

## Committee of Adjustment AGENDA

CofA 09/2021

September 8, 2021

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

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

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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. **A32/2021P - 1363 Station Street**
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    2. Town of Pelham Public Works
    3. Town of Pelham Building
    4. Hummel Properties Inc.

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August 3, 2021 (JK & SM)

**8. Adjournment**

September 1, 2021

Ms. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON LOS 1E0

**Re: Minor Variance Application A32/2021P**  
**1363 Station Street, Pelham**  
Part of Lot 20, Plan 717  
**Roll No. 2732 030 004 04100**

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The subject land is located on the east side of Station Street, lying north of Port Robinson Road, legally described above, and known locally as 1363 Station Street in the Town of Pelham.

The subject land is zoned Residential Multiple 2 'RM2' in accordance with Pelham Zoning By-law 1136(1987), as amended. The minor variance application requests relief from:

- i. **Section 5.54 (a) "Apartment Dwelling" Definition** – to permit dwelling unit entrances from the exterior without an interior corridor, whereas the by-law requires that dwelling units be accessible from a corridor system connecting with a common entrance from outside the dwelling;
- ii. **Section 6.16 (d) (i) "Ingress and Egress"** – to permit a minimum driveway width of 6.2m whereas the bylaw requires 7.5m;
- iii. **Section 6.16 (i) "Parking Area Location on Lot"** – to permit a minimum parking area distance of 3.7m to the street line and 0.9m to the south side lot line for the existing front parking area whereas the by-law requires 7.5m to the street line and 3m to the side lot line or rear lot line;
- iv. **Section 17.2 (g) "Minimum Rear Yard"** – to permit a minimum rear yard of 5m whereas the by-law requires 12m or one-half the height of the building, whichever is greater;
- v. **Section 17.2 (h) "Minimum Interior Side Yard"** – to permit a minimum interior side yard of 3.8m whereas the by-law requires 6m or one-half the height of the building, whichever is greater;
- vi. **Section 17.2 (j) "Minimum Landscaped Area"** – to permit a minimum landscaped area of 23% whereas the by-law requires 35%.

The proposal seeks to construct a two-storey multi-unit residential building in addition to the existing multi-unit residential building. In support of their application, the applicant also submitted a preliminary site plan, floor plans and elevation plans illustrating the proposed development and a Planning Justification Brief providing the rationale for the proposal.

## Applicable Planning Policies

### Planning Act (Consolidated July 2016)

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

### Provincial Policy Statement (PPS), 2020

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

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

The 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 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 states that municipalities shall identify appropriate locations and provide for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

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 that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The proposed development is seeking to make more efficient use of the land by permitting the construction of a two-storey apartment dwelling behind the existing two-storey residential dwelling. The proposed density of the development is appropriate given site and neighbourhood context, while the addition of apartment units will add to the available housing options in the Downtown Fonthill neighbourhood, and would make more efficient use of existing infrastructure and public services which in turn minimizes land consumption and costs of servicing for the Town. To ensure that appropriate development standards be applied and promoted with the proposed development, the applicant must submit a Functional Servicing Report and a Stormwater Management Report with the site plan application to the Town for the protection of public health and safety.

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 also identifies this area as having composite archaeological resource potential.

The proposed minor variance application has been submitted to seek relief from several site-specific and general zoning provisions in order to facilitate the addition of a two-storey apartment dwelling, additional designated parking spaces, and some minor site modifications. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form while continuing to meet intensification policy objectives. The proposed development should not cause adverse impacts on the use of the lands or neighbourhood pending more professional reports required at the site plan stage.

#### 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 (among others) 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 2.2.1.2 states that 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 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 subject site is located within the built boundary with access to existing infrastructure and is within walking distance to schools, public / private amenities, institutional uses and shopping facilities. The proposed variances will support the achievement of a *complete community* by adding additional residential dwelling units in an area that is appropriate to do so while contributing in providing diversified housing options in the neighbourhood.

#### 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 that ‘Urban Areas’ will be the focus for accommodating the Region’s growth and development.

Policy 4.G.8.1 states that *Built-Up Areas* will be the focus of residential intensification and redevelopment.

Policy 10.C.2.1.13 states that *development* and *site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through their life cycle.

The requested variances to allow for the addition of an apartment dwelling will facilitate additional residential intensification and redevelopment in an area that is appropriate to do so. Further, as indicated in the pre-consultation summary, the Region generally has no objection to the proposed development subject to the availability of adequate municipal services and infrastructure and local Official Plan policies and compatibility concerns, with the condition that a stage 1-2 Archaeological Assessment be submitted with the site plan application. It is Planning staff's opinion that the requested variances conform to the policies of the Regional Official Plan.

#### 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 'Urban Living Area / Built Boundary'.

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) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- 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 maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

It is noted that the minor variance application seeks to legalize the following three legal non-conforming provisions: minimum parking area distance to the street and side lot line, minimum driveway width, and minimum interior side yard setback. The remaining three variances are requested to address the zoning deficiencies resulting from the apartment building development.

Policy A2.7.2 states 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.

The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. The applicant must at minimum, conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. The Assessment must cover the building envelope of the proposed apartment dwelling, as well as any area that is subject to excavation, and be accepted by the Ministry prior to submission of the Site Plan application. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 provides policy guidance and direction with respect to intensification proposals within the Urban Living Area / Built Boundary. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood where they're proposed.

In considering residential intensification proposals, the following criteria are applicable:

- a) Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with a collector or arterial road;

- ✓ The subject lands front Station Street, a local road but are located within 100 m of a designated collector road (Port Robinson Road) according to Schedule 'C'.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
  - ✓ The character of the neighbourhood density is defined by a range of mixed housing types and densities, with mainly single-detached and semi-detached housing in the established neighbourhood to the west, the existing two-storey, 8-units apartment dwelling on the subject lands, and planned future residential neighbourhood to the south and east side, which will be a mix of low and medium density, allowing for townhouses and small scale apartment dwellings which is proposed to be similar in scale and density to this development.
- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
  - ✓ The proposed density of development at 48 units per hectare complies with the RM2 Zone which permits up to 65 units per hectare.

Policy B1.1.5 requires that when considering a Zoning By-law amendment and site plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
  - ✓ The additional dwelling is of similar size as the existing apartment building, and the development is within the maximum lot coverage permitted. The proposed two-storey apartment has a peak height of 8.23m (27ft) which is of similar height as the existing on-site building and dwellings in proximity and is well below the maximum height allowed at five-storey.
- b) Can be easily integrated with surrounding land uses;
  - ✓ The development is ground-oriented and the overall architectural style is compatible with the surround neighbourhood.
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and
  - ✓ Traffic congestion is not anticipated as a result of the development which adds 4 additional units.

- d) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.
- ✓ The proposal provides sufficient amount of parking and amenity area, despite the lack of landscaped area, there should be adequate amount of buffering which separates the new development from adjacent lands.

Planning staff are of the opinion that the proposal is in conformity with the Town of Pelham Official Plan by allowing for additional housing opportunities in an area that is appropriate to do so, accompanied with building and site design that displays character compatibility with the surrounding neighbourhood. The proposed development should not conflict with any policies subject to demonstration of appropriate urban design and fulfillment of the conditions of approval which must be satisfied prior to the submission of the Site Plan application.

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

The subject land is zoned Residential Multiple 2 'RM2' in accordance with Pelham Zoning By-law 1136(1987), as amended. Under the default regulations of the Zoning By-law, the minor variance application requests relief from:

- i. **Section 5.54 (a) "Apartment Dwelling" Definition** – to permit dwelling unit entrances from the exterior without an interior corridor, whereas the by-law requires that dwelling units be accessible from a corridor system connecting with a common entrance from outside the dwelling;
- ii. **Section 6.16 (d) (i) "Ingress and Egress"** – to permit a minimum driveway width of 6.2m whereas the bylaw requires 7.5m;
- iii. **Section 6.16 (i) "Parking Area Location on Lot"** – to permit a minimum parking area distance of 3.7m to the street line and 0.9m to the south side lot line for the existing front parking area whereas the by-law requires 7.5m to the street line and 3m to the side lot line or rear lot line;
- iv. **Section 17.2 (g) "Minimum Rear Yard"** – to permit a minimum rear yard of 5m whereas the by-law requires 12m or one-half the height of the building, whichever is greater;
- v. **Section 17.2 (h) "Minimum Interior Side Yard"** – to permit a minimum interior side yard of 3.8m whereas the by-law requires 6m or one-half the height of the building, whichever is greater;
- vi. **Section 17.2 (j) "Minimum Landscaped Area"** – to permit a minimum landscaped area of 23% whereas the by-law requires 35%.

The minor variance application requests certain pre-existing legal non-conforming conditions (minimum driveway width, parking area distance to the street line and side lot line, and interior side yard setback) to be legally recognized while others are requested to accommodate the

proposed development.

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

Minor Variance Test	Explanation
<p>1. The variance is minor in nature.</p>	<p>The proposed reduced rear yard setback is minor overall provided the proposed building height is two-storey, and that a planting strip will be provided along the rear lot line, creating a physical buffer that separates the proposed 'Apartment Dwelling' building and the rear lot.</p> <p>The proposed reduced landscaped area is minor overall as the front yard landscaping area remains unchanged while the site provides an abundance of amenity area for residents to enjoy. Moreover, as stated in the pre-consultation summary, the applicant must submit a landscape plan detailing tree retention, landscaping features, proposed plant materials and other landscaping details and submit as part of site plan application to address landscaping requirements.</p> <p>The variance of the "Apartment Dwelling" Definition is minor as given the size and layout of the new ground-oriented apartment building, replacing the interior corridor access system with exterior individual entry would be more appropriate and suitable, while the resulting impact would be negligible.</p> <p>The impacts resulting from the pre-existing legal non-conforming conditions on the subject and adjacent properties are minor overall, as the fence along the south lot line provides buffering between the subject parcel and the neighbouring site, which helps to negate impacts from the reduced side yard setback and parking area layout. The reduced width for the driveway will have minor impact overall, as the parking area will still function well and allow for safe and practical movement of vehicles. The proposed development should not exacerbate the existing conditions and resulting impacts.</p>

	<p>The variances are considered minor in nature as no adverse impacts are anticipated. The proposed apartment building and site design is generally consistent with the existing neighbourhood character and built form and the proposed infill redevelopment is appropriate from a land use compatibility, housing type and density perspective.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>The moderate two-storey height will help to minimize the building's overall visual impacts on the subject and adjacent lands with regards to the reduced rear yard setback, and the reduced landscaped area can be remedied through properly designed, well placed and high quality landscape treatment which must be displayed in the requested landscape plan at the site plan stage. The alternative entrance system proposed for the apartment building differing from the interior corridor system is desirable as it allows for more efficient use of the building's interior space without having to compromise for a common lobby which would be impractical given the proposed building size and design.</p> <p>Adequate amount of open space and amenity area remain for recreational use. The proposed spatial separation between the existing and the proposed building is also appropriate and the general setback from the required yard is consistent with contemporary development standards and would not impede the neighbouring residents' personal privacy and enjoyment of their lands.</p> <p>The variances are considered desirable as they will help facilitate the development of a new apartment building which has a moderate height and massing and is designed to fit with the overall neighbourhood character with a ground-oriented building type accompanied with suitable exterior finishes. It will also be desirable to the development and use of the land as the subject lands are designated in the built-up area with the appropriate zoning which allows for further residential intensification and provides opportunities for residents to live close to the</p>

	core centre of the Town and be able to access services by in proximity.
3. The variance maintains the general intent and purpose of the Official Plan.	The variances maintain the general purpose and intent of the Official Plan as it implements the vision for reasonable residential intensification in the urban living area designation and the development would not compromise the neighbourhood’s ability to be adequately serviced, maintain land use compatibility, while also providing additional residential apartment units thus increasing variety in the available housing stock.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variances maintain the general intent of the Zoning By-law because the requested variances will allow for the logical, and appropriate use of the land in providing additional apartment dwelling units in a zone that is suitable to do so, all the while still maintaining adequate land for parking spaces, outdoor amenity and open spaces. It is also recognized that 3 of the variances address the non-complying circumstances of the existing building which has demonstrated fit and compatibility with the neighbourhood thereby maintaining the intent of the By-law that permits apartment dwellings at this location.

**Agency & Public Comments**

On July 30, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property’s boundaries.

To date, the following comments have been received:

- Building Division (August 12, 2021)
  - A building permit is required for the proposed 2 storey apartment building.
- Public Works Department (August 25, 2021)
  - The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.
  - The Town of Pelham Public Works Department have reviewed the following documentation for the purpose of this application:
    - Site Plan (SP1), by Zoltan Engineering, dated July 8, 2021;
  - Site Servicing

- Functional Servicing Report
  - At the Pre-consultation stage, Town of Pelham staff required that a Functional Servicing Report be submitted with Minor Variance application to confirm the capacity requirements for the new development at 1363 Station Street. Town staff also require that the developer show how storm water runoff will be controlled on the site.
- Water Servicing
  - Presently this site is being serviced by two (2) water service connections: a 20mmØ line and a 40mmØ line from Station Street. As per Town of Pelham Engineering Standards, this site may only be serviced by one (1) water connection. The unused existing water service to property line is to be abandoned and removed back to the main.
- Storm Sewer Connection
  - As per the Town of Pelham Engineering Standards, the developer is required to ensure that all surface water run-off is contained on site.
  - Town staff will require a Stormwater Management Report, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits.
  - Town of Pelham staff require that the developer construct a new storm sewer to receive storm water run-off from the site. Please note that a maintenance hole at the property line will also be required.

A written submission was received from Jennifer Vida on behalf of Hummel Properties Inc. which owns property directly north and east of the subject lands. The written submission details Hummel Properties Inc.'s support of the proposed development and that the proposed variances satisfy the 4 tests as set out by the Planning Act and that the proposed setbacks will not negatively impact adjacent area.

### **Planning Staff Comments**

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on July 2, 2020 to discuss the subject application. In addition to plan materials, which include a Site Plan, Survey Plan, Floor Plan and Front Elevation Plan, a Planning Justification Brief prepared by Wellings Planning Consultants Inc. dated June 25, 2021 was also submitted in support of the proposed development. Planning staff have reviewed the *Planning Justification Brief*, as well as all agency and public correspondence submitted to date.

The subject lands are located on the northeast corner of Port Robinson Road and Station Street. The property is surrounded by large amount of currently vacant residential lands on the east and south side which are proposed to be further developed to be future residential neighbourhoods. On the immediate north side of the property lies a currently vacant residential parcel which is proposed to be rezoned from Residential 2 (R2) to a site-specific Residential Multiple 2 (RM2) zone to permit the development of a 4-storey apartment dwelling containing 24 units; this application is still pending a decision and the applicant is addressing issues raised by the public. On the west side of the property is an established residential neighbourhood which mostly consists of single-detached and semi-detached residential dwellings.

With the analysis given in the above sections, Planning staff are of the opinion that the proposal applies current planning and development principles and provide design flexibility where suitable to do so. The proposal makes efficient use of the land, will not result in overbuilding of the property, will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and should not negatively impact the surrounding neighbourhood with regards to land use compatibility, traffic and privacy. It is noted that site servicing and storm sewer connection must be addressed at the site plan stage with the preparation and submission of a Functional Servicing Report and Stormwater Management Report, as well as any other requirements outlined in this report to the satisfaction of the Town.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans. The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Given this analysis, Planning staff recommend that minor variance file A32/2021P **be approved** subject to the following conditions:

**THAT** the applicant

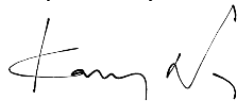
To the satisfaction of the Director of Planning and Development, prior to the issuance of a building permit:

1. Conduct a Stage 1-2 Archaeological Assessment and receive Clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries, prior to site plan application.
2. Enter into a Site Plan Agreement with the Town addressing the following:
  - a. Submission and approval of a Functional Servicing Report to confirm the capacity requirements for the new development.



- b. Submission and approval of a Stormwater Management Report, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits. Report must show that all surface water run-off is contained on site and how storm water runoff will be controlled.
- c. Abandon and remove the unused existing water service connection line.
- d. Construct a new storm sewer to receive storm water run-off from the site, a maintenance hole at the property line will also be required.
- e. Submit a landscape plan detailing landscape treatments and features, plant materials and landscape specification, tree preservation plan and any other additional information necessary for clarity.

Prepared by,



Kenny Ng, B.ES  
Planner

Approved by,



Barbara Wiens, MCIP, RPP  
Director of Community Planning and  
Development

# Memo

**To:** Sarah Leach, Planner

**CC:** Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

**From:** Taylor Boyle, Engineering Technologist

**Date:** 25<sup>th</sup> August, 2021

**RE:** Zoning By-Law Amendment – 1363 Station Street

The Public Works Department has reviewed the submitted documentation regarding the proposed Zoning By-Law Amendment for 1363 Station Street. Please note the following comments

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

The Town of Pelham Public Works Department have reviewed the following documentation for the purpose of this application:

- Site Plan (SP1), by Zoltan Engineering, dated July 8, 2021;

## **Site Servicing**

### **Functional Servicing Report**

At the Pre-consultation stage, Town of Pelham staff required that a Functional Servicing Report be submitted with Minor Variance application to confirm the capacity requirements for the new development at 1363 Station Street. Town staff also require that the developer show how storm water runoff will be controlled on the site.

### **Water Servicing**

Presently this site is being serviced by two (2) water service connections: a 20mmØ line and a 40mmØ line from Station Street. As per Town of Pelham Engineering Standards, this site may only be serviced by one (1) water connection. The unused existing water service to property line is to be abandoned and removed back to the main.

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### Storm Sewer Connection

As per the Town of Pelham Engineering Standards, the developer is required to ensure that all surface water run-off is contained on site.

Town staff will require a Stormwater Management Report, which details stormwater management strategies and provides all necessary calculations to demonstrate post development runoff rates are within allowance limits.

Town of Pelham staff require that the developer construct a new storm sewer to receive storm water run-off from the site. Please note that a maintenance hole at the property line will also be required

To: Sarah Leach

Cc: Kenny Ng

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

Date: August 12<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances –September 8<sup>th</sup>, 2021 Hearing

Comment for Re: File A33/2021P

The building department offers the following comment,

- A building permit is required for the proposed covered porch

Comment for Re: File A32/2021P 1363 Station St.

The building department offers the following comment,

- A building permit is required for the proposed 2 storey apartment building

Comment for Re: Files A34/2021P 345 Highway 20W, B25/2021P, B26/2021P, B27/2021P & B28/2021P

The building department offers the following comment,

- No comment

Kind Regards,

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

**HUMMEL PROPERTIES INC.**

**P.O. Box [REDACTED]  
St. Davids ON [REDACTED]  
Telephone [REDACTED]**

April 9<sup>th</sup> 2021

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

Attention: Kenny Ng, Planner,

**Re: Minor Variance Application for 1363 Station Street, File No. A32/2021P**

Hummel Properties Inc. (HPI) is in receipt of the Notice of Public Hearing for the above noted property. HPI owns the property directly north and east of the subject lands.

The proposed development will offer additional affordable housing units to the downtown area of Fonthill, which is greatly needed in the Town and in the Region as a whole. The variances are minor in nature and relate to addressing a site-specific layout on the property. The proposed setbacks are adequate for the development and will not trigger any negative impacts to the immediate area.

After reviewing the proposed plans in detail, together with the requested minor variance requests, HPI views the development as a benefit to the community and hereby submits our support for the proposal.

HPI looks forward to seeing this development proceed. Please forward a copy of the decision when it is available.

Thank you for the opportunity to comment on the application. If you require any additional information, please do not hesitate to contact the undersigned.

Your truly,



Jennifer Vida, MCIP, RPP  
Hummel Properties Inc.

September 1, 2021

Ms. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON LOS 1E0

**Re: Minor Variance Application A33/2021P**  
**18 Beechwood Crescent, Pelham**  
Lot 34 on Plan 59M-189  
**Roll No. 2732 030 020 20200**

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The subject land is located on the south side of Beechwood Crescent lying west of Kunda Park Boulevard, legally described above, and known locally as 18 Beechwood Crescent in the Town of Pelham.

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136(1987), as amended. The minor variance application requests relief from:

- i. **Section 13.2 (c) "Maximum Lot Coverage"** seeking 40%, whereas 30% is required.

The proposal seeks to construct a covered porch addition to the existing residential dwelling.

### **Applicable Planning Policies**

#### Provincial Policy Statement (PPS), 2020

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

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

The 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.

The proposed development seeks relief from the lot coverage requirement to facilitate a rear yard covered porch addition to the existing dwelling. Planning staff are of the opinion that the requested zoning relief is consistent with the PPS and promotes appropriate development standards without causing adverse impacts on the use of the lands or neighbourhood.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Built-Up Area' within the Urban Area Boundary.

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 'Urban Living Area / Built Boundary'.

Policy A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- 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 maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance to seek relief from lot coverage requirement should not compromise drainage, privacy or sensitive natural heritage features and is in keeping with the existing character of the residential neighbourhood. Planning staff are of the opinion that the proposal is in conformity with the Town of Pelham Official Plan.

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

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136

(1987), as amended. Under the default regulations of the Zoning By-law, the minor variance application requests relief from:

- i. **Section 13.2 (c) “Maximum Lot Coverage”** seeking 40%, whereas 30% 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.	The increased lot coverage is minor overall, as the impact on the subject property and adjacent properties is minimal. No negative impacts are anticipated by the adjacent neighbors as adequate distance separates the nearest residential neighbour from the existing building and the proposed addition. The proposed addition is reasonably sized and is built on the rear yard which will not be visible from the front of the property.
2. The variance is desirable for the development or use of the land.	The increased lot coverage is desirable because it will allow for the construction of a covered porch which can be enjoyed by the resident. The proposed addition is located on the rear yard and is screened from public view and its size and built form are also compatible with the existing dwellings and built form on the street, and is therefore, able to maintain the character of the area.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance maintains the general purpose and intent of the Official Plan because it does not compromise the neighbourhood’s ability to be adequately serviced, maintain land use compatibility, while also improving the property value and aesthetics by providing a covered porch.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance maintains the general intent of the Zoning By-law because the requested variance will allow for the logical, and appropriate extension of the dwelling while still maintaining adequate land for outdoor amenity and landscaped area.

### Agency & Public Comments



On July 28, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (August 12, 2021)
  - A building permit is required for the proposed covered porch.

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

### **Planning Staff Comments**

The proposed minor variance application was circulated to Town Planning, Building and Public Works staff for pre-application review and comments prior to submission.

The subject lands are located on the north side of Merritt Road, lying east of Pelham Street. The property is surrounded by the following:

- North: Vacant residential land
- East: Significant woodlands
- South: Residential neighbourhood
- West: Residential neighbourhood

The proposed minor variance application seeks zoning relief to increase lot coverage requirement from the previously approved 34% to 40%, in order to accommodate the addition of a rear yard covered porch.

In considering the overall lot coverage of the subject property, staff is of the opinion that although the maximum lot coverage will be further increased, the impact on the subject property and adjacent properties is negligible. The addition's side yard setback is in keeping with the existing dwelling and the proposed roof line will follow the existing dwelling's roof pitch which helps to lower its overall visual impact. The proposed addition, although greater than the maximum lot coverage, is appropriate in size and will not result in the overbuilding of this large property.

Planning staff are of the opinion that the proposal applies current planning and development principles and providing design flexibility where suitable to do so. The proposal makes efficient use of the land, will not result in overbuilding of the property, will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and should not negatively impact the surrounding neighbourhood with regards to land use incompatibility,

traffic, privacy and storm water runoff.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans. The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Given this analysis, Planning staff recommend that minor variance file A33/2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Apply for and receive Building Permit for the proposed covered porch.

Prepared by,



Kenny Ng, B.ES  
Planner

Approved by,



Barbara Wiens, MCIP, RPP  
Director of Community Planning and  
Development

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## Memo

**To:** Sarah Leach, Deputy Clerk

**CC:** Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

**From:** Taylor Boyle, Engineering Technologist

**Date:** 8th September 2021

**File No.:** A33/2021P

**RE:** Minor Variance – 18 Beechwood Crescent, Pelham

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Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application for 18 Beechwood Crescent, Pelham.

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Town staff have reviewed the submitted documentation and have no comments or concerns regarding the proposed covered porch at 18 Beechwood Crescent.

To: Sarah Leach

Cc: Kenny Ng

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

Date: August 12<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances –September 8<sup>th</sup>, 2021 Hearing

Comment for Re: File A33/2021P

The building department offers the following comment,

- A building permit is required for the proposed covered porch

Comment for Re: File A32/2021P 1363 Station St.

The building department offers the following comment,

- A building permit is required for the proposed 2 storey apartment building

Comment for Re: Files A34/2021P 345 Highway 20W, B25/2021P, B26/2021P, B27/2021P & B28/2021P

The building department offers the following comment,

- No comment

Kind Regards,

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

September 1, 2021

Ms. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON LOS 1E0

**Re: Minor Variance Application A34/2021P**

**345 Highway 20 West, Pelham**

Part of Lot 6 and Part of the Road Allowance between Lots 6 and 7, Concession 7 being  
Parts 1 and 2 on 59R-11215

**Roll No. 2732 020 013 01300**

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The subject land is located on the north side of Highway 20 West lying west of Effingham Street, legally described above, and known locally as 345 Highway 20 West in the Town of Pelham.

The subject land is zoned Agricultural (A-157) in accordance with Pelham Zoning By-law 1136(1987), as amended. The property has a site specific zoning to allow the current use as a welding business, which includes the service and sale of trailers and trailer accessories.

The Applicant is seeking permission pursuant to Section 45(2) (a) (ii) of the Planning Act to permit vehicle repairs and sales as a similar use to the existing permitted welding shop and trailer sales and service business.

**Applicable Planning Policies**

Planning Act (Consolidated July 2016)

Section 45 (2) (a) (ii) grants powers to the Committee of Adjustment where any land, on the day the Zoning By-law was passed, was lawfully used for a purpose, may permit, the use of such land for a purpose that, in the Committee's opinion, is similar to the purpose for which it was originally used or is more compatible with the uses permitted by the Zoning By-law.

Provincial Policy Statement (PPS), 2020

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

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

The Provincial Policy Statement (PPS) designates the subject land within the ‘Prime Agricultural Area’. ‘Prime Agricultural Areas’ are defined as including associated Canada Land Inventory Class 4-7 lands as well as ‘Prime Agricultural Lands’ (Class 1-3 lands).

Policy 1.1.4.1 states that healthy, viable rural areas should be supported by, among other things, promoting regeneration, diversification of the economic base and providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3 and conserving biodiversity.

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.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries’ (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject property exhibits high potential for the discovery of archaeological resources due to its proximity (within 300 metres) to several past and present watercourses, as well as its location along a historic transportation route (Effingham Street). The Town’s Heritage Master Plan also identifies this area as having composite archaeological resource potential. However, in considering that no physical alterations are proposed to the property, and that no new infrastructure is required with the similar use application, an archeological assessment is therefore not required.

Planning staff are of the opinion the requested similar use application is consistent with the PPS and promotes appropriate development standards without causing adverse impacts on the use of the subject lands or surrounding uses.

#### Greenbelt Plan (2017)

The subject parcel is designated Specialty Crop Area within the Greenbelt Plan’s Protected Countryside.

Policy 4.5 states that all existing uses and single dwellings on existing lots of record are permitted, provided they were zoned for such prior to the Greenbelt Plan coming into force. Expansions to

existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with this Plan are permitted as long as new municipal services are not required, and that the use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.

The proposed similar use permission will not result in the need for new municipal services, and will not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, and therefore, the proposal does conform to the policies in the Greenbelt Plan.

#### 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 'Prime Agricultural Area', which is outside of an approved settlement area according to the Growth Plan. Therefore, the natural heritage system policies of the Growth Plan apply (policy 4.2.2).

Policy 4.2.2.3 a) states that (among other things), within the Natural Heritage System new development or site alteration will demonstrate that there are no negative impacts on key natural heritage features, key hydrologic features or their functions.

Development is defined as the creation of a new lot, a change in land use, or the construction of buildings requiring approval under the Planning Act.

Policy 4.5.4 states that expansions to existing buildings or accessory structures which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:

- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and
- b) The use does not expand into *key natural heritage features* or *key hydrologic features* or their associated *vegetation protection zones*.

The proposed similar use permission does not fragment any key natural heritage features or key hydrologic features.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as ‘Unique Agricultural Area’ as part of the Protected Countryside lands in the Greenbelt Plan.

Policy 5.B.8.3 states that in ‘Unique Agricultural Areas’ expansions/conversions of legally existing uses which bring the use into more conformity with the Regional Official Plan are permitted subject to the demonstration of no new municipal services being required and that the use does not expand into any key natural heritage features and key hydrological features.

The subject application is not proposing any new physical alterations to the property and the business would occupy the existing building. As such, no new municipal services are required and no expansion into key natural heritage features and key hydrological features will occur.

Regional staff are satisfied that the proposed development is consistent with Regional environmental policies, and offer no objections to the minor variance to allow the similar use. The proposed vehicle repair and sales is similar in terms of intensity of use and impacts that the existing welding shop and trailer repair and sales has on the subject land and surrounding area.

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 Town local Official Plan designates the subject land as ‘Specialty Agricultural’ as per Schedule ‘A’.

Policy B2.2.6 (Expansion of Existing Uses) states that uses which are not permitted in the Specialty Agricultural designation but were established on or before December 16, 2004, shall be deemed to be permitted uses. Such uses may expand buildings, structures or accessory uses subject to an application to the Committee of Adjustment to expand a legal non-conforming use. In considering an application, Committee shall have regard for the following criteria:

- a) a) That the expansion does not require the provision or extension of a municipal water or sewer system; and,
- b) b) That the proposed expansion is consistent with existing use policies contained in the Natural Heritage polices of this Plan.



The proposed similar use permission to convert the existing legal non-conforming welding business to permit vehicle repairs and sales would not require the provision or extension of a municipal water or sewer system and would not conflict with any Natural Heritage polices contained in the Official Plan.

Town Planning staff are of the opinion the proposed similar use request conforms to the Official Plan.

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

The subject land is zoned 'Agricultural-157' (A-157) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Permitted uses under Section 7 of the 'A' zone include (among others): Agricultural uses including greenhouses, seasonal or permanent farm help houses, one single detached dwelling, home occupations, kennels, animal hospitals, forestry and conservation uses, uses, buildings and structures accessory to any of the foregoing permitted uses, as well the site specific provision which allows for welding business which includes ancillary manufacture and sale of such things as trailers, trailer accessories and hitches.

The application is made to permit a similar use of 'vehicle repairs and sales' to the existing use.

**Agency & Public Comments**

On July 30, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Niagara Region Planning & Development Services (August 23, 2021)
  - No objections.
- Building Department (August 12, 2021)
  - No comment.

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

**Planning Staff Comments**

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on June 3, 2021 to discuss the subject

applications. A *Planning Justification Report* was submitted on behalf of the applicant by South Coast Consulting in support of the proposed development.

The subject lands are located on the north side of Highway 20 West, lying west of Effingham Street. The property is surrounded by the following:

North: Agricultural farmland

East: Commercial retailer operation

South: Farm with residence and commercial operation / vacant residential land

West: Farm with gravel pit

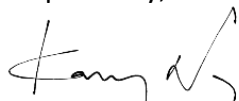
Planning staff is of the opinion that the application for similar use is in keeping with the goals and the intent of the Official Plan and the Zoning By-law. The reasoning being the proposed use is similar and compatible with the uses currently existing on the subject site and surrounding neighbourhood and its impact would not exceed what is currently existing. It is also noted that no building expansion or alteration is required to accommodate the proposed vehicle repair and sales use.

The applicant should be aware that if any further additions or site alterations are proposed in the future, they would be subject to Site Plan Approval as per the Town's Site Plan Control By-law.

In Planning staff's opinion, the application is consistent with the PPS, Provincial and Regional plans, and conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land. The authorization of the expansion of legal non-conforming use is not expected to generate any unreasonable negative impacts for adjacent uses or the community at large than what is currently permissible.

Given this analysis, Planning staff recommend that minor variance file A34/2021P **be approved**.

Prepared by,



Kenny Ng, B.ES  
Planner

Approved by,



Barbara Wiens, MCIP, RPP  
Director of Community Planning and  
Development

## Memo

**To:** Sarah Leach, Deputy Clerk

**CC:** Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

**From:** Taylor Boyle, Engineering Technologist

**Date:** 25 August 2021

**File No.:** A34/2021P

**RE:** Minor Variance – 345 Highway 20 W, Pelham

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted minor variance application seeking approval for an expansion of legal non-conforming use in order to permit vehicle repairs and sales.

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Town staff have reviewed the submitted documentation and have no comments or concerns regarding the expansion of legal non-conforming use in order to permit vehicle repairs and sales at 345 Highway 20 West.

To: Sarah Leach

Cc: Kenny Ng

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

Date: August 12<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances –September 8<sup>th</sup>, 2021 Hearing

Comment for Re: File A33/2021P

The building department offers the following comment,

- A building permit is required for the proposed covered porch

Comment for Re: File A32/2021P 1363 Station St.

The building department offers the following comment,

- A building permit is required for the proposed 2 storey apartment building

Comment for Re: Files A34/2021P 345 Highway 20W, B25/2021P, B26/2021P, B27/2021P & B28/2021P

The building department offers the following comment,

- No comment

Kind Regards,

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

VIA E-MAIL ONLY

August 23, 2021

**Sarah Leach, BA.**

**Administrative Assistant to the Clerk**

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

**Submission for Minor Variance Application**

Location: 345 Highway 20  
In the Town of Pelham

Our File: MV-21-0051

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Regional Planning and Development Services staff have completed a review of the provided materials which were provided as part of an application for a minor variance at 345 Highway 20 in the Town of Pelham.

The documents were received by Regional staff on July 30, 2021. The Applicant is seeking permission pursuant to Section 45(2)(a)(ii) of the Planning Act to permit an expansion of legal-non conforming use, in order to permit vehicle repairs and sales as a similar use to the existing permitted welding shop and trailer sales and service business. The following comments are provided from a Regional and Provincial perspective based on the information submitted in order to assist the Town in reviewing the application.

**Private Sewage System**

Private Sewage System staff has reviewed the application permit vehicle repairs and sales, similar to the existing permitted welding shop and trailer sales and service business.

No record was found for the existing legal non-conforming sewage system servicing the property. At the time of our inspection, no visual defects were observed with the existing sewage system. The existing septic tank is located north of the dwelling and the exact location of the in-ground bed is unknown.

The proposed change in use will not adversely affect the existing sewage system. The property contains limited usable land for a replacement system and tertiary treatment may be required in the future.

Therefore, provided no changes are proposed for the existing dwelling and shop, our department has no objection to the application as submitted.

## **Conclusion**

Based on the analysis and comments above, Regional staff offers no objections to the proposed addition.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo  
Development Approvals Technician  
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc.

Susan Dunsmore, Manager Development Engineer, Niagara Region  
Justin Noort, Private Sewage System Inspector, Niagara Region

**From:** [Ramundo, Matteo](#)  
**To:** [Sarah Leach](#)  
**Cc:** [Dunsmore, Susan](#); [Noort, Justin](#)  
**Subject:** 345 Highway 20 West A34/2021P  
**Date:** Monday, August 23, 2021 9:05:14 AM  
**Attachments:** [image003.png](#)  
[MV-21-0051 - 345 Highway 20.pdf](#)

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Good Morning Sarah,

Attached are the Regions comments for the minor variance for 345 Highway 20 West. I would also like to note the following in addition to the comments attached:

- The current road width along Regional Road 20 does not meet the required 35 metre policy width as per the Regional Official Plan. Therefore, the Region will request that a 7.45 metre widening be gratuitously given to the Niagara Region in order to achieve the 17.5 from the centerline. This widening cannot be taken at the minor variance stage but will be required at the time of future development applications.

If you have any questions or concerns with regards to this please feel free to contact me.

Sincerely,

Matteo Ramundo  
Development Approvals Technician  
Niagara Region  
Tel. 905-685-4225 EXT. 3345



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.

September 1, 2021

Ms. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON LOS 1E0

**Re: Consent Application B25-2021P**  
**West Side of Rice Road (between RR20 and Shaw Avenue aka Meridian Way), Pelham**  
Part of Block 3, Plan 59M-432, designated as Parts 7 and 13 on 59R-16208 (Parts 3, 4, 5, 10, 13 and 14 on sketch)  
**Roll No. 2732 030 020 04606**

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The subject parcel, shown as Parts 5 and 10 (boundary adjustment) on the attached sketch, has a frontage of 17.15m on the west side of Rice Road, and Parts 3 and 10 (easement lands – right of way) is an interior parcel of land situated 123.24m west of Rice Road and Part 14 (easement land s- right of way) on sketch is an interior parcel of land situated approximately 123.24m west of Rice Road, all lying south of Highway 20, being Part of Block 3, Plan 59M-432, designated as Parts 7 and 13 on 59R-16208 (Parts 3, 4, 5, 10, 13 and 14 on sketch) in the Town of Pelham.

Application is made for consent to convey 2,266.2 square metres of land (Parts 5 and 10 on sketch), to be added to the abutting property to the south (Parts 6 and 7 on sketch), for future development.

Application is further made for consent to convey an easement in perpetuity over 277.9 square metres of land, being Parts 3 and 10 on sketch, to the benefit of Parts 1, 2, 11 and 12 on sketch for a right of way.

Application is further made for consent to convey an easement in perpetuity over 41.2 square meters of land, being Part 14 on sketch, to the benefit of Parts 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 on sketch for a right of way.

Application is further made for consent to convey an easement in perpetuity over 24.3 square meters of land, being Part 10 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

Note: This application is being considered concurrently with Consent Files B26/2021P, B27/2021P and B28/2021P.



## Applicable Planning Policies

### Planning Act (Consolidated July 2016)

Section 51 (24) states that when considering the division of land, regard shall be had to the health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and among other things to,

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The proposed severance upholds provincial interest by making more efficient use of finite urban land by allowing the applicant to dispose of vacant land for future development opportunities. The severance is not premature because a Site Plan application has already been approved for a senior's residential apartment building (Part 4 on sketch). The geometry of the proposed retained parcel (Part 5, 6, 7 and 10) is appropriate to facilitate a variety of development options with adequate municipal services and amenities nearby. The proposed right-of-way for access purposes will reduce the amount of land wasted for vehicle movement and can improve site circulation as a whole. While the proposed conveyance of land for private watermain will serve for private utilities use for the assisted living building.

### 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.

A Site Plan Control application for a 5-storey assisted living building on a portion of the subject land was approved by the Town and entered into a Site Plan Agreement with the Town. The proposed 5-storey assisted living building will be located within Part 7 of the Registered Plan 59R-16208 (Part 4 on consent sketch). The proposed assisted living building will only occupy the north east portion of Part 7 of the Registered Plan 59R-16208, leaving the south portion of the Part 7 of the Registered Plan 59R-16208 vacant (shown as Part 5 on the Sketch).

The consent application seeks to convey this vacant plot of land (part 5) which is not required for the proposed development, along with part 10, to merge with Part 6 of the Registered Plan 59R-16208 (part 6 and 7 on sketch) to the south for future developments.

In order to provide sufficient vehicular to the proposed assisted living building, a driveway is proposed to be located in the centre of the subject land over the existing Right-of-Way, Parts 13 and 14 of Registered Plan 59R-16208. The existing Right-of-Way was deemed not sufficient to accommodate the design standard of the proposed driveway, therefore, additional lands from Part 2, 3, 5, 6, and 7 of the Registered Plan 59R-16208 are requested to be included as part of the Right-of-Way. A private watermain was also proposed to facilitate the assisted living building.

The easement component for access purposes reduces the amount of urban land waste by making more efficient use of a proposed parking lot / driveway access that can also serve new development to the west, and improve site vehicular circulation. The conveyance of land for private utilities use can help service the occupants of the senior's apartment building.

This consent application is an acceptable form of development which should not adversely impact the provincial interests, public health, safety or the quality of the human environment. 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 2.2.1.2 states that forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing municipal water / wastewater systems; and
  - iii. can support the achievement of complete communities.

The proposed lot creation will help achieve the target of a complete community by helping to facilitate new development in the future where it is appropriate to do so, as well as helping to achieve the Town’s density targets. The proposed easement for driveway access will ensure enhanced north-south mobility is maintained perpetually and the proposed private utilities use will provide the necessary services to the future occupants of the senior apartment building.

Planning staff are of the opinion the proposed development conforms to the Growth Plan.

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

The Regional Official Plan designates the subject land as ‘Designated Greenfield Area’ within the Urban Area Boundary.

Policy 4.G.6.2 indicates ‘Urban Areas’ will be the focus for accommodating the Region’s growth and development.

Policy 4.C.5 states that Designated Greenfield Areas will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses.

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

The proposed boundary adjustment and right-of-way applications conform to the Regional Official Plan because the lands are located within the *built-up* area and will help facilitate the accessibility of an approved assisted living building and will not affect the future developability of the land.

Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests and all concerns were addressed in the Site Plan Control application.

Town Planning staff are of the opinion the development makes effective use of the subject lands by helping to facilitate the approved commercial development and future mixed use development.

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

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

- a) To require that both the intensification and *greenfield* components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
  - ✓ The proposed consent will help facilitate new development to the south, as well as providing the necessary vehicular access to the site, thus, helping contribute towards the achievement of density targets and a complete community.
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation

routes to most destinations;

- ✓ The proposed easement for rights-of-way for (driveway) access purposes will help ensure the lands remain interconnected for north-south vehicular movements, reducing circuitous driving behaviours.

Policy D5.2.1 states that for any consent application, the Committee of Adjustment shall be satisfied that (among other things) the proposed lot:

- a) Fronts on and will be directly accessed by a public road;
  - ✓ Unchanged.
- b) Will not cause a traffic hazard;
  - ✓ The proposed right of way will help connect Meridian Way to Highway 20 East and no traffic hazard or congestion is anticipated by the proposal.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Complies
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Will be serviced by the proposed private watermain.
- e) Will not have a negative impact on the drainage patterns in the area;
  - ✓ No concern.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
  - ✓ The location and geometry of the retained parcel is appropriate and is capable of a variety of development scenarios.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
  - ✓ No issue.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
  - ✓ No issue.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
  - ✓ Not applicable.

Policy D5.2.2 states that a consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

The application is made for consent to sever Parts 5 and 10 to merge with Parts 6 and 7 for future development. Application is further made for consent to convey an easement in perpetuity over

Parts 3 and 10 for a right of way. Application is further made for consent to convey an easement in perpetuity over Part 14 for a right of way. Application is further made for consent to convey an easement in perpetuity over Part 10 for a private watermain. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

Town Planning staff are of the opinion the proposed consent application conforms to the local Official Plan.

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

The subject land is currently zoned 'East Fonthill Mixed - Use 3' (EF-MU3) according to Schedule 'A5' of the Zoning By-law. The permitted uses include a variety of commercial, residential, institutional, public uses and private utilities with the benefit of more of a form-based regulatory framework.

As a result, there are no prescriptive standards for minimum lot frontage or lot area. Therefore, the resulting parcel configuration will continue to comply with all applicable zoning regulations. Any proposed development on the retained parcel (Part 5, 6, 7 and 10) will need to comply with any applicable provisions at that time.

**Agency & Public Comments**

On August 4, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (August 12, 2021)
  - No comments.
- (August 10, 2021)
  - No comments.
- Niagara Region Planning and Development Services (August 5, 2021)
  - No comments.
- Hydro One (August 9, 2021)
  - No concerns or comments.
- Public Works Department (August 10, 2021)
  - No comments.
- Niagara Region Development Planning Services (August 5, 2021)
  - No comments.

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

### Planning Staff Comments

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 2, 2020 to discuss the subject application. In addition to the Consent Sketch, a Cover letter (Dated July 22, 2021) detailing the intention of the consents prepared by Design Plan Services Inc. on behalf of Better Life Retirement Residence Inc. was also submitted in support of the proposed development.

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

- North – Vacant land to be developed for commercial uses / public park
- East – SWM pond / farmland and residential uses
- South – Vacant land to be developed for mixed use development
- West – Various commercial uses and vacant land

It is noted that the anticipated development of the retained parcel (Part 5, 6, 7 and 10) will be subject to future Planning Act application and Town approval, pending a formal development proposal. This severance application will help prepare the lot for development and the proposed conveyance of an easement will ensure legal protections are forever registered in place, to the benefit of Part 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12. This arrangement will allow for shared driveway and parking lot access, which is an objective of the East Fonthill Secondary Plan policies. The conveyance of land for the proposed private watermain will ensure legal protections are forever registered in place, to the benefit of Part 3, 4, 13 and 14 to provide the necessary service access to the approved development.

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

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans. Given this analysis, Planning staff recommend that consent file B25-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- Merge Parts 5 and 10 with Parts 6 and 7.
- That application for consent, file B25/2021P receive final certification of the Secretary-Treasurer concurrently with applications B26/2021P, B27/2021P and B28/2021P.

- 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,



Kenny Ng, B.ES  
Planner



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

Approved by,



---

## Memo

**To:** Sarah Leach, Deputy Clerk

**CC:** Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

**From:** Taylor Boyle, Engineering Technologist

**Date:** 8th September 2021

**File No.:** B25/2021P

**RE:** Consent Application - No Municipal Address - West Side of Rice Road (between RR20 and Shaw Avenue aka Meridian Way), Pelham

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Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application for the development at the west side of Rice Road (between RR20 and Shaw Avenue aka Meridian Way), Pelham.

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Town staff have reviewed the submitted documentation and have no comments or concerns regarding the conveyance of land to the abutting property for future development, conveyance of land for an easement in perpetuity for future commercial development, and conveyance of land for private water main installation.

To: Sarah Leach

Cc: Kenny Ng

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

Date: August 12<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances –September 8<sup>th</sup>, 2021 Hearing

Comment for Re: File A33/2021P

The building department offers the following comment,

- A building permit is required for the proposed covered porch

Comment for Re: File A32/2021P 1363 Station St.

The building department offers the following comment,

- A building permit is required for the proposed 2 storey apartment building

Comment for Re: Files A34/2021P 345 Highway 20W, B25/2021P, B26/2021P, B27/2021P & B28/2021P

The building department offers the following comment,

- No comment

Kind Regards,

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

**From:** [Shanks, Amy](#)  
**To:** [Sarah Leach](#); [Development Planning Applications](#)  
**Cc:** [Ramundo, Matteo](#); [Kenny Ng](#)  
**Subject:** RE: Committee of Adjustment Notice of Hearing - September 8 1 of 2  
**Date:** Thursday, August 5, 2021 5:14:47 PM

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Hi Sarah,

All Regional/Provincial interests associated with these applications have been addressed through the previous site plan and subdivision applications on the subject lands. As such, Regional Planning and Development Services staff do not have any comments to provide for these applications.

Please let me know if you have any questions.

Thanks,  
Amy

**Amy Shanks, M.Pl.**  
Development Planner  
Planning and Development Services, Niagara Region  
1815 Sir Isaac Brock Way, Thorold L2V 4T7  
Phone: 905-980-6000 ext. 3264  
Toll-free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)

---

**From:** Sarah Leach <SLeach@pelham.ca>  
**Sent:** Wednesday, August 4, 2021 11:01 AM  
**To:** Development Planning Applications <devtplanningapplications@niagararegion.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>; rowcentre@bell.ca  
**Subject:** Committee of Adjustment Notice of Hearing - September 8 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,

The following notices are being circulated for your information.

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

- [B25/2021P - No Municipal Address - West Side of Rice Road \(between RR20 and Shaw Avenue aka Meridian Way\)](#)
- [B26/2021P - No Municipal Address \(Southeastern Corner of Rice Road and Shaw Avenue aka Meridian Way\)](#)

- B27/2021P - No Municipal Address (North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road)
- B28/2021P - No Municipal Address (East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way)

Thank you,  
Sarah



**Sarah Leach, BA.**

Deputy Clerk

Town of Pelham

T: 905-892-2607 x320 | E: sleach@pelham.ca

D: 905-980-6662

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

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#### 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:** [Dolly Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com) on behalf of [LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)  
**To:** [Sarah Leach](mailto:Sarah.Leach@pelham.ca)  
**Subject:** Pelham - Port Robinson and Rice Road - B25/2021P, B26/2021P, B27/2021P and B28/2021P  
**Date:** Monday, August 9, 2021 2:30:59 PM  
**Attachments:** [image005.png](#)

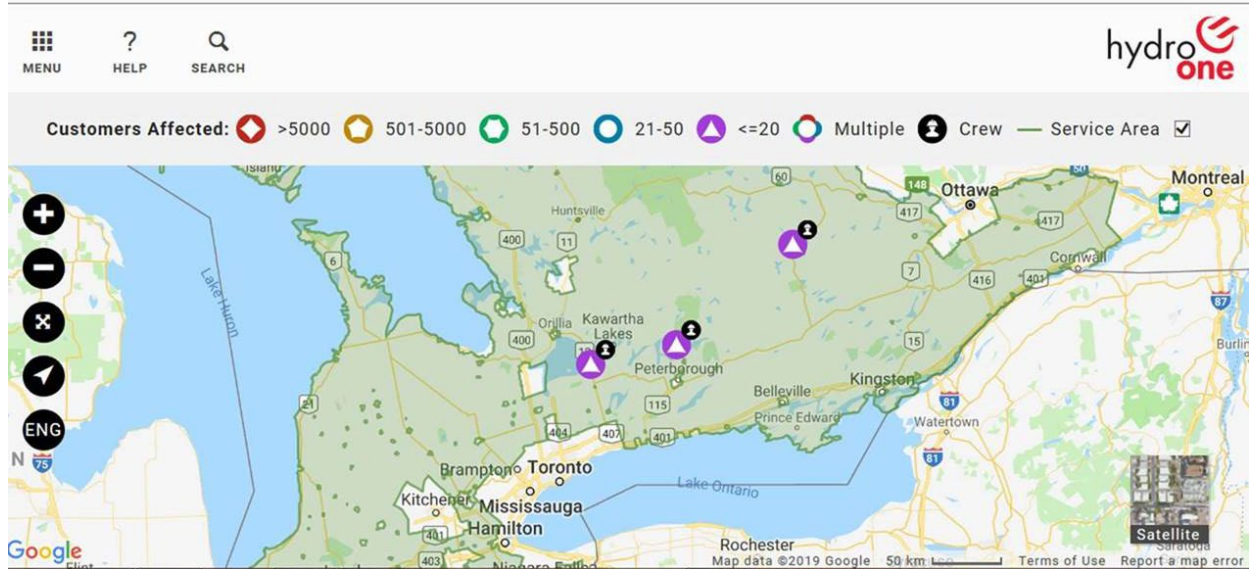
Hello,

We are in receipt of Applications B25/2021P, B26/2021P, B27/2021P and B28/2021P dated August 4, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

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

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



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

Thank you,

Best Wishes,

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

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



This email and any attached files are privileged and may contain confidential information intended only for the person or persons named above. Any other distribution, reproduction, copying, disclosure, or other dissemination is strictly prohibited. If you have received this email in error, please notify the sender immediately by reply email and delete the transmission received by you. This statement applies to the initial email as well as any and all copies (replies and/or forwards) of the initial email.

**From:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Sent:** Wednesday, August 4, 2021 11:01 AM  
**To:** LANDUSEPLANNING <[LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)>; Enbridge- Municipal Planning - Enbridge ([MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)) <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; [jim.sorley@npei.ca](mailto:jim.sorley@npei.ca); [ash.neville@rci.rogers.com](mailto:ash.neville@rci.rogers.com)  
**Subject:** Committee of Adjustment Notice of Hearing - September 8

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

Good afternoon,

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

- > [B25/2021P - No Municipal Address - West Side of Rice Road \(between RR20 and Shaw Avenue aka Meridian Way\)](#)
- > [B26/2021P - No Municipal Address \(Southeastern Corner of Rice Road and Shaw Avenue aka Meridian Way\)](#)
- > [B27/2021P - No Municipal Address \(North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road\)](#)
- > [B28/2021P - No Municipal Address \(East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way\)](#)

Should you require a copy of an application in full, please email me your request.

Thank you,  
Sarah



**Sarah Leach, BA.**  
Deputy Clerk  
Town of Pelham  
T: 905-892-2607 x320 | E: sleach@pelham.ca  
D: 905-980-6662  
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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September 1, 2021

Ms. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON LOS 1E0

**Re: Consent Application B26-2021P**  
**Southeastern Corner of Rice Road and Shaw Avenue aka Meridian Way, Pelham**  
Part of Block 3, Plan 59M-432, designated as Parts 7 and 13 on 59R-16208 (Part 6 and 7 on sketch)  
**Roll No. 2732 030 004 06300**

---

The subject parcel, shown as Part 7 on the attached sketch, has a frontage of 7.83m on the north side of Shaw Avenue aka Meridian Way, lying east of Wellsprings Way, being Part of Block 3, Plan 59M-432, designated a Parts 6, 14 and 15 on 59R-16208 (Parts 6 and 7 on sketch) in the Town of Pelham.

Application is made for consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 1, 2, 3, 4, 8, 9, 10, 11, 12, 13 and 14 on sketch for a right of way.

Application is further made for consent to convey an easement in perpetuity over 698.3 square metres of land, being Part 7 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 6 and 7 on sketch are to be retained for continued future commercial use.

Note: This application is being considered concurrently with Consent Files B25/2021P, B27/2021P and B28/2021P.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 51 (24) states that when considering the division of land, regard shall be had to the health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and among other things to,

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any

- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The proposed severance upholds provincial interest by making more efficient use of finite urban land. The severance is not premature because a Site Plan application has already been approved for a senior's residential apartment building (Part 4 on sketch). The proposed right-of-way for access purposes will reduce the amount of land wasted for vehicle movement and can improve site circulation as a whole. While the proposed conveyance of land for private watermain will serve for private utilities use for the assisted living building.

#### 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.

A Site Plan Control application for a 5-storey assisted living building on a portion of the subject land was approved by the Town and entered into a Site Plan Agreement with the Town. The proposed 5-storey assisted living building will be located within Part 7 of the Registered Plan 59R-16208 (Part 4 on consent sketch).



In order to provide sufficient vehicular to the proposed assisted living building, a driveway is proposed to be located in the centre of the subject land over the existing Right-of-Way, Parts 13 and 14 of Registered Plan 59R-16208. The existing Right-of-Way was deemed not sufficient to accommodate the design standard of the proposed driveway, therefore, additional lands from Part 2, 3, 5, 6, and 7 of the Registered Plan 59R-16208 are requested to be included as part of the Right-of-Way. A private watermain was also proposed to facilitate the assisted living building.

The easement component for access purposes reduces the amount of urban land waste by making more efficient use of a proposed parking lot / driveway access that can also serve new development to the west, and improve site vehicular circulation. The conveyance of land for private utilities use can help service the occupants of the senior's apartment building.

This consent application is an acceptable form of development which should not adversely impact the provincial interests, public health, safety or the quality of the human environment. 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 2.2.1.2 states that 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 easement for driveway access will ensure enhanced north-south mobility is maintained perpetually and the proposed private utilities use will provide the necessary services to the future occupants of the senior apartment building.

Planning staff are of the opinion the proposed development conforms to the Growth Plan.

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

The Regional Official Plan designates the subject land as ‘Designated Greenfield Area’ within the Urban Area Boundary.

Policy 4.G.6.2 indicates ‘Urban Areas’ will be the focus for accommodating the Region’s growth and development.

Policy 4.C.5 states that Designated Greenfield Areas will be planned as compact, complete communities by:

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

The proposed easement applications conform to the Regional Official Plan because the lands are located within the *built-up* area and will help facilitate the accessibility of an approved assisted living building and will not affect the future developability of the land. Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests and all concerns were addressed in the Site Plan Control application.

Town Planning staff are of the opinion the development makes effective use of the subject lands by helping to facilitate the approved commercial development and future mixed use development.

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

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

- a) To require that both the intensification and *greenfield* components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
  - ✓ The proposed consent will help provide the necessary vehicular access to the site, thus, helping contribute towards the achievement of density targets and a complete community.
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
  - ✓ The proposed easement for rights-of-way for (driveway) access purposes will help ensure the lands remain interconnected for north-south vehicular movements, reducing circuitous driving behaviours.

Policy D5.2.2 states that a consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

The application is made for consent to convey an easement in perpetuity over Part 7 for a right of way. Application is further made for consent to convey an easement in perpetuity over Part 7 for a private watermain. Parts 6 and 7 on sketch are to be retained for continued future commercial use.

Town Planning staff are of the opinion the proposed consent application conforms to the local Official Plan.

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

The subject land is currently zoned 'East Fonthill Mixed - Use 3' (EF-MU3) according to Schedule

'A5' of the Zoning By-law. The permitted uses include a variety of commercial, residential, institutional, public uses and private utilities with the benefit of more of a form-based regulatory framework.

As a result, there are no prescriptive standards for minimum lot frontage or lot area. Therefore, the resulting parcel configuration will continue to comply with all applicable zoning regulations.

### **Agency & Public Comments**

On August 4, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (August 12, 2021)
  - No comments.
- (August 10, 2021)
  - No comments.
- Niagara Region Planning and Development Services (August 5, 2021)
  - No comments.
- Hydro One (August 9, 2021)
  - No concerns or comments.
- Public Works Department (August 10, 2021)
  - No comments.
- Niagara Region Development Planning Services (August 5, 2021)
  - No comments.

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

### **Planning Staff Comments**

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 2, 2020 to discuss the subject application. In addition to the Consent Sketch, a Cover letter (Dated July 22, 2021) detailing the intention of the consents prepared by Design Plan Services Inc. on behalf of Better Life Retirement Residence Inc. was also submitted in support of the proposed development.

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

- North – Vacant land to be developed for commercial uses / public park
- East – SWM pond / farmland and residential uses
- South – Vacant land to be developed for mixed use development
- West – Various commercial uses and vacant land

The proposed conveyance of an easement will ensure legal protections are forever registered in place, to the benefit of Part 1, 2, 3, 4, 8, 9, 10, 11, 12, 13 and 14. This arrangement will allow for shared driveway and parking lot access, which is an objective of the East Fonthill Secondary Plan policies. The conveyance of land for the proposed private watermain will ensure legal protections are forever registered in place, to the benefit of Part 3, 4, 13 and 14 to provide the necessary service access to the approved development.

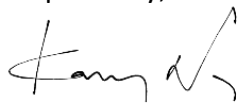
Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate consent development. The proposed consents comply with Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and 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 consent file B26-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- That application for consent, file B26/2021P receive final certification of the Secretary-Treasurer concurrently with applications B25/2021P, B27/2021P and B28/2021P.
- 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,



Kenny Ng, B.ES  
Planner



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

Approved by,

To: Sarah Leach

Cc: Kenny Ng

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

Date: August 12<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances –September 8<sup>th</sup>, 2021 Hearing

Comment for Re: File A33/2021P

The building department offers the following comment,

- A building permit is required for the proposed covered porch

Comment for Re: File A32/2021P 1363 Station St.

The building department offers the following comment,

- A building permit is required for the proposed 2 storey apartment building

Comment for Re: Files A34/2021P 345 Highway 20W, B25/2021P, B26/2021P, B27/2021P & B28/2021P

The building department offers the following comment,

- No comment

Kind Regards,

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

**From:** [Shanks, Amy](#)  
**To:** [Sarah Leach](#); [Development Planning Applications](#)  
**Cc:** [Ramundo, Matteo](#); [Kenny Ng](#)  
**Subject:** RE: Committee of Adjustment Notice of Hearing - September 8 1 of 2  
**Date:** Thursday, August 5, 2021 5:14:47 PM

---

Hi Sarah,

All Regional/Provincial interests associated with these applications have been addressed through the previous site plan and subdivision applications on the subject lands. As such, Regional Planning and Development Services staff do not have any comments to provide for these applications.

Please let me know if you have any questions.

Thanks,  
Amy

**Amy Shanks, M.Pl.**  
Development Planner  
Planning and Development Services, Niagara Region  
1815 Sir Isaac Brock Way, Thorold L2V 4T7  
Phone: 905-980-6000 ext. 3264  
Toll-free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)

---

**From:** Sarah Leach <SLeach@pelham.ca>  
**Sent:** Wednesday, August 4, 2021 11:01 AM  
**To:** Development Planning Applications <devtplanningapplications@niagararegion.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>; rowcentre@bell.ca  
**Subject:** Committee of Adjustment Notice of Hearing - September 8 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,

The following notices are being circulated for your information.

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

- [B25/2021P - No Municipal Address - West Side of Rice Road \(between RR20 and Shaw Avenue aka Meridian Way\)](#)
- [B26/2021P - No Municipal Address \(Southeastern Corner of Rice Road and Shaw Avenue aka Meridian Way\)](#)

- B27/2021P - No Municipal Address (North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road)
- B28/2021P - No Municipal Address (East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way)

Thank you,  
Sarah



**Sarah Leach, BA.**

Deputy Clerk

Town of Pelham

T: 905-892-2607 x320 | E: sleach@pelham.ca

D: 905-980-6662

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

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#### TOWN OF PELHAM CONFIDENTIALITY NOTICE

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

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:** [Dolly Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com) on behalf of [LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)  
**To:** [Sarah Leach](mailto:Sarah.Leach)  
**Subject:** Pelham - Port Robinson and Rice Road - B25/2021P, B26/2021P, B27/2021P and B28/2021P  
**Date:** Monday, August 9, 2021 2:30:59 PM  
**Attachments:** [image005.png](#)

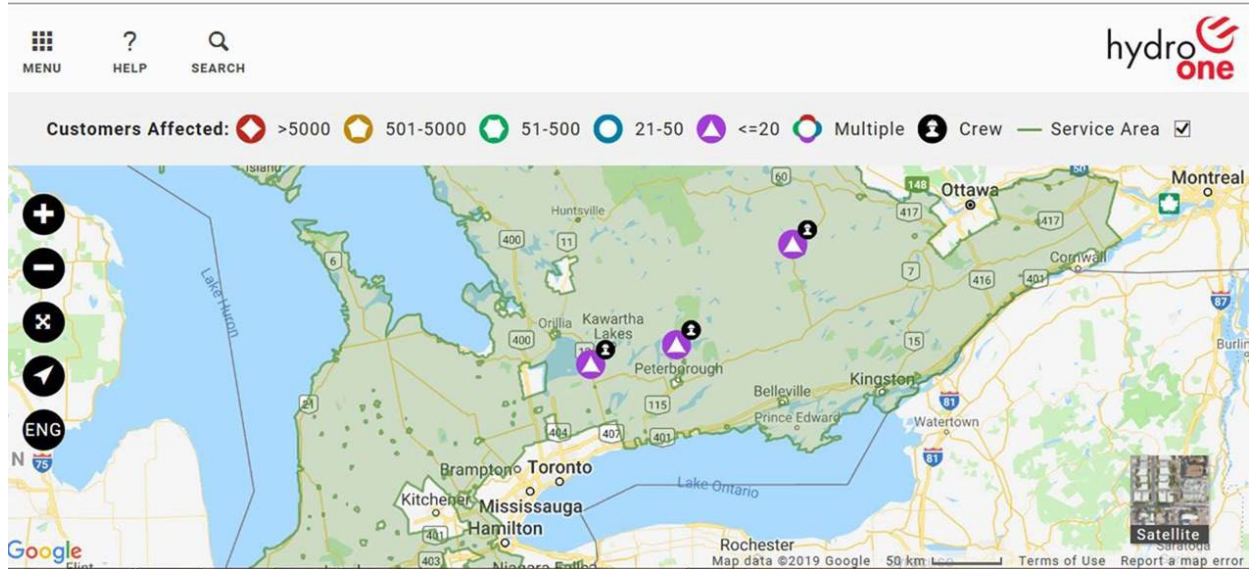
Hello,

We are in receipt of Applications B25/2021P, B26/2021P, B27/2021P and B28/2021P dated August 4, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

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

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



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

Thank you,

Best Wishes,

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

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



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**From:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Sent:** Wednesday, August 4, 2021 11:01 AM  
**To:** LANDUSEPLANNING <[LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)>; Enbridge- Municipal Planning - Enbridge ([MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)) <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; jim.sorley@npei.ca; ash.neville@rci.rogers.com  
**Subject:** Committee of Adjustment Notice of Hearing - September 8

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

Good afternoon,

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

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- > [B27/2021P - No Municipal Address \(North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road\)](#)
- > [B28/2021P - No Municipal Address \(East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way\)](#)

Should you require a copy of an application in full, please email me your request.

Thank you,  
Sarah



**Sarah Leach, BA.**  
Deputy Clerk  
Town of Pelham  
T: 905-892-2607 x320 | E: sleach@pelham.ca  
D: 905-980-6662  
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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September 1, 2021

Ms. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON LOS 1E0

**Re: Consent Application B27-2021P**  
**North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road), Pelham**  
Part of Block 3, Plan 59M-432, designated as Parts 7 and 13 on 59R-16208 (Part 8 and 9 on sketch)  
**Roll No. 2732 030 004 06300**

The subject parcel, shown as Part 8 on the attached sketch, has a frontage of 2.25m on the north side of Shaw Avenue aka Meridian Way, lying east of Wellsprings Way, being Part of Block 3, Plan 59M-432, designated a Part 5 on 59R-16208 (Parts 8 and 9 on sketch) in the Town of Pelham.

Application is made for consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 on sketch for a right of way.

Application is further made for consent to convey an easement in perpetuity over 199.1 square metres of land, being Part 8 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 8 and 9 on sketch are to be retained for continued future commercial use.

Note: This application is being considered concurrently with Consent Files B25/2021P, B26/2021P and B28/2021P.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 51 (24) states that when considering the division of land, regard shall be had to the health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and among other things to,

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any

- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The proposed severance upholds provincial interest by making more efficient use of finite urban land. The severance is not premature because a Site Plan application has already been approved for a senior's residential apartment building (Part 4 on sketch). The proposed right-of-way for access purposes will reduce the amount of land wasted for vehicle movement and can improve site circulation as a whole. While the proposed conveyance of land for private watermain will serve for private utilities use for the assisted living building.

#### 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.

A Site Plan Control application for a 5-storey assisted living building on a portion of the subject land was approved by the Town and entered into a Site Plan Agreement with the Town. The proposed 5-storey assisted living building will be located within Part 7 of the Registered Plan 59R-16208 (Part 4 on consent sketch).

In order to provide sufficient vehicular to the proposed assisted living building, a driveway is proposed to be located in the centre of the subject land over the existing Right-of-Way, Parts 13 and 14 of Registered Plan 59R-16208. The existing Right-of-Way was deemed not sufficient to accommodate the design standard of the proposed driveway, therefore, additional lands from Part 2, 3, 5, 6, and 7 of the Registered Plan 59R-16208 are requested to be included as part of the Right-of-Way. A private watermain was also proposed to facilitate the assisted living building.

The easement component for access purposes reduces the amount of urban land waste by making more efficient use of a proposed parking lot / driveway access that can also serve new development to the west, and improve site vehicular circulation. The conveyance of land for private utilities use can help service the occupants of the senior's apartment building.

This consent application is an acceptable form of development which should not adversely impact the provincial interests, public health, safety or the quality of the human environment. 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 2.2.1.2 states that 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 easement for driveway access will ensure enhanced north-south mobility is maintained perpetually and the proposed private utilities use will provide the necessary services to the future occupants of the senior apartment building.

Planning staff are of the opinion the proposed development conforms to the Growth Plan.

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

The Regional Official Plan designates the subject land as ‘Designated Greenfield Area’ within the Urban Area Boundary.

Policy 4.G.6.2 indicates ‘Urban Areas’ will be the focus for accommodating the Region’s growth and development.

Policy 4.C.5 states that Designated Greenfield Areas will be planned as compact, complete communities by:

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

The proposed easement applications conform to the Regional Official Plan because the lands are located within the *built-up* area and will help facilitate the accessibility of an approved assisted living building and will not affect the future developability of the land. Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests and all concerns were addressed in the Site Plan Control application.

Town Planning staff are of the opinion the development makes effective use of the subject lands by helping to facilitate the approved commercial development and future mixed use development.

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

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

- a) To require that both the intensification and *greenfield* components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
  - ✓ The proposed consent will help provide the necessary vehicular access to the site, thus, helping contribute towards the achievement of density targets and a complete community.
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
  - ✓ The proposed easement for rights-of-way for (driveway) access purposes will help ensure the lands remain interconnected for north-south vehicular movements, reducing circuitous driving behaviours.

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The application is made for consent to convey an easement in perpetuity over Part 8 for a right of way. Application is further made for consent to convey an easement in perpetuity over Part 8 for a private watermain. Parts 8 and 9 on sketch are to be retained for continued future commercial use.

Town Planning staff are of the opinion the proposed consent application conforms to the local Official Plan.

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

The subject land is currently zoned 'East Fonthill Mixed - Use 3' (EF-MU3) according to Schedule

'A5' of the Zoning By-law. The permitted uses include a variety of commercial, residential, institutional, public uses and private utilities with the benefit of more of a form-based regulatory framework.

As a result, there are no prescriptive standards for minimum lot frontage or lot area. Therefore, the resulting parcel configuration will continue to comply with all applicable zoning regulations.

### **Agency & Public Comments**

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  - No comments.
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- Hydro One (August 9, 2021)
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- Public Works Department (August 10, 2021)
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No comments were received from the public at the time of this writing.

### **Planning Staff Comments**

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 2, 2020 to discuss the subject application. In addition to the Consent Sketch, a Cover letter (Dated July 22, 2021) detailing the intention of the consents prepared by Design Plan Services Inc. on behalf of Better Life Retirement Residence Inc. was also submitted in support of the proposed development.

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



- North – Vacant land to be developed for commercial uses / public park
- East – SWM pond / farmland and residential uses
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- West – Various commercial uses and vacant land

The proposed conveyance of an easement will ensure legal protections are forever registered in place, to the benefit of Part 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14. This arrangement will allow for shared driveway and parking lot access, which is an objective of the East Fonthill Secondary Plan policies. The conveyance of land for the proposed private watermain will ensure legal protections are forever registered in place, to the benefit of Part 3, 4, 13 and 14 to provide the necessary service access to the approved development.

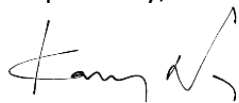
Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate consent development. The proposed consents comply with Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and 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 consent file B27-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- That application for consent, file B27/2021P receive final certification of the Secretary-Treasurer concurrently with applications B25/2021P, B26/2021P and B28/2021P.
- 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,



Kenny Ng, B.ES  
Planner



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

Approved by,

## Memo

**To:** Sarah Leach, Deputy Clerk

**CC:** Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

**From:** Taylor Boyle, Engineering Technologist

**Date:** 8th September 2021

**File No.:** B27/2021P

**RE:** Consent Application - No Municipal Address (North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road)

Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application for the development at the north side of Shaw Avenue (also known as Meridian Way) between Wellspring Way and Rice Road.

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Town staff have reviewed the submitted documentation and have no comments or concerns regarding the conveyance of land in perpetuity for future commercial development, and conveyance of land for an easement for private water main installation

To: Sarah Leach

Cc: Kenny Ng

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

Date: August 12<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances –September 8<sup>th</sup>, 2021 Hearing

Comment for Re: File A33/2021P

The building department offers the following comment,

- A building permit is required for the proposed covered porch

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Comment for Re: Files A34/2021P 345 Highway 20W, B25/2021P, B26/2021P, B27/2021P & B28/2021P

The building department offers the following comment,

- No comment

Kind Regards,

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

**From:** [Shanks, Amy](#)  
**To:** [Sarah Leach](#); [Development Planning Applications](#)  
**Cc:** [Ramundo, Matteo](#); [Kenny Ng](#)  
**Subject:** RE: Committee of Adjustment Notice of Hearing - September 8 1 of 2  
**Date:** Thursday, August 5, 2021 5:14:47 PM

---

Hi Sarah,

All Regional/Provincial interests associated with these applications have been addressed through the previous site plan and subdivision applications on the subject lands. As such, Regional Planning and Development Services staff do not have any comments to provide for these applications.

Please let me know if you have any questions.

Thanks,  
Amy

**Amy Shanks, M.Pl.**  
Development Planner  
Planning and Development Services, Niagara Region  
1815 Sir Isaac Brock Way, Thorold L2V 4T7  
Phone: 905-980-6000 ext. 3264  
Toll-free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)

---

**From:** Sarah Leach <SLeach@pelham.ca>  
**Sent:** Wednesday, August 4, 2021 11:01 AM  
**To:** Development Planning Applications <devtplanningapplications@niagararegion.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>; rowcentre@bell.ca  
**Subject:** Committee of Adjustment Notice of Hearing - September 8 1 of 2

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Good afternoon,

The following notices are being circulated for your information.

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

- [B25/2021P - No Municipal Address - West Side of Rice Road \(between RR20 and Shaw Avenue aka Meridian Way\)](#)
- [B26/2021P - No Municipal Address \(Southeastern Corner of Rice Road and Shaw Avenue aka Meridian Way\)](#)

- B27/2021P - No Municipal Address (North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road)
- B28/2021P - No Municipal Address (East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way)

Thank you,  
Sarah



**Sarah Leach, BA.**

Deputy Clerk

Town of Pelham

T: 905-892-2607 x320 | E: sleach@pelham.ca

D: 905-980-6662

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

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**From:** [Dolly Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com) on behalf of [LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)  
**To:** [Sarah Leach](mailto:Sarah.Leach@pelham.ca)  
**Subject:** Pelham - Port Robinson and Rice Road - B25/2021P, B26/2021P, B27/2021P and B28/2021P  
**Date:** Monday, August 9, 2021 2:30:59 PM  
**Attachments:** [image005.png](#)

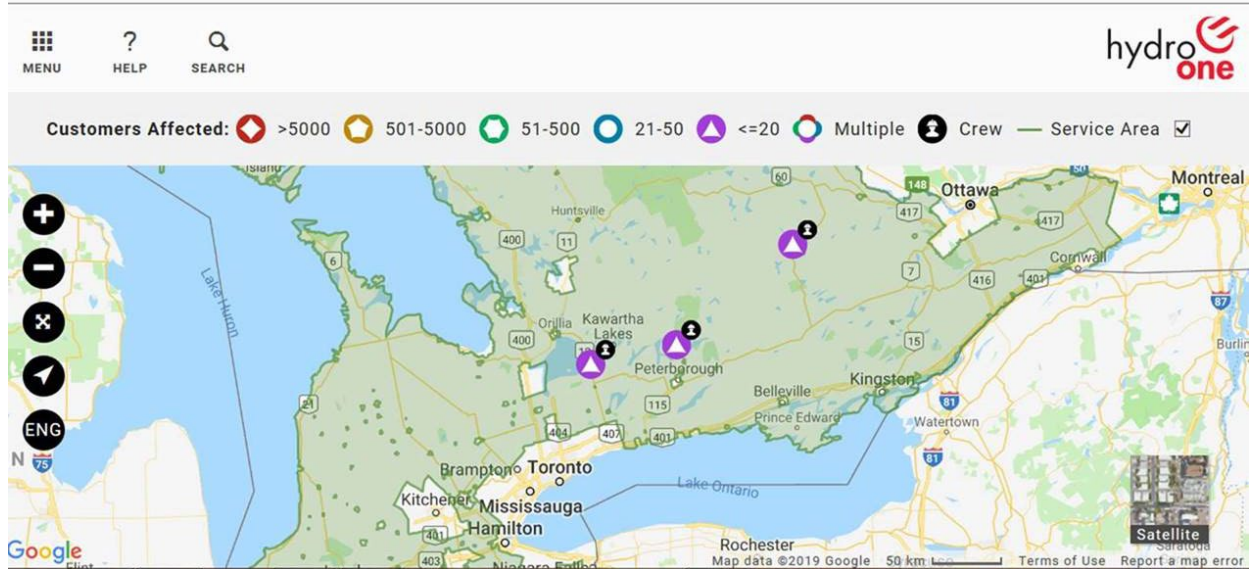
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For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:  
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Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



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

Thank you,

Best Wishes,

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

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



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**From:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Sent:** Wednesday, August 4, 2021 11:01 AM  
**To:** LANDUSEPLANNING <[LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)>; Enbridge- Municipal Planning - Enbridge ([MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)) <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; [jim.sorley@npei.ca](mailto:jim.sorley@npei.ca); [ash.neville@rci.rogers.com](mailto:ash.neville@rci.rogers.com)  
**Subject:** Committee of Adjustment Notice of Hearing - September 8

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- > [B28/2021P - No Municipal Address \(East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way\)](#)

Should you require a copy of an application in full, please email me your request.

Thank you,  
Sarah



**Sarah Leach, BA.**  
Deputy Clerk  
Town of Pelham  
T: 905-892-2607 x320 | E: sleach@pelham.ca  
D: 905-980-6662  
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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September 1, 2021

Ms. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON LOS 1E0

**Re: Consent Application B28-2021P**  
**East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way),**  
**Pelham**  
Part of Block 3, Plan 59M-432, designated as Parts 7 and 13 on 59R-16208 (Parts 1, 2, 11 and 12 on sketch)  
**Roll No. 2732 030 004 06300**

---

The subject parcel, shown as Parts 2 and 11 on the attached sketch, are interior portion of land, approximately 63.09m north side of Shaw Avenue aka Meridian Way, lying east of Wellsprings Way, being Part of Block 3, Plan 59M-432, designated a Parts 2, 3 and 12 on 59R-16208 (Parts 1, 2, 11 and 12 on sketch) in the Town of Pelham.

Application is made for consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2 on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a right of way.

Application is made for consent to convey an easement in perpetuity over 95.4 square metres of land, being Part 2 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain.

Application is further made for consent to convey an easement in perpetuity over 118.2 square metres of land, being Part 11 on sketch, to the benefit of Parts 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 on sketch for a pedestrian access. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use.

Note: This application is being considered concurrently with Consent Files B25/2021P, B26/2021P and B27/2021P.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 51 (24) states that when considering the division of land, regard shall be had to the



health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and among other things to,

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The proposed severance upholds provincial interest by making more efficient use of finite urban land. The severance is not premature because a Site Plan application has already been approved for a senior's residential apartment building (Part 4 on sketch). The proposed right-of-way for access purposes will reduce the amount of land wasted for vehicle movement and can improve site circulation as a whole. While the proposed conveyance of land for private watermain and pedestrian access will serve for private utilities use for the assisted living building.

#### 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.

A Site Plan Control application for a 5-storey assisted living building on a portion of the subject

land was approved by the Town and entered into a Site Plan Agreement with the Town. The proposed 5-storey assisted living building will be located within Part 7 of the Registered Plan 59R-16208 (Part 4 on consent sketch).

In order to provide sufficient vehicular to the proposed assisted living building, a driveway is proposed to be located in the centre of the subject land over the existing Right-of-Way, Parts 13 and 14 of Registered Plan 59R-16208. The existing Right-of-Way was deemed not sufficient to accommodate the design standard of the proposed driveway, therefore, additional lands from Part 2, 3, 5, 6, and 7 of the Registered Plan 59R-16208 are requested to be included as part of the Right-of-Way. A private watermain and pedestrian access was also proposed to facilitate the assisted living building.

The easement component for access purposes reduces the amount of urban land waste by making more efficient use of a proposed parking lot / driveway access that can also serve new development to the west, and improve site vehicular circulation. The conveyance of land for private utilities use and pedestrian access can help service the occupants of the senior's apartment building.

This consent application is an acceptable form of development which should not adversely impact the provincial interests, public health, safety or the quality of the human environment. 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 2.2.1.2 states that 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 easement for driveway access will ensure enhanced north-south mobility is maintained perpetually and the proposed private utilities use and pedestrian access will provide the necessary services to the future occupants of the senior apartment building.

Planning staff are of the opinion the proposed development conforms to the Growth Plan.

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

The Regional Official Plan designates the subject land as ‘Designated Greenfield Area’ within the Urban Area Boundary.

Policy 4.G.6.2 indicates ‘Urban Areas’ will be the focus for accommodating the Region’s growth and development.

Policy 4.C.5 states that Designated Greenfield Areas will be planned as compact, complete communities by:

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

The proposed easement applications conform to the Regional Official Plan because the lands are located within the *built-up* area and will help facilitate the accessibility of an approved assisted living building and will not affect the future developability of the land. Regional staff did not object, nor request to be circulated the proposed applications as the development does not conflict with Provincial and Regional interests and all concerns were addressed in the Site Plan Control application.

Town Planning staff are of the opinion the development makes effective use of the subject lands

by helping to facilitate the approved commercial development and future mixed use development.

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

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

- a) To require that both the intensification and *greenfield* components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
  - ✓ The proposed consent will help provide the necessary vehicular access to the site, thus, helping contribute towards the achievement of density targets and a complete community.
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
  - ✓ The proposed easement for rights-of-way for (driveway) access purposes will help ensure the lands remain interconnected for north-south vehicular movements, reducing circuitous driving behaviours.

Policy D5.2.2 states that a consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for a boundary adjustment, the Committee of Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

The application is made for consent to convey an easement in perpetuity over Part 2 for a right of way. Application is further made for consent to convey an easement in perpetuity over Part 2 for a private watermain. Application is further made for consent to convey an easement in perpetuity over Part 11 for a pedestrian access. Parts 1, 2, 11 and 12 on sketch are to be retained for continued future commercial use.

Town Planning staff are of the opinion the proposed consent application conforms to the local Official Plan.

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

The subject land is currently zoned 'East Fonthill Mixed - Use 3' (EF-MU3) according to Schedule 'A5' of the Zoning By-law. The permitted uses include a variety of commercial, residential, institutional, public uses and private utilities with the benefit of more of a form-based regulatory framework.

As a result, there are no prescriptive standards for minimum lot frontage or lot area. Therefore, the resulting parcel configuration will continue to comply with all applicable zoning regulations.

**Agency & Public Comments**

On August 4, 2021, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (August 12, 2021)
  - No comments.
- (August 10, 2021)
  - No comments.
- Niagara Region Planning and Development Services (August 5, 2021)
  - No comments.
- Hydro One (August 9, 2021)
  - No concerns or comments.
- Public Works Department (August 10, 2021)
  - No comments.
- Niagara Region Development Planning Services (August 5, 2021)
  - No comments.

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

**Planning Staff Comments**

A pre-consultation meeting was held with the applicant(s) of the property and staff from the

Town and Niagara Region Planning & Development Services on April 2, 2020 to discuss the subject application. In addition to the Consent Sketch, a Cover letter (Dated July 22, 2021) detailing the intention of the consents prepared by Design Plan Services Inc. on behalf of Better Life Retirement Residence Inc. was also submitted in support of the proposed development.

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

- North – Vacant land to be developed for commercial uses / public park
- East – SWM pond / farmland and residential uses
- South – Vacant land to be developed for mixed use development
- West – Various commercial uses and vacant land

The proposed conveyance of an easement will ensure legal protections are forever registered in place, to the benefit of Part 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14. This arrangement will allow for shared driveway and parking lot access, which is an objective of the East Fonthill Secondary Plan policies. The conveyance of land for the proposed private watermain will ensure legal protections are forever registered in place, to the benefit of Part 3, 4, 13 and 14 to provide the necessary service access to the approved development. The conveyance of land for the proposed pedestrian access will ensure legal protections are forever registered in place, to the benefit of Part 3, 4, 5, 6, 7, 8, 9, 10, 13 and 14 to provide the necessary pedestrian access to the approved development.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate consent development. The proposed consents comply with Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy 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 consent file B28-2021P **be approved** subject to the following conditions:

**THAT** the applicant

- That application for consent, file B28/2021P receive final certification of the Secretary-Treasurer concurrently with applications B25/2021P, B26/2021P and B27/2021P.
- 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,



Kenny Ng, B.ES  
Planner

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

Approved by,



---

## Memo

**To:** Sarah Leach, Deputy Clerk

**CC:** Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

**From:** Taylor Boyle, Engineering Technologist

**Date:** 8th September 2021

**File No.:** B28/2021P

**RE:** Consent Application - No Municipal Address (East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way), Pelham

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Town of Pelham Public Works Staff have reviewed the above noted application and supporting documentation to address the technical concerns regarding the submitted consent application for the development at the east side of Wellspring Way, between RR20 and Shaw Avenue (also known as Meridian Way), Pelham

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Town staff have reviewed the submitted documentation and have no comments or concerns regarding the conveyance of land in perpetuity for future commercial development, and conveyance of land for an easement for private water main installation



To: Sarah Leach

Cc: Kenny Ng

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

Date: August 12<sup>th</sup>, 2021

Subject: Building Comments on Applications to the Committee of Adjustment for  
Consents/Minor Variances –September 8<sup>th</sup>, 2021 Hearing

Comment for Re: File A33/2021P

The building department offers the following comment,

- A building permit is required for the proposed covered porch

Comment for Re: File A32/2021P 1363 Station St.

The building department offers the following comment,

- A building permit is required for the proposed 2 storey apartment building

Comment for Re: Files A34/2021P 345 Highway 20W, B25/2021P, B26/2021P, B27/2021P & B28/2021P

The building department offers the following comment,

- No comment

Kind Regards,

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

**From:** [Shanks, Amy](#)  
**To:** [Sarah Leach](#); [Development Planning Applications](#)  
**Cc:** [Ramundo, Matteo](#); [Kenny Ng](#)  
**Subject:** RE: Committee of Adjustment Notice of Hearing - September 8 1 of 2  
**Date:** Thursday, August 5, 2021 5:14:47 PM

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Hi Sarah,

All Regional/Provincial interests associated with these applications have been addressed through the previous site plan and subdivision applications on the subject lands. As such, Regional Planning and Development Services staff do not have any comments to provide for these applications.

Please let me know if you have any questions.

Thanks,  
Amy

**Amy Shanks, M.Pl.**  
Development Planner  
Planning and Development Services, Niagara Region  
1815 Sir Isaac Brock Way, Thorold L2V 4T7  
Phone: 905-980-6000 ext. 3264  
Toll-free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)

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**From:** Sarah Leach <SLeach@pelham.ca>  
**Sent:** Wednesday, August 4, 2021 11:01 AM  
**To:** Development Planning Applications <devtplanningapplications@niagararegion.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>; rowcentre@bell.ca  
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Thank you,  
Sarah



**Sarah Leach, BA.**

Deputy Clerk

Town of Pelham

T: 905-892-2607 x320 | E: sleach@pelham.ca

D: 905-980-6662

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

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**From:** [Dolly Shetty@HydroOne.com](mailto:Dolly.Shetty@HydroOne.com) on behalf of [LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)  
**To:** [Sarah Leach](mailto:Sarah.Leach@pelham.ca)  
**Subject:** Pelham - Port Robinson and Rice Road - B25/2021P, B26/2021P, B27/2021P and B28/2021P  
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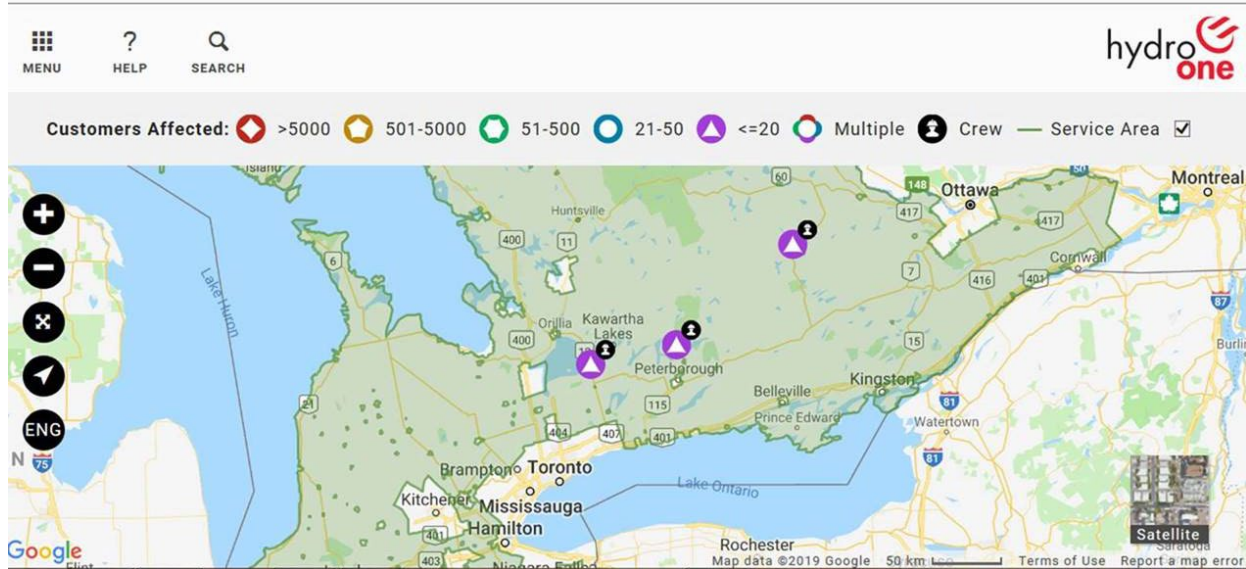
Hello,

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For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:  
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Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



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

Thank you,

Best Wishes,

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

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



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**Sent:** Wednesday, August 4, 2021 11:01 AM  
**To:** LANDUSEPLANNING <[LandUsePlanning@HydroOne.com](mailto:LandUsePlanning@HydroOne.com)>; Enbridge- Municipal Planning - Enbridge ([MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)) <[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)>; [jim.sorley@npei.ca](mailto:jim.sorley@npei.ca); [ash.neville@rci.rogers.com](mailto:ash.neville@rci.rogers.com)  
**Subject:** Committee of Adjustment Notice of Hearing - September 8

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

Good afternoon,

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

- > [B25/2021P - No Municipal Address - West Side of Rice Road \(between RR20 and Shaw Avenue aka Meridian Way\)](#)
- > [B26/2021P - No Municipal Address \(Southeastern Corner of Rice Road and Shaw Avenue aka Meridian Way\)](#)
- > [B27/2021P - No Municipal Address \(North Side of Shaw Avenue aka Meridian Way, between Wellspring Way and Rice Road\)](#)
- > [B28/2021P - No Municipal Address \(East Side of Wellspring Way, between RR20 and Shaw Avenue aka Meridian Way\)](#)

Should you require a copy of an application in full, please email me your request.

Thank you,  
Sarah



**Sarah Leach, BA.**  
Deputy Clerk  
Town of Pelham  
T: 905-892-2607 x320 | E: sleach@pelham.ca  
D: 905-980-6662  
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

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**Meeting #:** CofA 08/2021  
**Date:** Tuesday, August 3, 2021  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present John Klassen  
Sandra Marsh  
Bernie Law

Members Absent Donald Cook  
Brenda Stan

Staff Present Holly Willford  
Sarah Leach  
Shannon Larocque  
Kenny Ng  
Derek Young  
Jacquie Miller

**1. Attendance**

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

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

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

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

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

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

Ms. Sarah Leach, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

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

##### **5.1 A31/2021P - 282 Canboro Road**

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

Application for permission pursuant to Section 45(2)(a)(ii) of the *Planning Act* to permit a change of use to the legal-non conforming use, in order to convert the existing single detached residential dwelling into a commercial business office.

###### **Representation**

The Agent, Mr. Ethan Laman from Upper Canada Consultants and Applicant, Matt Dam were electronically present.

###### **Correspondence**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Linda and Jim Addario

###### **Applicants Comments**

The Agent, Mr. Ethan Laman stated that this is a technical request related to the use of the property. He confirmed that from a physical site perspective, there will be no noticeable change. Mr. Laman stated that alterations will be limited to the interior of the building, with the exception of exterior window additions.

A Member stated that the proposal is a nice addition to Ridgeville, referencing the sites ample parking and visually pleasing exterior. The Member reinforced a need for office space outside of Downtown Fonthill.

A Member asked if additional parking will be required or if parking could be facilitated within the existing space. The Member further asked if increased traffic is anticipated. The Applicant, Mr. Dam confirmed that there is ample parking on-site and access to public parking would not be required. Mr. Dam stated that traffic flow will not be busy.

A Member confirmed with Planning that any expansion to the commercial use would require a Site Plan Agreement.

### **Public Comments**

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre registered members of the public to speak and she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:15 pm and confirmed no e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

The Members indicated they had no further comments or objections.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**THAT Application for permission pursuant to Section 45(2)(a)(ii) of the Planning Act to permit a change of use to the legal-non conforming use, in order to convert the existing single detached residential dwelling into a commercial business office, is hereby: GRANTED;**

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

- 1. The application satisfies the Planning Act and Town Policy E2 – Non-Conforming Uses.**
- 2. That the similar change of use to a commercial business office is more in keeping with the goals of the Official Plan and the intent of the Zoning By-law.**
- 3. That the similar change in use is not expected to generate any unreasonable negative impacts for adjacent uses or the community at large than what is currently permissible.**
- 4. This application is granted without prejudice to any other application in the Town of Pelham.**
- 5. No objections were received from commenting agencies or abutting property owners.**



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

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

**To the Satisfaction of the Chief Building Official**

1. **That the Applicant apply for and receive Building Permit for the proposed interior alterations and change of use.**

**Carried**

## **6. Applications for Consent**

### **6.1 B21/2021P - 588 Chantler Road**

#### **Purpose of Application**

Application for consent to partial discharge of mortgage and consent to convey 16,941 square metres of land (Part 1) as surplus farm dwelling for residential use. Part 2 is to be retained for continued agricultural use.

#### **Representation**

The Applicants, John and Joyce Sonneveld were electronically present.

#### **Correspondence**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Hydro One
6. NPCA

#### **Applicants Comments**

The Applicants, Mr. and Mrs. Sonneveld voiced support of the recommendation report and indicated they had no comments.

#### **Public Comments**

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre registered members of the public to speak and she checked the

[clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:27 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member reaffirmed that the proposed Agricultural Purposes Only lot would be prohibited from a residential build. Another Member supported the intent of the application.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**THAT Application for consent to partial discharge of mortgage and consent to convey 16,941 square metres of land (Part 1) as surplus farm dwelling for residential use. Part 2 is to be retained for continued agricultural use; is hereby: GRANTED;**

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

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

- 1. Obtain a Driveway Access and Culvert Permit, issued through the Public Works department, construct a new access to serve Part 2. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to-final certification and the Applicant shall bear all costs associated with the works.**
- 2. Submit a comprehensive overall 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 designate.**
- 3. Confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocations and/or removal.**

#### **To the Satisfaction of the Director of Community Planning & Development**

- 1. Obtain final approval for a site-specific Zoning By-law Amendment to rezone Part 2 as Agricultural Purposes Only**

**(APO), to ensure that new residential dwellings are prohibited on Part 2 in perpetuity, to the satisfaction of the Director of Community Planning and Development.**

- 2. Address any necessary zone deficiencies resulting from the lot's creation through the Zoning By-law Amendment to the satisfaction of the Director of Community Planning and Development.**

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

- 1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- 2. That the final certification fee of \$399, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**This decision is based on the following reasons:**

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

## 6.2 B22/2021P - 93 Port Robinson Road

### Purpose of Application

Applications B22/2021P, B23/2021P and B24/2021P were heard concurrently.

Application B22/2021P for consent to partial discharge of mortgage and consent to convey 426.5 square metres of land (Part 1), for future construction of a three-unit townhouse. Application B23/2021P for consent to partial discharge of mortgage and consent to convey 296.2 square metres of land (Part 2), for future construction of a three-unit townhouse. Application B24/2021P for consent to partial discharge of mortgage and consent to convey 431.3 square metres of land (Part 3), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5.

### Representation

The Agent, Ms. Jennifer Vida, from Hummel Properties Inc. was electronically present.

### Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. NPCA
5. Terry Soucie

### Pre-Registered Members of the Public

1. Terry Soucie

### Applicants Comments

The Agent, Ms. Vida stated that consent files B22/2021P, B23/2021P and B24/2021P form the second phase of development on Port Robinson Road. She indicated that the neighboring block of three townhouses are currently under construction. Ms. Vida stated satisfaction with the proposed conditions.

## **Public Comments**

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that the pre-registered member of the public has withdrawn both their written correspondence and request to speak.

Ms. Leach, indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:38 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

## **Members Comments**

A Member expressed concern regarding increased traffic on Port Robinson Road. Another Member indicated that traffic concerns would be addressed by the Town, if warranted.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**THAT Application B22/2021P for consent to partial discharge of mortgage and consent to convey 426.5 square metres of land (Part 1), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5, is hereby: GRANTED;**

**AND THAT Application B23/2021P for consent to partial discharge of mortgage and consent to convey 296.2 square metres of land (Part 2), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5, is hereby: GRANTED;**

**AND THAT Application B24/2021P for consent to partial discharge of mortgage and consent to convey 431.3 square metres of land (Part 3), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5, is hereby: GRANTED.**

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

- 1. Confirm that no existing utilities cross the proposed new property lines. Should any services cross the new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.**
- 2. Obtain a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification**

**of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.**

- 3. Ensure that the new lot is to be individually serviced with a 20mm diameter water service and 125mm diameter sanitary sewer lateral in accordance with Town of Pelham Engineering Standards. Installation of all services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to final certification and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.**

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

- 1. That application for consent, file B22/2021P receive final certification of the Secretary-Treasurer concurrently with applications B23/2021P and B24/2021P.**
- 2. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- 3. That the final certification fee of \$399, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**This decision is based on the following reasons:**

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies**

**with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

**6.3 B23/2021P - 95 Port Robinson Road**

Application B23/2021P was heard concurrently with applications B22/2021P and B24/2021P. See application B22/2021P for minutes and decision.

**6.4 B24/2021P - 97 Port Robinson Road**

Application B24/2021P was heard concurrently with applications B22/2021P and B23/2021P. See application B22/2021P for minutes and decision.

**7. Minutes for Approval**

Through unanimous consent the Committee approved the minutes of June 1, 2021 and July 6, 2021.

**That the Committee of Adjustment minutes of June 1, 2021 and July 6, 2021 be approved.**

**Carried**

**8. Adjournment**

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for September 8, 2021 at 4:00 pm.**

**Carried**

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John Klassen, Chair

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Secretary-Treasurer, Holly Willford