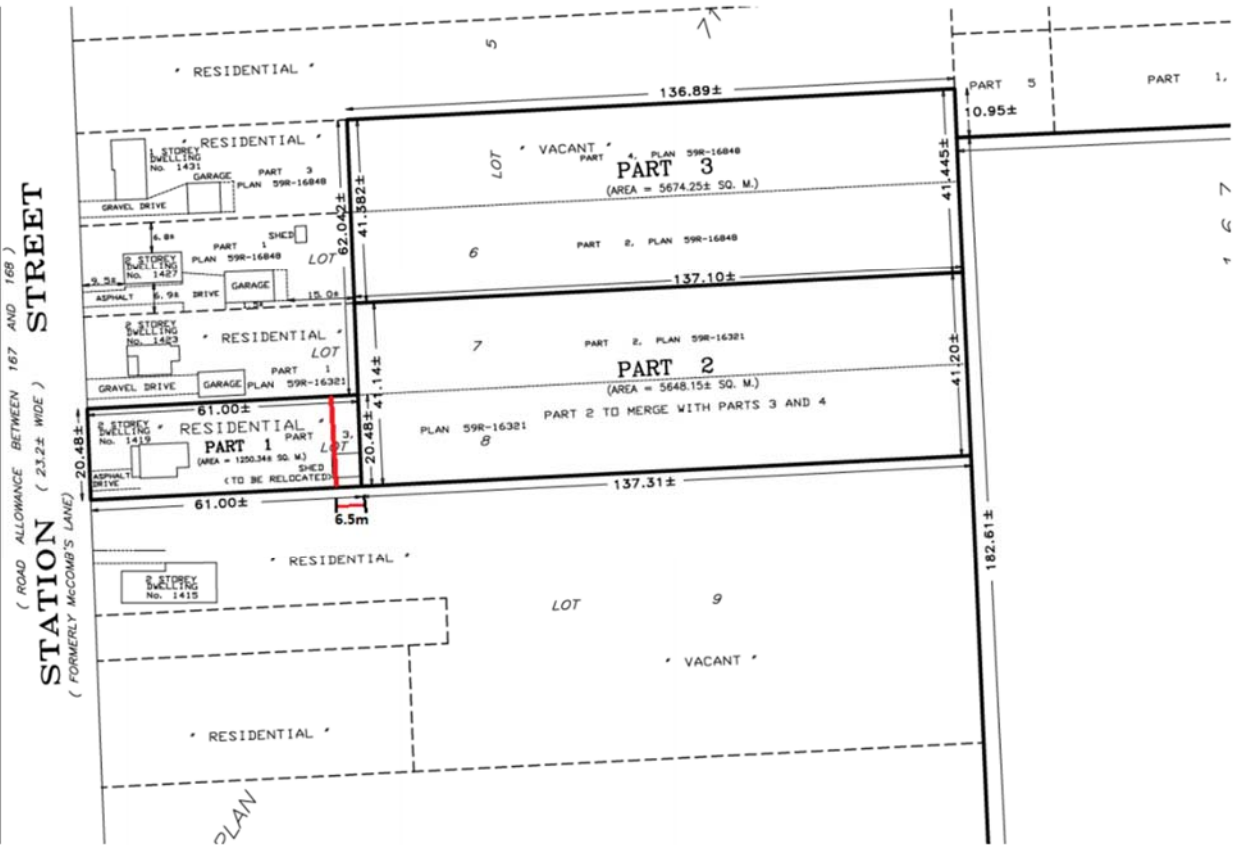
We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement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

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

Yours very truly,

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

Carrie Gordon
Right of Way Associate
(encl.)



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

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



March 31, 2021

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

Attention: Sarah Leach
Email only: SLeach@pelham.ca

Dear Ms Leach:

Subject: Application for Consent – Severance
1419 Station Street, Fonthill
Part of Lots 5, 6 and 7 and all of Lot 8, Plan 717
CofA File: B11/2021P Bell File: 905-21-109

We acknowledge receipt and thank you for your correspondence March 3, 2021.

Further to our correspondence dated March 26, 2021, our Engineering Department has again reviewed any Bell Canada easement requirements for this area. It has been determined that Bell Canada will not require easement protection over these lands.

We respectfully withdraw our easement request for the lands noted above. We apologize for any inconvenience this may have caused.

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

Yours truly,

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

Carrie Gordon
Right of Way Associate
Encl.

April 7, 2021

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

Re: Consent Application B12-2021P
87 – 91 Port Robinson Road, Pelham
Part of Lots 18 – 19, Plan 717
Roll No. 2732 030 004 06300

The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 11.73 m on the north side of Port Robinson Road, lying east of Station Street, legally described above, and known locally as 87 Port Robinson Road in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey (sever) 432.7 m² of land (Part 1) for one unit of a 3-unit street townhouse block currently under construction. Part 4 (1285.4 m² of land) is to be retained for future residential development.

Note: This application is being heard concurrent with Consent files B13-2021P & B14-2021P.

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;
 - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - The lot creation is not premature as building permits were legally issued for the townhouse block currently under construction.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - See Official Plan analysis below. The proposed lot creation does conflict with the East Fonthill Secondary Plan; however, building permits were issued in compliance with applicable law (including the Zoning by-law) at the time. The lot creation, in and of itself, does not hinder further surrounding redevelopment opportunities such as a subdivision, anymore than the existing buildings (under construction)

otherwise already might.

- d) The suitability of the land for such purposes;
 - The lands (and neighbourhood) are undergoing significant transformation as the East Fonthill Secondary Plan area evolves. The conveyance allows for individual ownership (tenure) of one unit of the 3-unit townhouse block currently under construction.
- f) The dimensions and shapes of the proposed lots;
 - The proposed lot dimensions and shape are rectangular in nature and comply with the current site-specific zoning in effect.
- h) Conservation of natural resources and flood control;
 - No natural resources are impacted because of the lot creation. An overall Lot Grading & Drainage Plan was required as a condition of building permit approval.
- i) The adequacy of utilities and municipal services;
 - Available.
- j) The adequacy of school sites
 - Available nearby.
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
 - No additional lands are proposed to be dedicated for public use as the lands are not designated as future parkland or open space. Cash-in-lieu of parkland dedication was paid at the time of building permit issuance.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
 - The proposed lot will simply allow for individual, freehold ownership of each townhouse dwelling unit. The townhouse block under construction is being built at, (or above) current energy efficient requirements under the Ontario Building Code.
- m) The interrelationship between the design of the plan of subdivision and site plan control matters relating to any development on the land, if the land is also located in within a site plan control area.
 - While the proposed lot is in an area designated for site plan control, the Town Site Plan Control By-law No. 1118 (1987) exempts street townhouse dwellings from site plan control.

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 severance is not premature, and does not compromise any future land use (re)development considerations on adjacent lands or the remnant parcel. Adequate land area is available to accommodate future public streets and laneways surrounding the subject lands. The proposed

lot geometry is rectangular and not abnormal for modern development standards. Neighbourhood commercial uses and public schools are also nearby.

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 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham’s *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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.

A Zoning By-law Amendment was approved by Town Council on March 7th 2016 which rezoned the subject lands from A (agricultural) to a site-specific RM1-263 zone. The RM1-263 zone only amended the default minimum corner lot frontage and side yard setback provisions.

Unfortunately, the site-specific zoning approved in 2016 did not adequately capture the types of performance standards necessary to execute the full policy intent of the Official Plan regarding medium density development fronting designated collector roads. As such, the safety

and compact form benefits normally associated with providing rear-loaded (laneway) developments cannot be realized as the developer pursued as-of-right building permits.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential. Due to the presence of a recently demolished single detached dwelling, the subject lands are considered significantly disturbed thus warranting the waiving of further archaeological evaluation on this site.

The proposal will facilitate the individual sale of freehold (fee simple) townhouse dwelling units. The lot creation does not induce further residential construction given the nature of the current multi-unit residential zoning in effect. In Planning staff's opinion, the proposed consent is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

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

The subject parcel is located within a 'Settlement Area' and 'delineated built-up 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*.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

The proposed severance will facilitate the individual ownership (freehold tenure) of each townhouse dwelling unit. The 3-unit townhouse block currently under construction is supplied with existing water and sanitary sewer services extending along the frontage of the subject lands.

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.

Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests.

The proposed severance conforms to the Regional Official Plan because the lands are located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term.

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 'East Fonthill Secondary Plan Area' and 'Built

Boundary' according to Schedules 'A1' and 'A4' respectively. The East Fonthill Land Use Plan (Schedule A5) more specifically designates the subject lands as 'EF-Medium Density Residential'. The subject lands front Port Robinson Road, which is designated as a 'Collector Road' according to Schedule 'A6'.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

The proposed severance does not induce new construction / *intensification*. In fact, the severance approval merely subdivides the lands along the building's existing demising walls to facilitate individual ownership. The neighbourhood is undergoing considerable transition and its character is evolving regularly as a mixed-use, dense, compact and walkable urban village. The proposed lot is comparable in geometry, land use and orientation with the neighbourhood. The front-loaded driveway access that is presently being built is not in keeping with the Secondary Plan policies. Specifically, objectives respecting positive urban design, streetscape characteristics, and transportation safety principles normally associated with rear-loaded development through the provision of alleyways.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

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.

No Part IV designated heritage properties flank the subject lands and an archaeological

evaluation was waived due to the existing disturbed grounds.

Policy B1.7.3.1 (East Fonthill Development Objectives) – states the following development objectives will be implemented by the mechanisms set out in this Plan.

- b. To ensure a well-designed, attractive, pedestrian & bicycle-friendly community;
- c. To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
- d. To create a *complete community* with a safe, healthy and functional environment;
- j. To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces;
- k. To develop a land use pattern and transportation system that supports vehicle traffic, transit, bicyclists and pedestrians.
- l. To provide a hierarchy of collector and local roads that is based on a connected modified grid network.

Policy B1.7.4 (Design Policies) – states the Demonstration Plans (*Appendix A*) have been prepared to articulate a response to policies of this Secondary Plan and the associated Urban Design Guidelines. The Demonstration Plans act as a guideline for development and approval processes that are required to implement this Plan, particularly zoning and draft plans of subdivisions / condominiums. All development shall be generally consistent with *Appendix A*. Adjustments and refinements are anticipated and do not require an Official Plan Amendment, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the Town's satisfaction.

Town Planning staff note that although building permits have been issued for the subject lands, and the current site-specific (RM1-263) zoning is not entirely conducive to rear-loaded development product, the lands to the north (rear) are still geographically capable of supporting a public or private laneway at a later date. A rear laneway will serve to benefit nearby lands fronting Port Robinson Road, improving their redevelopment capacity potential, without compromising the overall balance of the revised Neighbourhood Plan development objectives and policy goals of the Secondary Plan.

Policy B1.7.7.2 states that the Demonstration Plans provided in Appendix A and the Urban Design Guidelines provided in Appendix B, may constitute the road, block and land use plan, if the proposed development is generally consistent with the Demonstration Plans and Urban Design Guidelines, to the satisfaction of the Town. The Neighbourhood Master Plan shall form the basis of Draft Plans of Subdivision, implementing zoning and/or Site Plan Approvals.

The subject lands are geographically situated within Residential 'Neighbourhood 1' according to

Schedule 'A4'. As a result of a recently approved Subdivision (River Estates Phase 2), deviating considerably from the Demonstration Plan, the developer had worked with the Town in providing a revised Neighbourhood Master Plan to satisfy the Secondary Plan policies. This latest approved iteration of the Neighbourhood 1 Master Plan still contemplated a highly interconnected street grid complemented by a network of rear laneways running parallel to, and supporting future development along designated Collector Roads such as Port Robinson Road.

The submitted *Planning Justification Report (PJR)* states that the Demonstration Plans found in Appendix A of the Official Plan, are not 'policy', but instead a guide. According to policy B1.7.7.2, the Demonstration Plan and Urban Design Guidelines (Appendix B) may constitute the Road, Block and Land Use Plan, the Streetscape Plan and the Urban Design Guideline components of the Neighbourhood Master Plan. It goes on that the Neighbourhood Master Plan shall form the basis of implementing zoning, subdivisions and Site Plan Approvals. The Town shall be satisfied that the Plan has been completed, and all of the policies of this Plan have been appropriately fulfilled.

Town Planning staff note that the Appendices are actually being directly referenced by the policies and identified as development objectives that are to be met with general consistency, and that shall form the basis of development approvals, in order to conform. Unfortunately, the existing site-specific zoning did not adequately capture the types of performance standards suitable for rear laneway development. Further to the *PJR's* analyses, Town Planning staff recognize that if the intent of the 2016 site-specific zoning were to provide rear-loaded vehicle access, the front yard setback would have been reduced. Unfortunately, this was missed, but the lot geometry (notwithstanding the under-construction houses), was more than capable of dedicating adequate land for a rear laneway while still accommodating adequate private lot depth. In this case, the developer has specifically chosen not to provide for the rear lane, despite the property being capable of supporting one, which is quite unfortunate.

Policy B1.7.7.4.2 (EF-Medium Density Residential Development Policies) – states development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector Main Street (Port Robinson Road).

The Town has been consistent in seeking to implement a network of rear laneways running parallel to existing (or new) collector roads throughout East Fonthill, pursuant to the Secondary Plan policies / Demonstration plans and on the basis of sound planning practice. This has been achieved in coordination with various landowners, to the maximum and most reasonable extent possible. Rear laneway developments offer a healthier presence of built form typically characterized by buildings closely aligned near the travelled road with vehicle access and utilitarian services provided off a back alleyway. This arrangement provides enhanced rear yard amenity privacy, safer vehicle ingress & egress, reduced pedestrian / bicyclist conflicts, and

additional parking opportunities both off-street, and on-street, where available. Buildings street-front oriented without dominant attached garage doors help soften the front yard through additional landscaping, not dominated by pavement, and the additional glazing from private development offers a better 'sense of place' for the public realm through a stimulating private interface (windows, doors, porches etc.) fostering neighbourhood interaction.

Town Planning staff will continue to work with the various land owners to achieve these policy requirements through future *Planning Act* development applications, and this consent application does not compromise these policies.

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;
 - ✓ Yes.
- b) Will not cause a traffic hazard;
 - ✓ The recent addition of each new driveway apron is not in keeping with the Official Plan policies and safe transportation practice generally, particularly on a busy collector road. Port Robinson Road is anticipated to handle considerably more traffic well into the future. Residents and visitors of front-loaded development are typically required to 'back-out', onto the public road in reverse with poor visibility which is known to cause safety conflicts with those walking, riding bicycles or other travelling vehicles.
 - ✓ However, the development currently under construction complies with the Zoning By-law in effect and Town staff were required to issue Driveway Entrance Permits as well as building permits in accordance with the *Ontario Building Code*.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ The proposed lots comply with all applicable zoning regulations, (e.g. minimum lot frontage & lot area).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes and was required prior to building permit issuance.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration required as a condition of building permit approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ The severance will not impede the ability for the vacant neighbouring lands to the north to be developed, or the *legal non-conforming* lands to the west & east to be redeveloped.
- 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.

In accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fonthill and Fenwick.

It is noted that the application is for consent to partial mortgage discharge and to convey an existing townhouse dwelling unit (Part 1), currently under construction for the purposes of selling each townhouse unit individually, as opposed to a block of three (3) under single ownership. According to the application and *Planning Justification Report*, the remnant land (Part 4) is proposed to be retained for future development purposes, specifically another 3-unit townhouse block and a portion to be allocated for a future public street.

Town Planning staff are of the opinion the proposed severance application conforms to the local Official Plan, principally via direct extension of exercising as-of-right zoning compliance under a building permit, and less so with the clear policy intent of the East Fonthill Secondary Plan and Urban Design Guidelines.

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

The subject land is currently zoned 'Residential Multiple 1 – 263' (RM1-263) according to Schedule 'A5' of the Zoning By-law, pursuant to amending By-law No. 3719 (2016). Street townhouse dwellings are permitted subject to applicable regulations.

Unfortunately, the site-specific zoning previously endorsed by Town staff and approved by Town Council did not adequately calibrate the zoning provisions to execute the clear policy objective of certain parts of the East Fonthill Secondary Plan. Particularly, a rear-loaded medium density residential zone would have employed shorter front yard setbacks with a required rear-garage access provision, among other things.

Regardless, the proposed lot geometry complies with the applicable zone provisions to facilitate individual lot creation.

Agency & Public Comments

On March 3, 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 (March 25, 2021)
 - Given the low hydrological and ecological function of the watercourse, NPCA staff have no objection to the proposed application.
- Niagara Region Planning & Development Services (March 4, 2021)
 - No Provincial or Regional interests.
- Bell Canada (March 16, 2021)
 - No concerns.
- Building Department (March 29, 2021)
 - Building permits were issued for the dwellings under construction.
- Public Works Department (March 30, 2021)
 - See conditions.

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

Planning Staff Comments

Application is made for consent to partial mortgage discharge and to convey (sever) 432.7 m² of land (Part 1) for one unit of a 3-unit street townhouse block currently under construction. Part 4 (1285.4 m² of land) is to be retained for future residential development.

The subject lands are located on the north side of Port Robinson Road, lying east of Station Street and are surrounded by a quickly evolving secondary plan growth area. Town staff have visited the site and are quite familiar with the local context.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on January 21, 2021 to discuss the subject application. In addition to the Consent Sketch, a *Planning Justification Report* prepared by Jennifer Vida MCIP, RPP, was also provided in support of the proposed development.

For the Committee's understanding and public record, Town Planning staff wish to clarify an inaccurate claim made by the applicant in their *Planning Justification Report (PJR)*. Page 4 of this *Report* states that a 'zoning review' was conducted and approved in August 2020 by Town

Planning staff to review the owner's original plan to build all six (6) townhouse dwellings concurrently, prior to applying for building permit to ensure compliance and avoid delay. This is false. According to email records between the architect of record and the Town, Planning staff were only asked to review '*side yards and (building) setback*' zone provisions on the draft Site Plan.

The applicant is aware of the Official Plan policy intent yet relies on deferring to, and leveraging the intent of the 2016 site-specific zoning to circumvent what is clearly desired as a rear-loaded built form.

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

Given this analysis, Planning staff recommend that consent file B12-2021P **be approved** subject to the following conditions:

THAT the applicant

- Submit a drawing confirming that no existing utilities cross the proposed lot line. Should any service(s) cross this lot line, the applicant will be responsible for costs associated with their relocation and/or removal.
- Obtain Final Certification of consent files: B13-2021P (Part 2) and B14-2021P (Part 3) ensuring that the necessary transfers have been completed and certified by the Land Registry Office, prior to the issuance of the Final Certificate of this application, to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment.
- 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: March 30th, 2021

TO: Curtis Thompson, Planner

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

FROM: Derek Young, Manager of Engineering

RE: File B12/2021P
87 Port Robinson Road

We have completed the review of the consent applications B12/2021P, for consent to partial discharge of mortgage and to convey 432.7 square metres of land (Part 1), for construction of one unit of a three-unit townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained.

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.

To: Sarah Leach

Cc: Curtis Thompson

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

Date: March 29th, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – April 7th, 2021 Hearing

Comment for Re: Files #B11-2021-1419 Station St.

The building department offers the following comment,

- Building permit required for relocation of existing shed on Part 1 or demolition permit as it appears greater than 10m2.
- Demolition permit required for the removal of the structure on Part 3 if it has not already, as it appears to be greater than 10m2

Comment for Re: Files #A18-2021P-879 Foss Rd., B12-2021P-87 Port Robinson, B13-2021P-Port Robinson & B14-2021P 91 Port Robinson

The building department offers the following comment,

- Building permits are required for the proposed future building construction.

Kind Regards,

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

From: [Gordon, Carrie](#)
To: [Sarah Leach](#)
Subject: RE: Committee of Adjustment Notice of Hearing - April 7, 2021 2 of 2 - 905-21-108
Date: Tuesday, March 16, 2021 1:29:08 PM

Hi Sarah,

Re: File B12/2021P-B14/2021P

Subsequent to review of the severance at 87-91 Port Robinson Road, Pelham, Bell Canada's Engineering department have determined that there are no concerns or issues with the application.

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

Best regards,

Carrie Gordon



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

From: Sarah Leach <SLeach@pelham.ca>
Sent: Wednesday, March 3, 2021 8:38 AM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; Amy.Shanks@niagararegion.ca; ROWCC <rowcentre@bell.ca>; ngodfrey@npca.ca; Sarah Mastroianni <smastroianni@npca.ca>
Subject: [EXT]Committee of Adjustment Notice of Hearing - April 7, 2021 2 of 2

Second email containing April 7, 2021 notice of hearings (list in email 1)



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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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External Email: *Please use caution when opening links and attachments /* **Courriel externe:** *Soyez prudent avec les liens et documents joints*

From: [Nicholas Godfrey](#)
To: [Sarah Leach](#)
Subject: RE: Committee of Adjustment Notice of Hearing - April 7, 2021 1 of 2
Date: Thursday, March 25, 2021 5:08:51 PM

Good afternoon Sarah,

I apologize for the delayed response:

A18/2021P – 879 Foss Road

NPCA staff are in agreement that because the proposed expansion is directed away from the regulated watercourse, there will be no negative impacts. The NPCA have no objections.

B11/2021P – 1419 Station Street

The NPCA have no regulated features at this site.

B12/2021P – 87 Port Robinson Road

B13/2021P – 89 Port Robinson Road

B14/2021P – 91 Port Robinson Road

While NPCA mapping indicates the subject parcels contain an NPCA regulated watercourse, given the low hydrological and ecological function of the watercourse, NPCA staff have no objections to the proposed application.

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

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 278
ngodfrey@npca.ca
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 & 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>.

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

April 7, 2021

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

Re: Consent Application B13-2021P
87 – 91 Port Robinson Road, Pelham
Part of Lots 18 – 19, Plan 717
Roll No. 2732 030 004 06300

The subject parcel, shown as Part 2 on the attached sketch, has a frontage of 7.772 m on the north side of Port Robinson Road, lying east of Station Street, legally described above, and known locally as 89 Port Robinson Road in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey (sever) 296 m² of land (Part 2) for one unit of a 3-unit street townhouse block currently under construction. Part 4 (1285.4 m² of land) is to be retained for future residential development.

Note: This application is being heard concurrent with Consent files B12-2021P & B14-2021P.

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;
 - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - The lot creation is not premature as building permits were legally issued for the townhouse block currently under construction.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - See Official Plan analysis below. The proposed lot creation does conflict with the East Fonthill Secondary Plan; however, building permits were issued in compliance with applicable law (including the Zoning by-law) at the time. The lot creation, in and of itself, does not hinder further surrounding redevelopment opportunities such as a subdivision, anymore than the existing buildings (under construction)

otherwise already might.

- d) The suitability of the land for such purposes;
 - The lands (and neighbourhood) are undergoing significant transformation as the East Fonthill Secondary Plan area evolves. The conveyance allows for individual ownership (tenure) of one unit of the 3-unit townhouse block currently under construction.
- f) The dimensions and shapes of the proposed lots;
 - The proposed lot dimensions and shape are rectangular in nature and comply with the current site-specific zoning in effect.
- h) Conservation of natural resources and flood control;
 - No natural resources are impacted because of the lot creation. An overall Lot Grading & Drainage Plan was required as a condition of building permit approval.
- i) The adequacy of utilities and municipal services;
 - Available.
- j) The adequacy of school sites
 - Available nearby.
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
 - No additional lands are proposed to be dedicated for public use as the lands are not designated as future parkland or open space. Cash-in-lieu of parkland dedication was paid at the time of building permit issuance.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
 - The proposed lot will simply allow for individual, freehold ownership of each townhouse dwelling unit. The townhouse block under construction is being built at, (or above) current energy efficient requirements under the Ontario Building Code.
- m) The interrelationship between the design of the plan of subdivision and site plan control matters relating to any development on the land, if the land is also located in within a site plan control area.
 - While the proposed lot is in an area designated for site plan control, the Town Site Plan Control By-law No. 1118 (1987) exempts street townhouse dwellings from site plan control.

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 severance is not premature, and does not compromise any future land use (re)development considerations on adjacent lands or the remnant parcel. Adequate land area is available to accommodate future public streets and laneways surrounding the subject lands. The proposed

lot geometry is rectangular and not abnormal for modern development standards. Neighbourhood commercial uses and public schools are also nearby.

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 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham’s *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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.

A Zoning By-law Amendment was approved by Town Council on March 7th 2016 which rezoned the subject lands from A (agricultural) to a site-specific RM1-263 zone. The RM1-263 zone only amended the default minimum corner lot frontage and side yard setback provisions.

Unfortunately, the site-specific zoning approved in 2016 did not adequately capture the types of performance standards necessary to execute the full policy intent of the Official Plan regarding medium density development fronting designated collector roads. As such, the safety

and compact form benefits normally associated with providing rear-loaded (laneway) developments cannot be realized as the developer pursued as-of-right building permits.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential. Due to the presence of a recently demolished single detached dwelling, the subject lands are considered significantly disturbed thus warranting the waiving of further archaeological evaluation on this site.

The proposal will facilitate the individual sale of freehold (fee simple) townhouse dwelling units. The lot creation does not induce further residential construction given the nature of the current multi-unit residential zoning in effect. In Planning staff's opinion, the proposed consent is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

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

The subject parcel is located within a 'Settlement Area' and 'delineated built-up 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*.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

The proposed severance will facilitate the individual ownership (freehold tenure) of each townhouse dwelling unit. The 3-unit townhouse block currently under construction is supplied with existing water and sanitary sewer services extending along the frontage of the subject lands.

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.

Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests.

The proposed severance conforms to the Regional Official Plan because the lands are located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term.

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 'East Fonthill Secondary Plan Area' and 'Built

Boundary' according to Schedules 'A1' and 'A4' respectively. The East Fonthill Land Use Plan (Schedule A5) more specifically designates the subject lands as 'EF-Medium Density Residential'. The subject lands front Port Robinson Road, which is designated as a 'Collector Road' according to Schedule 'A6'.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

The proposed severance does not induce new construction / *intensification*. In fact, the severance approval merely subdivides the lands along the building's existing demising walls to facilitate individual ownership. The neighbourhood is undergoing considerable transition and its character is evolving regularly as a mixed-use, dense, compact and walkable urban village. The proposed lot is comparable in geometry, land use and orientation with the neighbourhood. The front-loaded driveway access that is presently being built is not in keeping with the Secondary Plan policies. Specifically, objectives respecting positive urban design, streetscape characteristics, and transportation safety principles normally associated with rear-loaded development through the provision of alleyways.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

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.

No Part IV designated heritage properties flank the subject lands and an archaeological

evaluation was waived due to the existing disturbed grounds.

Policy B1.7.3.1 (East Fonthill Development Objectives) – states the following development objectives will be implemented by the mechanisms set out in this Plan.

- b. To ensure a well-designed, attractive, pedestrian & bicycle-friendly community;
- c. To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
- d. To create a *complete community* with a safe, healthy and functional environment;
- j. To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces;
- k. To develop a land use pattern and transportation system that supports vehicle traffic, transit, bicyclists and pedestrians.
- l. To provide a hierarchy of collector and local roads that is based on a connected modified grid network.

Policy B1.7.4 (Design Policies) – states the Demonstration Plans (*Appendix A*) have been prepared to articulate a response to policies of this Secondary Plan and the associated Urban Design Guidelines. The Demonstration Plans act as a guideline for development and approval processes that are required to implement this Plan, particularly zoning and draft plans of subdivisions / condominiums. All development shall be generally consistent with *Appendix A*. Adjustments and refinements are anticipated and do not require an Official Plan Amendment, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the Town's satisfaction.

Town Planning staff note that although building permits have been issued for the subject lands, and the current site-specific (RM1-263) zoning is not entirely conducive to rear-loaded development product, the lands to the north (rear) are still geographically capable of supporting a public or private laneway at a later date. A rear laneway will serve to benefit nearby lands fronting Port Robinson Road, improving their redevelopment capacity potential, without compromising the overall balance of the revised Neighbourhood Plan development objectives and policy goals of the Secondary Plan.

Policy B1.7.7.2 states that the Demonstration Plans provided in Appendix A and the Urban Design Guidelines provided in Appendix B, may constitute the road, block and land use plan, if the proposed development is generally consistent with the Demonstration Plans and Urban Design Guidelines, to the satisfaction of the Town. The Neighbourhood Master Plan shall form the basis of Draft Plans of Subdivision, implementing zoning and/or Site Plan Approvals.

The subject lands are geographically situated within Residential 'Neighbourhood 1' according to

Schedule 'A4'. As a result of a recently approved Subdivision (River Estates Phase 2), deviating considerably from the Demonstration Plan, the developer had worked with the Town in providing a revised Neighbourhood Master Plan to satisfy the Secondary Plan policies. This latest approved iteration of the Neighbourhood 1 Master Plan still contemplated a highly interconnected street grid complemented by a network of rear laneways running parallel to, and supporting future development along designated Collector Roads such as Port Robinson Road.

The submitted *Planning Justification Report (PJR)* states that the Demonstration Plans found in Appendix A of the Official Plan, are not 'policy', but instead a guide. According to policy B1.7.7.2, the Demonstration Plan and Urban Design Guidelines (Appendix B) may constitute the Road, Block and Land Use Plan, the Streetscape Plan and the Urban Design Guideline components of the Neighbourhood Master Plan. It goes on that the Neighbourhood Master Plan shall form the basis of implementing zoning, subdivisions and Site Plan Approvals. The Town shall be satisfied that the Plan has been completed, and all of the policies of this Plan have been appropriately fulfilled.

Town Planning staff note that the Appendices are actually being directly referenced by the policies and identified as development objectives that are to be met with general consistency, and that shall form the basis of development approvals, in order to conform. Unfortunately, the existing site-specific zoning did not adequately capture the types of performance standards suitable for rear laneway development. Further to the *PJR's* analyses, Town Planning staff recognize that if the intent of the 2016 site-specific zoning were to provide rear-loaded vehicle access, the front yard setback would have been reduced. Unfortunately, this was missed, but the lot geometry (notwithstanding the under-construction houses), was more than capable of dedicating adequate land for a rear laneway while still accommodating adequate private lot depth. In this case, the developer has specifically chosen not to provide for the rear lane, despite the property being capable of supporting one, which is quite unfortunate.

Policy B1.7.7.4.2 (EF-Medium Density Residential Development Policies) – states development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector Main Street (Port Robinson Road).

The Town has been consistent in seeking to implement a network of rear laneways running parallel to existing (or new) collector roads throughout East Fonthill, pursuant to the Secondary Plan policies / Demonstration plans and on the basis of sound planning practice. This has been achieved in coordination with various landowners, to the maximum and most reasonable extent possible. Rear laneway developments offer a healthier presence of built form typically characterized by buildings closely aligned near the travelled road with vehicle access and utilitarian services provided off a back alleyway. This arrangement provides enhanced rear yard amenity privacy, safer vehicle ingress & egress, reduced pedestrian / bicyclist conflicts, and

additional parking opportunities both off-street, and on-street, where available. Buildings street-front oriented without dominant attached garage doors help soften the front yard through additional landscaping, not dominated by pavement, and the additional glazing from private development offers a better 'sense of place' for the public realm through a stimulating private interface (windows, doors, porches etc.) fostering neighbourhood interaction.

Town Planning staff will continue to work with the various land owners to achieve these policy requirements through future *Planning Act* development applications, and this consent application does not compromise these policies.

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;
 - ✓ Yes.
- b) Will not cause a traffic hazard;
 - ✓ The recent addition of each new driveway apron is not in keeping with the Official Plan policies and safe transportation practice generally, particularly on a busy collector road. Port Robinson Road is anticipated to handle considerably more traffic well into the future. Residents and visitors of front-loaded development are typically required to 'back-out', onto the public road in reverse with poor visibility which is known to cause safety conflicts with those walking, riding bicycles or other travelling vehicles.
 - ✓ However, the development currently under construction complies with the Zoning By-law in effect and Town staff were required to issue Driveway Entrance Permits as well as building permits in accordance with the *Ontario Building Code*.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ The proposed lots comply with all applicable zoning regulations, (e.g. minimum lot frontage & lot area).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes and was required prior to building permit issuance.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration required as a condition of building permit approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ The severance will not impede the ability for the vacant neighbouring lands to the north to be developed, or the *legal non-conforming* lands to the west & east to be redeveloped.
- 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.

In accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fonthill and Fenwick.

It is noted that the application is for consent to partial mortgage discharge and to convey an existing townhouse dwelling unit (Part 1), currently under construction for the purposes of selling each townhouse unit individually, as opposed to a block of three (3) under single ownership. According to the application and *Planning Justification Report*, the remnant land (Part 4) is proposed to be retained for future development purposes, specifically another 3-unit townhouse block and a portion to be allocated for a future public street.

Town Planning staff are of the opinion the proposed severance application conforms to the local Official Plan, principally via direct extension of exercising as-of-right zoning compliance under a building permit, and less so with the clear policy intent of the East Fonthill Secondary Plan and Urban Design Guidelines.

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

The subject land is currently zoned 'Residential Multiple 1 – 263' (RM1-263) according to Schedule 'A5' of the Zoning By-law, pursuant to amending By-law No. 3719 (2016). Street townhouse dwellings are permitted subject to applicable regulations.

Unfortunately, the site-specific zoning previously endorsed by Town staff and approved by Town Council did not adequately calibrate the zoning provisions to execute the clear policy objective of certain parts of the East Fonthill Secondary Plan. Particularly, a rear-loaded medium density residential zone would have employed shorter front yard setbacks with a required rear-garage access provision, among other things.

Regardless, the proposed lot geometry complies with the applicable zone provisions to facilitate individual lot creation.

Agency & Public Comments

On March 3, 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 (March 25, 2021)
 - Given the low hydrological and ecological function of the watercourse, NPCA staff have no objection to the proposed application.
- Niagara Region Planning & Development Services (March 4, 2021)
 - No Provincial or Regional interests.
- Bell Canada (March 16, 2021)
 - No concerns.
- Building Department (March 29, 2021)
 - Building permits were issued for the dwellings under construction.
- Public Works Department (March 30, 2021)
 - See conditions.

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

Planning Staff Comments

Application is made for consent to partial mortgage discharge and to convey (sever) 296 m² of land (Part 2) for one unit of a 3-unit street townhouse block currently under construction. Part 4 (1285.4 m² of land) is to be retained for future residential development.

The subject lands are located on the north side of Port Robinson Road, lying east of Station Street and are surrounded by a quickly evolving secondary plan growth area. Town staff have visited the site and are quite familiar with the local context.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on January 21, 2021 to discuss the subject application. In addition to the Consent Sketch, a *Planning Justification Report* prepared by Jennifer Vida MCIP, RPP, was also provided in support of the proposed development.

For the Committee's understanding and public record, Town Planning staff wish to clarify an inaccurate claim made by the applicant in their *Planning Justification Report (PJR)*. Page 4 of this *Report* states that a 'zoning review' was conducted and approved in August 2020 by Town

Planning staff to review the owner's original plan to build all six (6) townhouse dwellings concurrently, prior to applying for building permit to ensure compliance and avoid delay. This is false. According to email records between the architect of record and the Town, Planning staff were only asked to review '*side yards and (building) setback*' zone provisions on the draft Site Plan.

The applicant is aware of the Official Plan policy intent yet relies on deferring to, and leveraging the intent of the 2016 site-specific zoning to circumvent what is clearly desired as a rear-loaded built form.

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

Given this analysis, Planning staff recommend that consent file B13-2021P **be approved** subject to the following conditions:

THAT the applicant

- Submit a drawing confirming that no existing utilities cross the proposed lot line. Should any service(s) cross this lot line, the applicant will be responsible for costs associated with their relocation and/or removal.
- Obtain Final Certification of consent files: B14-2021P (Part 3) ensuring that the necessary transfer has been completed and certified by the Land Registry Office, prior to the issuance of the Final Certificate of this application, to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment.
- 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: March 30th, 2021

TO: Curtis Thompson, Planner

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

FROM: Derek Young, Manager of Engineering

RE: File B13/2021P
89 Port Robinson Road

We have completed the review of the consent applications B13/2021P, for consent to partial discharge of mortgage and to convey 296.0 square metres of land (Part 2), for construction of one unit of a three-unit townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained.

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.

To: Sarah Leach

Cc: Curtis Thompson

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

Date: March 29th, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – April 7th, 2021 Hearing

Comment for Re: Files #B11-2021-1419 Station St.

The building department offers the following comment,

- Building permit required for relocation of existing shed on Part 1 or demolition permit as it appears greater than 10m2.
- Demolition permit required for the removal of the structure on Part 3 if it has not already, as it appears to be greater than 10m2

Comment for Re: Files #A18-2021P-879 Foss Rd., B12-2021P-87 Port Robinson, B13-2021P-Port Robinson & B14-2021P 91 Port Robinson

The building department offers the following comment,

- Building permits are required for the proposed future building construction.

Kind Regards,

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

From: [Gordon, Carrie](#)
To: [Sarah Leach](#)
Subject: RE: Committee of Adjustment Notice of Hearing - April 7, 2021 2 of 2 - 905-21-108
Date: Tuesday, March 16, 2021 1:29:08 PM

Hi Sarah,

Re: File B12/2021P-B14/2021P

Subsequent to review of the severance at 87-91 Port Robinson Road, Pelham, Bell Canada's Engineering department have determined that there are no concerns or issues with the application.

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

Best regards,

Carrie Gordon



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

From: Sarah Leach <SLeach@pelham.ca>
Sent: Wednesday, March 3, 2021 8:38 AM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; Amy.Shanks@niagararegion.ca; ROWCC <rowcentre@bell.ca>; ngodfrey@npca.ca; Sarah Mastroianni <smastroianni@npca.ca>
Subject: [EXT]Committee of Adjustment Notice of Hearing - April 7, 2021 2 of 2

Second email containing April 7, 2021 notice of hearings (list in email 1)



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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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External Email: *Please use caution when opening links and attachments /* **Courriel externe:** *Soyez prudent avec les liens et documents joints*

From: [Nicholas Godfrey](#)
To: [Sarah Leach](#)
Subject: RE: Committee of Adjustment Notice of Hearing - April 7, 2021 1 of 2
Date: Thursday, March 25, 2021 5:08:51 PM

Good afternoon Sarah,

I apologize for the delayed response:

A18/2021P – 879 Foss Road

NPCA staff are in agreement that because the proposed expansion is directed away from the regulated watercourse, there will be no negative impacts. The NPCA have no objections.

B11/2021P – 1419 Station Street

The NPCA have no regulated features at this site.

B12/2021P – 87 Port Robinson Road

B13/2021P – 89 Port Robinson Road

B14/2021P – 91 Port Robinson Road

While NPCA mapping indicates the subject parcels contain an NPCA regulated watercourse, given the low hydrological and ecological function of the watercourse, NPCA staff have no objections to the proposed application.

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

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 278
ngodfrey@npca.ca
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 & 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>.

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

April 7, 2021

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

Re: Consent Application B14-2021P
87 – 91 Port Robinson Road, Pelham
Part of Lots 18 – 19, Plan 717
Roll No. 2732 030 004 06300

The subject parcel, shown as Part 3 on the attached sketch, has a frontage of 11.192 m on the north side of Port Robinson Road, lying east of Station Street, legally described above, and known locally as 91 Port Robinson Road in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey (sever) 426.3 m² of land (Part 3) for one unit of a 3-unit street townhouse block currently under construction. Part 4 (1285.4 m² of land) is to be retained for future residential development.

Note: This application is being heard concurrent with Consent files B12-2021P & B13-2021P.

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;
 - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - The lot creation is not premature as building permits were legally issued for the townhouse block currently under construction.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - See Official Plan analysis below. The proposed lot creation does conflict with the East Fonthill Secondary Plan; however, building permits were issued in compliance with applicable law (including the Zoning by-law) at the time. The lot creation, in and of itself, does not hinder further surrounding redevelopment opportunities such as a subdivision, anymore than the existing buildings (under construction)

otherwise already might.

- d) The suitability of the land for such purposes;
 - The lands (and neighbourhood) are undergoing significant transformation as the East Fonthill Secondary Plan area evolves. The conveyance allows for individual ownership (tenure) of one unit of the 3-unit townhouse block currently under construction.
- f) The dimensions and shapes of the proposed lots;
 - The proposed lot dimensions and shape are rectangular in nature and comply with the current site-specific zoning in effect.
- h) Conservation of natural resources and flood control;
 - No natural resources are impacted because of the lot creation. An overall Lot Grading & Drainage Plan was required as a condition of building permit approval.
- i) The adequacy of utilities and municipal services;
 - Available.
- j) The adequacy of school sites
 - Available nearby.
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
 - No additional lands are proposed to be dedicated for public use as the lands are not designated as future parkland or open space. Cash-in-lieu of parkland dedication was paid at the time of building permit issuance.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
 - The proposed lot will simply allow for individual, freehold ownership of each townhouse dwelling unit. The townhouse block under construction is being built at, (or above) current energy efficient requirements under the Ontario Building Code.
- m) The interrelationship between the design of the plan of subdivision and site plan control matters relating to any development on the land, if the land is also located in within a site plan control area.
 - While the proposed lot is in an area designated for site plan control, the Town Site Plan Control By-law No. 1118 (1987) exempts street townhouse dwellings from site plan control.

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 severance is not premature, and does not compromise any future land use (re)development considerations on adjacent lands or the remnant parcel. Adequate land area is available to accommodate future public streets and laneways surrounding the subject lands. The proposed

lot geometry is rectangular and not abnormal for modern development standards. Neighbourhood commercial uses and public schools are also nearby.

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 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham’s *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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.

A Zoning By-law Amendment was approved by Town Council on March 7th 2016 which rezoned the subject lands from A (agricultural) to a site-specific RM1-263 zone. The RM1-263 zone only amended the default minimum corner lot frontage and side yard setback provisions.

Unfortunately, the site-specific zoning approved in 2016 did not adequately capture the types of performance standards necessary to execute the full policy intent of the Official Plan regarding medium density development fronting designated collector roads. As such, the safety

and compact form benefits normally associated with providing rear-loaded (laneway) developments cannot be realized as the developer pursued as-of-right building permits.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential. Due to the presence of a recently demolished single detached dwelling, the subject lands are considered significantly disturbed thus warranting the waiving of further archaeological evaluation on this site.

The proposal will facilitate the individual sale of freehold (fee simple) townhouse dwelling units. The lot creation does not induce further residential construction given the nature of the current multi-unit residential zoning in effect. In Planning staff's opinion, the proposed consent is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

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

The subject parcel is located within a 'Settlement Area' and 'delineated built-up 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*.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

The proposed severance will facilitate the individual ownership (freehold tenure) of each townhouse dwelling unit. The 3-unit townhouse block currently under construction is supplied with existing water and sanitary sewer services extending along the frontage of the subject lands.

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.

Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests.

The proposed severance conforms to the Regional Official Plan because the lands are located within the *built-up* area which is the planned focus of residential intensification and redevelopment over the long term.

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 'East Fonthill Secondary Plan Area' and 'Built

Boundary' according to Schedules 'A1' and 'A4' respectively. The East Fonthill Land Use Plan (Schedule A5) more specifically designates the subject lands as 'EF-Medium Density Residential'. The subject lands front Port Robinson Road, which is designated as a 'Collector Road' according to Schedule 'A6'.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

The proposed severance does not induce new construction / *intensification*. In fact, the severance approval merely subdivides the lands along the building's existing demising walls to facilitate individual ownership. The neighbourhood is undergoing considerable transition and its character is evolving regularly as a mixed-use, dense, compact and walkable urban village. The proposed lot is comparable in geometry, land use and orientation with the neighbourhood. The front-loaded driveway access that is presently being built is not in keeping with the Secondary Plan policies. Specifically, objectives respecting positive urban design, streetscape characteristics, and transportation safety principles normally associated with rear-loaded development through the provision of alleyways.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

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.

No Part IV designated heritage properties flank the subject lands and an archaeological

evaluation was waived due to the existing disturbed grounds.

Policy B1.7.3.1 (East Fonthill Development Objectives) – states the following development objectives will be implemented by the mechanisms set out in this Plan.

- b. To ensure a well-designed, attractive, pedestrian & bicycle-friendly community;
- c. To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
- d. To create a *complete community* with a safe, healthy and functional environment;
- j. To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces;
- k. To develop a land use pattern and transportation system that supports vehicle traffic, transit, bicyclists and pedestrians.
- l. To provide a hierarchy of collector and local roads that is based on a connected modified grid network.

Policy B1.7.4 (Design Policies) – states the Demonstration Plans (*Appendix A*) have been prepared to articulate a response to policies of this Secondary Plan and the associated Urban Design Guidelines. The Demonstration Plans act as a guideline for development and approval processes that are required to implement this Plan, particularly zoning and draft plans of subdivisions / condominiums. All development shall be generally consistent with *Appendix A*. Adjustments and refinements are anticipated and do not require an Official Plan Amendment, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the Town's satisfaction.

Town Planning staff note that although building permits have been issued for the subject lands, and the current site-specific (RM1-263) zoning is not entirely conducive to rear-loaded development product, the lands to the north (rear) are still geographically capable of supporting a public or private laneway at a later date. A rear laneway will serve to benefit nearby lands fronting Port Robinson Road, improving their redevelopment capacity potential, without compromising the overall balance of the revised Neighbourhood Plan development objectives and policy goals of the Secondary Plan.

Policy B1.7.7.2 states that the Demonstration Plans provided in Appendix A and the Urban Design Guidelines provided in Appendix B, may constitute the road, block and land use plan, if the proposed development is generally consistent with the Demonstration Plans and Urban Design Guidelines, to the satisfaction of the Town. The Neighbourhood Master Plan shall form the basis of Draft Plans of Subdivision, implementing zoning and/or Site Plan Approvals.

The subject lands are geographically situated within Residential 'Neighbourhood 1' according to

Schedule 'A4'. As a result of a recently approved Subdivision (River Estates Phase 2), deviating considerably from the Demonstration Plan, the developer had worked with the Town in providing a revised Neighbourhood Master Plan to satisfy the Secondary Plan policies. This latest approved iteration of the Neighbourhood 1 Master Plan still contemplated a highly interconnected street grid complemented by a network of rear laneways running parallel to, and supporting future development along designated Collector Roads such as Port Robinson Road.

The submitted *Planning Justification Report (PJR)* states that the Demonstration Plans found in Appendix A of the Official Plan, are not 'policy', but instead a guide. According to policy B1.7.7.2, the Demonstration Plan and Urban Design Guidelines (Appendix B) may constitute the Road, Block and Land Use Plan, the Streetscape Plan and the Urban Design Guideline components of the Neighbourhood Master Plan. It goes on that the Neighbourhood Master Plan shall form the basis of implementing zoning, subdivisions and Site Plan Approvals. The Town shall be satisfied that the Plan has been completed, and all of the policies of this Plan have been appropriately fulfilled.

Town Planning staff note that the Appendices are actually being directly referenced by the policies and identified as development objectives that are to be met with general consistency, and that shall form the basis of development approvals, in order to conform. Unfortunately, the existing site-specific zoning did not adequately capture the types of performance standards suitable for rear laneway development. Further to the *PJR's* analyses, Town Planning staff recognize that if the intent of the 2016 site-specific zoning were to provide rear-loaded vehicle access, the front yard setback would have been reduced. Unfortunately, this was missed, but the lot geometry (notwithstanding the under-construction houses), was more than capable of dedicating adequate land for a rear laneway while still accommodating adequate private lot depth. In this case, the developer has specifically chosen not to provide for the rear lane, despite the property being capable of supporting one, which is quite unfortunate.

Policy B1.7.7.4.2 (EF-Medium Density Residential Development Policies) – states development on the basis of public or private lanes is encouraged and may be required where dwelling units front onto a Collector Main Street (Port Robinson Road).

The Town has been consistent in seeking to implement a network of rear laneways running parallel to existing (or new) collector roads throughout East Fonthill, pursuant to the Secondary Plan policies / Demonstration plans and on the basis of sound planning practice. This has been achieved in coordination with various landowners, to the maximum and most reasonable extent possible. Rear laneway developments offer a healthier presence of built form typically characterized by buildings closely aligned near the travelled road with vehicle access and utilitarian services provided off a back alleyway. This arrangement provides enhanced rear yard amenity privacy, safer vehicle ingress & egress, reduced pedestrian / bicyclist conflicts, and

additional parking opportunities both off-street, and on-street, where available. Buildings street-front oriented without dominant attached garage doors help soften the front yard through additional landscaping, not dominated by pavement, and the additional glazing from private development offers a better 'sense of place' for the public realm through a stimulating private interface (windows, doors, porches etc.) fostering neighbourhood interaction.

Town Planning staff will continue to work with the various land owners to achieve these policy requirements through future *Planning Act* development applications, and this consent application does not compromise these policies.

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;
 - ✓ Yes.
- b) Will not cause a traffic hazard;
 - ✓ The recent addition of each new driveway apron is not in keeping with the Official Plan policies and safe transportation practice generally, particularly on a busy collector road. Port Robinson Road is anticipated to handle considerably more traffic well into the future. Residents and visitors of front-loaded development are typically required to 'back-out', onto the public road in reverse with poor visibility which is known to cause safety conflicts with those walking, riding bicycles or other travelling vehicles.
 - ✓ However, the development currently under construction complies with the Zoning By-law in effect and Town staff were required to issue Driveway Entrance Permits as well as building permits in accordance with the *Ontario Building Code*.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ The proposed lots comply with all applicable zoning regulations, (e.g. minimum lot frontage & lot area).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes and was required prior to building permit issuance.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration required as a condition of building permit approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ The severance will not impede the ability for the vacant neighbouring lands to the north to be developed, or the *legal non-conforming* lands to the west & east to be redeveloped.
- 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.

In accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fonthill and Fenwick.

It is noted that the application is for consent to partial mortgage discharge and to convey an existing townhouse dwelling unit (Part 1), currently under construction for the purposes of selling each townhouse unit individually, as opposed to a block of three (3) under single ownership. According to the application and *Planning Justification Report*, the remnant land (Part 4) is proposed to be retained for future development purposes, specifically another 3-unit townhouse block and a portion to be allocated for a future public street.

Town Planning staff are of the opinion the proposed severance application conforms to the local Official Plan, principally via direct extension of exercising as-of-right zoning compliance under a building permit, and less so with the clear policy intent of the East Fonthill Secondary Plan and Urban Design Guidelines.

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

The subject land is currently zoned 'Residential Multiple 1 – 263' (RM1-263) according to Schedule 'A5' of the Zoning By-law, pursuant to amending By-law No. 3719 (2016). Street townhouse dwellings are permitted subject to applicable regulations.

Unfortunately, the site-specific zoning previously endorsed by Town staff and approved by Town Council did not adequately calibrate the zoning provisions to execute the clear policy objective of certain parts of the East Fonthill Secondary Plan. Particularly, a rear-loaded medium density residential zone would have employed shorter front yard setbacks with a required rear-garage access provision, among other things.

Regardless, the proposed lot geometry complies with the applicable zone provisions to facilitate individual lot creation.

Agency & Public Comments

On March 3, 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 (March 25, 2021)
 - Given the low hydrological and ecological function of the watercourse, NPCA staff have no objection to the proposed application.
- Niagara Region Planning & Development Services (March 4, 2021)
 - No Provincial or Regional interests.
- Bell Canada (March 16, 2021)
 - No concerns.
- Building Department (March 29, 2021)
 - Building permits were issued for the dwellings under construction.
- Public Works Department (March 30, 2021)
 - See conditions.

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

Planning Staff Comments

Application is made for consent to partial mortgage discharge and to convey (sever) 426.3 m² of land (Part 3) for one unit of a 3-unit street townhouse block currently under construction. Part 4 (1285.4 m² of land) is to be retained for future residential development.

The subject lands are located on the north side of Port Robinson Road, lying east of Station Street and are surrounded by a quickly evolving secondary plan growth area. Town staff have visited the site and are quite familiar with the local context.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on January 21, 2021 to discuss the subject application. In addition to the Consent Sketch, a *Planning Justification Report* prepared by Jennifer Vida MCIP, RPP, was also provided in support of the proposed development.

For the Committee's understanding and public record, Town Planning staff wish to clarify an inaccurate claim made by the applicant in their *Planning Justification Report (PJR)*. Page 4 of this *Report* states that a 'zoning review' was conducted and approved in August 2020 by Town

Planning staff to review the owner's original plan to build all six (6) townhouse dwellings concurrently, prior to applying for building permit to ensure compliance and avoid delay. This is false. According to email records between the architect of record and the Town, Planning staff were only asked to review 'side yards and (building) setback' zone provisions on the draft Site Plan.

The applicant is aware of the Official Plan policy intent yet relies on deferring to, and leveraging the intent of the 2016 site-specific zoning to circumvent what is clearly desired as a rear-loaded built form.

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

Given this analysis, Planning staff recommend that consent file B14-2021P **be approved** subject to the following conditions:

THAT the applicant

- Submit a drawing confirming that no existing utilities cross the proposed lot line. Should any service(s) cross this lot line, the applicant will be responsible for costs associated with their relocation and/or removal.
- 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: March 30th, 2021

TO: Curtis Thompson, Planner

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

FROM: Derek Young, Manager of Engineering

RE: File B14/2021P
91 Port Robinson Road

We have completed the review of the consent applications B14/2021P, for consent to partial discharge of mortgage and to convey 426.3 square metres of land (Part 3), for construction of one unit of a three-unit townhouse. 1,285.4 square metres (Part 4) is to be retained.

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.

To: Sarah Leach

Cc: Curtis Thompson

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

Date: March 29th, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – April 7th, 2021 Hearing

Comment for Re: Files #B11-2021-1419 Station St.

The building department offers the following comment,

- Building permit required for relocation of existing shed on Part 1 or demolition permit as it appears greater than 10m2.
- Demolition permit required for the removal of the structure on Part 3 if it has not already, as it appears to be greater than 10m2

Comment for Re: Files #A18-2021P-879 Foss Rd., B12-2021P-87 Port Robinson, B13-2021P-Port Robinson & B14-2021P 91 Port Robinson

The building department offers the following comment,

- Building permits are required for the proposed future building construction.

Kind Regards,

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

From: [Gordon, Carrie](#)
To: [Sarah Leach](#)
Subject: RE: Committee of Adjustment Notice of Hearing - April 7, 2021 2 of 2 - 905-21-108
Date: Tuesday, March 16, 2021 1:29:08 PM

Hi Sarah,

Re: File B12/2021P-B14/2021P

Subsequent to review of the severance at 87-91 Port Robinson Road, Pelham, Bell Canada's Engineering department have determined that there are no concerns or issues with the application.

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

Best regards,

Carrie Gordon



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

From: Sarah Leach <SLeach@pelham.ca>
Sent: Wednesday, March 3, 2021 8:38 AM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; Amy.Shanks@niagararegion.ca; ROWCC <rowcentre@bell.ca>; ngodfrey@npca.ca; Sarah Mastroianni <smastroianni@npca.ca>
Subject: [EXT]Committee of Adjustment Notice of Hearing - April 7, 2021 2 of 2

Second email containing April 7, 2021 notice of hearings (list in email 1)



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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From: [Nicholas Godfrey](#)
To: [Sarah Leach](#)
Subject: RE: Committee of Adjustment Notice of Hearing - April 7, 2021 1 of 2
Date: Thursday, March 25, 2021 5:08:51 PM

Good afternoon Sarah,

I apologize for the delayed response:

A18/2021P – 879 Foss Road

NPCA staff are in agreement that because the proposed expansion is directed away from the regulated watercourse, there will be no negative impacts. The NPCA have no objections.

B11/2021P – 1419 Station Street

The NPCA have no regulated features at this site.

B12/2021P – 87 Port Robinson Road

B13/2021P – 89 Port Robinson Road

B14/2021P – 91 Port Robinson Road

While NPCA mapping indicates the subject parcels contain an NPCA regulated watercourse, given the low hydrological and ecological function of the watercourse, NPCA staff have no objections to the proposed application.

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

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 278
ngodfrey@npca.ca
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 & 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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