

February 23, 2022

Ms. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON L0S 1E0

**Re: Consent Application B5-2022P**  
**1397 Station Street, Pelham**

Part of Lot 15, Plan 717, Being Parts 1, 2, 3, 4, 5 and 6 on Reference Plan 59R-3880 (Parts 3 and 4 on Sketch)

**Roll No. 2732 030 004 03200**

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The subject parcel, shown as Part 4 on the attached sketch, is an interior parcel of land situated 57.50 meters east of Station Street, lying south of Summersides Boulevard, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 594 square metres of land (Part 4), to be added to the abutting property to the south (Part 5), to provide additional land for the existing commercial business. Part 3 is to be retained for continued residential use of the dwelling known municipally as 1397 Station Street.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

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

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

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

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orderly development of the municipality.

The proposed severance upholds provincial interest by allowing the disposal of spare land for existing commercial land use. The severance is not premature, and does not compromise any future land use redevelopment. The proposed lot geometry is consistent with existing neighbourhood development and the community at large. Adequate municipal services and amenities are also available.

#### 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.

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 designated ‘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.

The proposed lot boundary adjustment will facilitate the existing commercial activity on the consolidated lot and can better serve future development by adding additional land, thereby increases the flexibility of future development options and be able to help the Town to meet or exceed its *delineated built boundary* intensification targets. Planning staff are of the opinion the consent application conforms to the Growth Plan.

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

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

The Regional Official Plan permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure.

Regional staff did not object, nor request to be circulated for the application as the development does not conflict with Provincial and Regional interests and planning policies.

#### 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 severed part of the subject parcel as ‘East Fonhill Secondary Plan Area’, while the retained part of the parcel is designated as ‘Urban Living Area / Built Boundary’ according to Schedule ‘A1’. The East Fonhill Land Use Plan (Schedule A5) more specifically designates the severed portion of the lands as ‘EF-Medium Density Residential’.

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;
  - ✓ Complies.
- b) Will not cause a traffic hazard;
  - ✓ No traffic hazard is anticipated as a result from this lot boundary adjustment.
- 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;
  - ✓ Complies.
- 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 both parcels are appropriate and the consolidated parcel will be 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 impact to features and functions of environmental feature in the area.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
  - ✓ No objection from Region.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
  - ✓ Not applicable.

Town Planning staff are of the opinion the proposed lot boundary adjustment conforms to the local Official Plan.

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

The front portion of the subject land (1397 Station Street) is currently zoned 'Residential 3 (R3)' according to the Zoning By-law and the rear portion is zoned 'Agricultural (A)'. The permitted uses in the Residential 3 (R3) zone include:

- Semi-detached dwellings,
- Duplex dwellings,
- Buildings and structures accessory to the residential use.

The permitted uses in the Agricultural (A) zone include:

- Agricultural uses including greenhouses,
- Seasonal or permanent farm help houses on farms larger than 10ha
- One single detached dwelling

- Home occupations
- Kennels, animal hospitals
- Uses, buildings and structures accessory to a permitted use
- Forestry and conservation uses.

The front portion of the consolidated parcel (1395 Station Street) is currently zoned 'Residential 2 (R2)' according to the Zoning By-law and the rear portion is zoned 'Agricultural (A)'. The permitted uses in the Residential 2 (R2) zone include:

- a single detached dwelling,
- buildings and structures accessory to the residential use,
- home occupations.

The permitted uses in the Agricultural (A) zone are the same as listed above.

The resulting parcel configurations will continue to comply with all applicable zoning regulations pending the removal of accessory buildings as shown on sketch.

### **Agency & Public Comments**

On January 19, 2022, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (February 15, 2022)
  - A demolition permit is required for the accessory structures on Parts 3 & 4 denoted to be removed.
- Public Works Department (February 16, 2022)
  - Public Works Staff offers the following condition:
    1. That the Applicant 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.

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

### **Planning Staff Comments**

Application is made for consent to partial discharge of mortgage and consent to convey 594

square metres of land (Part 4), to be added to the abutting property to the south (Part 5), to provide additional land for the existing commercial business. Part 3 is to be retained for continued residential use of the dwelling known municipally as 1397 Station Street

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 August 19, 2021 to discuss the subject application. In addition to the Consent Sketch, a Planning Justification Report was provided in support of the proposed development.

The subject lands are located on the south of Summersides Boulevard, east of Station Street and are situated in a quickly evolving secondary plan growth area. The proposed boundary adjustment will provide for land consolidation for a future development plan of the rear portion of the lands that will be subject to future development applications.


Based on the analysis in the sections above, Planning staff is of the opinion that the proposed lot boundary adjustment is consistent with the PPS and conforms to Provincial, Regional, and local plans. The resulting parcels comply with applicable Zoning By-law regulations and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff.

Given this analysis, Planning staff recommend that consent file B5-2022P **be approved** subject to the following conditions:

**THAT** the applicant

- Merge Part 4 with Part 5.
- Apply for and receive Demolition Permits prior to demolition of existing accessory structures as shown on the submitted sketch.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that Stormwater management oversizing payment, development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- 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 \$411, 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

Approved by,



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