

Committee of Adjustment AGENDA

CofA 08/2022

August 2, 2022

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

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

Pages

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

- 2.1. **Land Recognition Statement**

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

3. **Disclosure of Pecuniary Interest and General Nature Thereof**
4. **Requests for Withdrawal or Adjournment**
5. **Applications for Minor Variance**
6. **Applications for Consent**

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	3. Town of Pelham Building	
	4. Niagara Region	
	5. Hydro One	
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8.	Adjournment	



Community Planning and Development Department
Committee of Adjustment
Tuesday, August 02, 2022

Consent Application: B7/2022P

Municipal Address: 1112 Line Avenue

Legal Description: Part of Lot 177, Formerly Township of Thorold now Town of Pelham, Part 1 and 2 on 59R-6922

Roll number: 2732 030 019 03200

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 3 and 4 on the attached sketch, is a parcel of land along Line Avenue south of Bacon Lane, being part of Lot 177, legally described above, in the Town of Pelham. Part 3 and 4 are subject to an easement to the benefit of the Town of Pelham (Instrument No. SN449927) in relation to drainage.

Application is made for consent to partial discharge of mortgage and consent to convey 2,242.3 square metres of land (Part 3), to be added to the abutting property to the west (Part 5), for future development (Tanner Extension lands). Part 4 is to be retained for continued residential use of the dwelling known municipally as 1112 Line Avenue.

The lands to the west, being Part 5, are currently subject to *Planning Act* applications for Draft Plan of Subdivision (Town File: 26T19-03-2021) and Zoning By-law Amendment (Town File: AM-12-2021) and are known as the Tanner Extension.

Note that this application is being heard in conjunction with Consent File B8/2022P.

Applicable Planning Policies:

Planning Act (Consolidated April 2022)

Section 51(24) of the *Planning Act* 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 matters, including:

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

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

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

The proposed boundary adjustment seeks to partial discharge of mortgage and consent to convey 2,242.3 square metres of land (Part 3), to be added to the abutting property to the west (Part 5), for future development.

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 lands are located in a “Settlement Area”, the Fonthill Urban Settlement Area, according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town’s Heritage Master Plan identifies this area as having high archaeological resource potential, however a boundary adjustment is not considered “development” under the PPS and therefore as there is no site alteration proposed, an archeological assessment is not required. The applicant is advised that any future *Planning Act* application involving the subject lands may require the completion of an archaeological assessment.

The proposed parcel reconfiguration is being made to reconfigure existing lot lines and does not include any site alteration or construction. Planning staff are of the opinion the requested boundary adjustment is consistent with the PPS.

Greenbelt Plan (2017)

The Greenbelt Plan designates the subject lands as 'Settlement Areas Outside the Greenbelt.' As such, the policies of the Greenbelt Plan do not apply to the subject lands.

Growth Plan for the Greater Golden Horseshoe (2020)

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 to 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 Growth Plan contains various guiding principles which are intended to guide decisions of how land is developed. The guiding principles include building compact, vibrant, and complete communities, managing and encouraging development in appropriate locations, and optimizing the use of existing infrastructure.

The subject lands are designated 'Delineated Built-Up Area' according to the Growth Plan. The proposed conveyance facilitates a boundary adjustment and would not be considered development. Further, the proposed lot boundary adjustment will facilitate the development of the Tanner Extension lands to the west, resulting in a consolidated lot that will increase the flexibility of future development options and be able to help the Town to meet or exceed its *delineated built boundary* intensification targets. Accordingly, Staff is of the opinion that the proposed boundary adjustment is in keeping with the policies of the Growth Plan.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan (ROP) designates the subject lands as 'Designated Urban Area (Built-Up Area).'

The ROP directs development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. Provincial and Regional policy place an emphasis on intensification and infill to foster the development of complete communities, including a mix of diverse land uses and housing choices, expanding access to many forms of transportation, and providing spaces that are vibrant and resilient in design.

A full range of residential uses are permitted generally within the Urban Area designation, subject to adequate municipal servicing and infrastructure and other policies relative to land use compatibility and environmental conservation.

The property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Consistent with ROP Policy 7.B.1.11, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 50 m of Significant Woodland. Regional staff note no objection to the application and confirm that no environmental studies are required in support of it.

It is noted that consistent with ROP policy 7.B.1.11, an Environmental Impact Study (EIS) will likely be required in support of any future site alteration and/or development proposed on the subject lands to demonstrate that there will be no significant negative impact on the feature or its ecological function.

Regional staff did not object as the proposal does not conflict with Provincial or Regional interests and planning policy.

Town of 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' on Schedule 'A1' with the presence of a Highly Vulnerable Aquifer (HVA) per Schedule B1.

The subject lands are adjacent to an area identified as a Potential Intensification Area. The lands are also subject to a special set of policies under the Official Plan for the "Lot 177 Secondary Plan Area".

Per Section B1.1.3 of the Official Plan, residential intensification is generally encouraged in the Urban Living Area in order to provide for the efficient use of land and existing services.

Policy A4.1.1 states that lands designated Urban Living Area are the site of existing and planned residential development and complementary uses on full municipal services, or planned to be connected to full municipal services all within the urban boundaries of the Fonthill and Fenwick Settlement Areas.

Section B1.1.11 of the Official Plan contains additional policy direction for the "Lot 177 Secondary Plan Area". The Lot 177 area is located in the 'Urban Living Area' designation and represents one of the most substantial infill areas within the Fonthill settlement area. Lot 177 is characterized by extensive under developed areas and/or vacant land. The intent of the special policy area is to implement a coordinated approach to the orderly infill development of the area. The proposed boundary adjustment will enhance the viability of the future development of the lands to the west through the proposed lot consolidation.

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 that is maintained on a year round basis;
 - ✓ Unchanged. Future access to lands will be accessed from the Tanner Extension subdivision.

- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
✓ Yes.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
✓ Yes. Serviced via municipal infrastructure.
- e) Will not have a negative impact on the drainage patterns in the area;
✓ Yes. Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties.
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
✓ Each land designation and zone are proposed to remain intact on their respective parcels.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
✓ No negative impact.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
✓ No objection from Region Development Services Division.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
✓ N/A.

Policy D5.2.2 sets the policy basis for boundary adjustments. The policy states: 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 viability of the both the benefiting and retained lands will be maintained. Upon completion of the boundary adjustment, the existing single detached dwelling on the retained lands (Part 4) will retain a large lot area and rear yard. The viability of the retained lands for residential use remains intact. The viability of the benefiting lands is enhanced through a larger lot area for future residential development.

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 subject lands are currently zoned 'Residential 1' (R1) per Schedule 'A5.' Part 3 will continue to comply with the provisions of the R1 zone after parcel reconfiguration. Any future development of the subject lands will continue to need to comply with their respective zoning regulations and permitted uses.

Agency and Public Comments:

On July 6th, 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 Division (July 18, 2022)
 - No comment.
- Public Works Department (July 20, 2022)
 - Please note part 2 of 59R6922 is subject to right-of-way. As per town standard, no structures can be built on Town ROW.
 - Please note a 3m Easement dedicated to the Town for future pedestrian walkway connection to Line Avenue.
 - Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.
- Niagara Region Development Services Division (July 20, 2022)
 - The properties are adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Staff offer no objection to the proposed consent applications and confirm that no environmental studies are required in support of it.
 - Consistent with Regional Official Plan (ROP) policy 7.B.1.11, an Environmental Impact Study (EIS) will likely be required in support of any future site alteration and/or development proposed on the subject lands to demonstrate that there will be no significant negative impact on the feature or its ecological function.

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

Planning Staff Comments:

Application is made for consent to partial discharge of mortgage and consent to convey 2,242.3 square metres of land (Part 3), to be added to the abutting property to the west (Part 5), for future residential development. Part 4 is to be retained for continued residential use of the dwelling known municipally as 1112 Line Avenue.

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning & Development Services on May 19, 2022 to discuss the subject application. In addition, a consent sketch and planning justification brief was provided in support of the proposed development.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposed boundary lot 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 respect to traffic, privacy, and stormwater management. The proposed boundary adjustment provides for land consolidation need for future residential development and, therefore it can be supported by Staff.

Planning Staff Recommendation:

Planning staff recommend that consent file B7/2022P **be approved** subject to the following condition(s):

THAT the applicant:

- Ensure Part 3 merges in title with Part 5.
- Ensure the Secretary-Treasurer is provided with sufficient evidence indicating that the conveyance of a minimum 3.0m strip of land through Part 4 on the Consent Sketch be deeded to the Town of Pelham, for the purposes of a pedestrian connection. This transfer of easement shall be completed to the satisfaction of the Director of Public Works, in order to facilitate the boundary adjustment proposed in this application, said lands shall be conveyed free and clear of any mortgages, liens or encumbrances. All costs associated with this conveyance are the responsibility of the applicant.
- Town staff will require a comprehensive lot grading and drainage plan for Part 4 demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.
- 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.

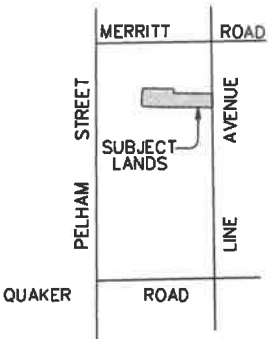
Prepared and Submitted by:

Andrew Edwards, BES
Planner

Recommended by:

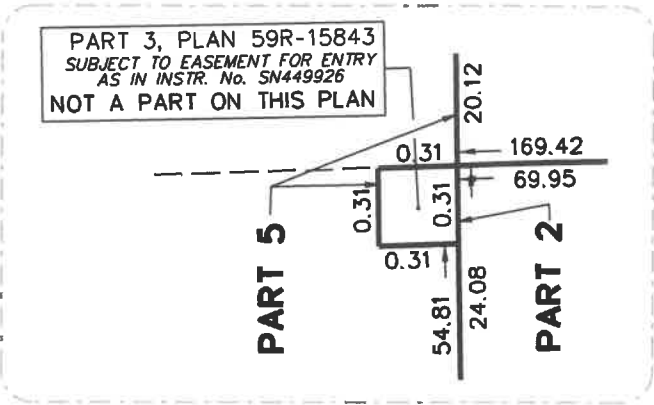
Barbara Wiens, MCIP, RPP
Director of Community Planning and Development Department

KEY PLAN (not to scale)



TOWN OF PELHAM

DETAIL (not to scale)



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

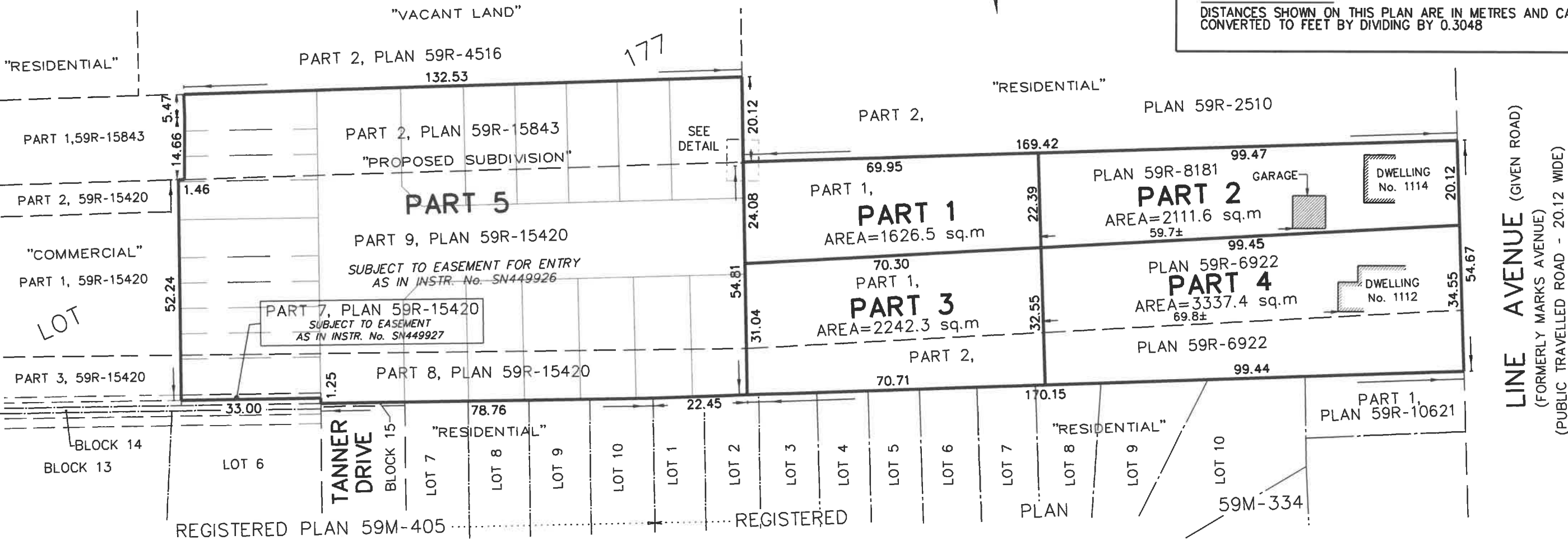
SKETCH FOR PLANNING PURPOSES ONLY

1112 & 1114 LINE AVENUE
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA



J.D. BARNES LIMITED
© COPYRIGHT 2022

METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048



LEGAL DESCRIPTION

PART OF LOT 177, GEOGRAPHIC TOWNSHIP OF THOROLD, TOWN
OF PELHAM

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE
RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN
OF SURVEY.

SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM
AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR
THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

June 23, 2022
DATE

ALLAN J. HEYWOOD
ONTARIO LAND SURVEYOR



J.D. BARNES
LIMITED
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING
MAPPING
GIS

CN/TS DRAWN
CHECKED
DATED:
JUN.22/'22
Ref. No.
21-16-222-01

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; Taylor Boyle, Engineering Technologist; Lucas Smith, Engineering Technologist; Shannon Larocque; Senior Planner

From: Gimuel Ledesma, Engineering Technologist

Date: July 20, 2022

File No.: B7/2022P

RE: Consent – 1112 Line Avenue

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.

Application is made for consent to partial discharge of mortgage and consent to convey 2242.3 square metres of land (Part 3), to be added to the abutting property to the west (Part 5), for future development. Part 4 is to be retained for continued residential use of the dwelling known municipally as 1112 Line Avenue.

Public Works offer the following comments:

- Please note part 2 of 59R6922 is subject to right-of-way. As per town standard, no structures can be built on Town ROW.
- Please note a 3m Easement dedicated to the Town for future pedestrian walkway

Public Works request the following conditions:

- Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.

To: Sarah Leach

Cc: Andrew Edwards

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

Date: July 18th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – August 2nd, 2022 Hearing

Comment for Re: File B7/2022P & B8/2022P

The building department offers the following comment,

- No comment

Kind Regards,

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

Sarah Leach

To: Godfrey, Nicholas
Subject: RE: Comments for B7/2022P & B8/2022P

From: Godfrey, Nicholas <Nicholas.Godfrey@niagararegion.ca>
Sent: Wednesday, July 20, 2022 1:37 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Andrew Edwards <AEdwards@pelham.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>
Subject: RE: Comments for B7/2022P & B8/2022P

Good afternoon Sarah,

The properties are adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Staff offer no objection to the proposed consent applications and confirm that no environmental studies are required in support of it.

Consistent with Regional Official Plan (ROP) policy 7.B.1.11, an Environmental Impact Study (EIS) will likely be required in support of any future site alteration and/or development proposed on the subject lands to demonstrate that there will be no significant negative impact on the feature or its ecological function.

Please let me know if you have any questions.

Best,

Nicholas Godfrey, MA
Development Planner
Planning and Development Services
Niagara Region
Phone: 905-980-6000 ext. 3264 Toll-free: 1-800-263-7215
www.niagararegion.ca

From: [LANDUSEPLANNING](#)
To: [Jacquie Miller](#)
Subject: Pelham - 1112 and 1114 Line Ave- B7 B8-2022P
Date: Tuesday, July 19, 2022 9:23:37 AM
Attachments: [image002.png](#)

Hello,

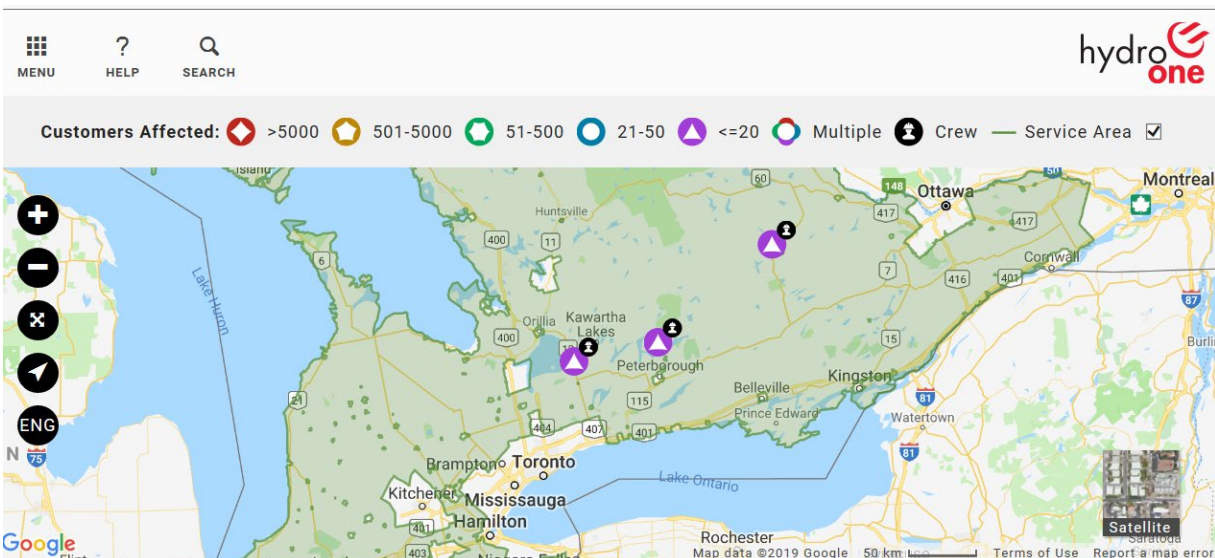
We are in receipt of your Consent Application, B7 & B8-2022P dated July 6, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **[Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.](#)**

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 to be connected to your Local Operations Centre

Thank you,

Kitty Luk

Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.

185 Clegg Road

Email: landuseplanning@hydroone.com

From: Jacquie Miller <JMiller@pelham.ca>
Sent: Wednesday, July 6, 2022 9:04 AM
To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; MunicipalPlanning@enbridge.com;
jim.sorley <jim.sorley@npei.ca>; ash.neville@rci.rogers.com
Subject: Committee of Adjustment Notices of Hearings - August 2, 2022

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

Good morning:

Please find attached the Notice of Hearing for files:

- B7/2022P – 1112 Line Avenue; and
- B8/2022P – 1114 Line Avenue.

I have also attached the Planning Brief.

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

Thank you,
Jacquie



Jacquie Miller

Legislative and Committee Coordinator, Clerks Department
Town of Pelham

D: 905-980-6664 | E: JMiller@pelham.ca

T: 905-892-2607 x322

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

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forwards) of the initial email



Community Planning and Development Department
Committee of Adjustment
Tuesday, August 02, 2022

Consent Application: B8/2022P

Municipal Address: 1114 Line Avenue

Legal Description: Part of Lot 177, Formerly Township of Thorold now Town of Pelham, Part 1 on 59R-8181 (Part 1 Sketch)

Roll number: 2732 030 019 03100

Location of Lands and Purpose of Application:

The subject parcel, shown as Part 1 and 2 on the attached sketch, is a parcel of land along Line Avenue south of Bacon Lane, being part of Lot 177, legally described above, in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 1,626.5 square metres of land (Part 1), to be added to the abutting property to the west (Part 5), for future development. Part 2 is to be retained for continued residential use of the dwelling known municipally as 1114 Line Avenue.

The lands to the west, being Part 5, are currently subject to *Planning Act* applications for Draft Plan of Subdivision (Town File: 26T19-03-2021) and Zoning By-law Amendment (Town File: AM-12-2021) and are known as the Tanner Extension.

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Town of 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' on Schedule 'A1' with the presence of a Highly Vulnerable Aquifer (HVA) per Schedule B1. The subject lands are adjacent to an area identified as a Potential Intensification Area. The lands are also subject to a special set of policies under the Official Plan for the "Lot 177 Secondary Plan Area".

Per Section B1.1.3 of the Official Plan, residential intensification is generally encouraged in the Urban Living Area in order to provide for the efficient use of land and existing services.

Policy A4.1.1 states that lands designated Urban Living Area are the site of existing and planned residential development and complementary uses on full municipal services, or planned to be connected to full municipal services all within the urban boundaries of the Fonthill and Fenwick Settlement Areas.

Section B1.1.11 of the Official Plan contains additional policy direction for the "Lot 177 Secondary Plan Area". The Lot 177 area is located in the 'Urban Living Area' designation and represents one of the most substantial infill areas within the Fonthill settlement area. Lot 177 is characterized by extensive under developed areas and/or vacant land. The intent of the special policy area is to implement a coordinated approach to the orderly infill development of the area. The proposed boundary adjustment will enhance the viability of the future development of the lands to the west through the proposed lot consolidation.

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 that is maintained on a year round basis;
 - ✓ Unchanged. Future access to lands will be accessed from the Tanner Extension subdivision.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;

- ✓ Yes.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes. Serviced via municipal infrastructure.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Yes. Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties.
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Each land designation and zone are proposed to remain intact on their respective parcels.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
 - ✓ No negative impact.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
 - ✓ No objection from Region Development Services Division.
- i) Complies with the appropriate provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ N/A.

Policy D5.2.2 sets the policy basis for boundary adjustments. The policy states: 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 viability of the both the benefiting and retained lands will be maintained. Upon completion of the boundary adjustment, the existing single detached dwelling on the retained lands (Part 4) will retain a large lot area and rear yard. The viability of the retained lands for residential use remains intact. The viability of the benefiting lands is enhanced through a larger lot area for future residential development.

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 subject lands are currently zoned 'Residential 1' (R1) per Schedule 'A5.'

Part 2 will continue to comply with the provisions of the R1 zone after parcel reconfiguration. Any future development of the subject lands (Part 1) will continue to need to comply with their respective zoning regulations and permitted uses or be subject to a separate zoning by-law amendment and development application process.

Agency and Public Comments:

On July 6, 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 Division (July 18, 2022)
 - No comment.
- Public Works Department (July 20, 2022)
 - Public Works has no comments
 - Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.
- Niagara Region Development Services Division (July 20, 2022)
 - The properties are adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Staff offer no objection to the proposed consent applications and confirm that no environmental studies are required in support of it.
 - Consistent with Regional Official Plan (ROP) policy 7.B.1.11, an Environmental Impact Study (EIS) will likely be required in support of any future site alteration and/or development proposed on the subject lands to demonstrate that there will be no significant negative impact on the feature or its ecological function.

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

Planning Staff Comments:

Application is made for consent to partial discharge of mortgage and consent to convey 1,626.5 square metres of land (Part 1), to be added to the abutting property to the west (Part 5), for future residential development. Part 2 is to be retained for continued residential use of the dwelling known municipally as 1114 Line Avenue.

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning & Development Services on May 19, 2022 to discuss the subject application. In addition, a consent sketch and planning justification brief was provided in support of the proposed development.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposed boundary lot 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 respect to traffic, privacy, and stormwater management. The proposed boundary adjustment helps facilitate land consolidation with Part 5 and will be subject to future development applications. This land consolidation is the first step

in the future development approval process and, therefore it can be supported by Staff.

Planning Staff Recommendation:

Planning staff recommend that consent file B8/2022P **be approved** subject to the following condition(s):

THAT the applicant:

- Ensure Part 1 merges in title with Part 5.
- Town staff will require a comprehensive lot grading and drainage plan for Part 1 demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.
- 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.

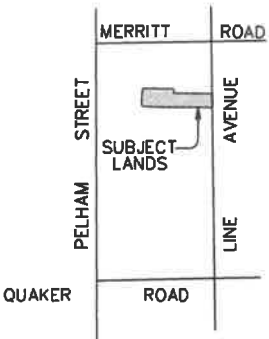
Prepared and Submitted by:

Andrew Edwards, Planner

Recommended by:

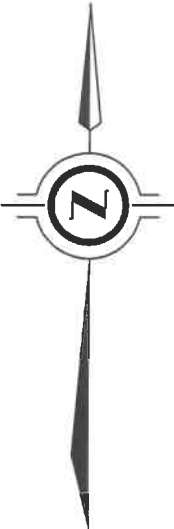
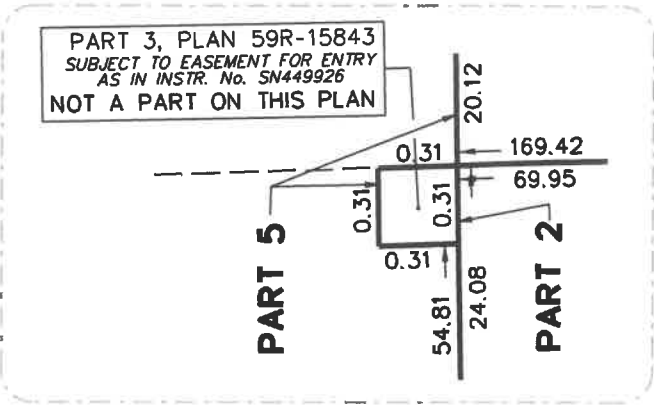
Barbara Wiens, Director of Community Planning and Development Department

KEY PLAN (not to scale)



TOWN OF PELHAM

DETAIL (not to scale)



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

1112 & 1114 LINE AVENUE
TOWN OF PELHAM

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 1000

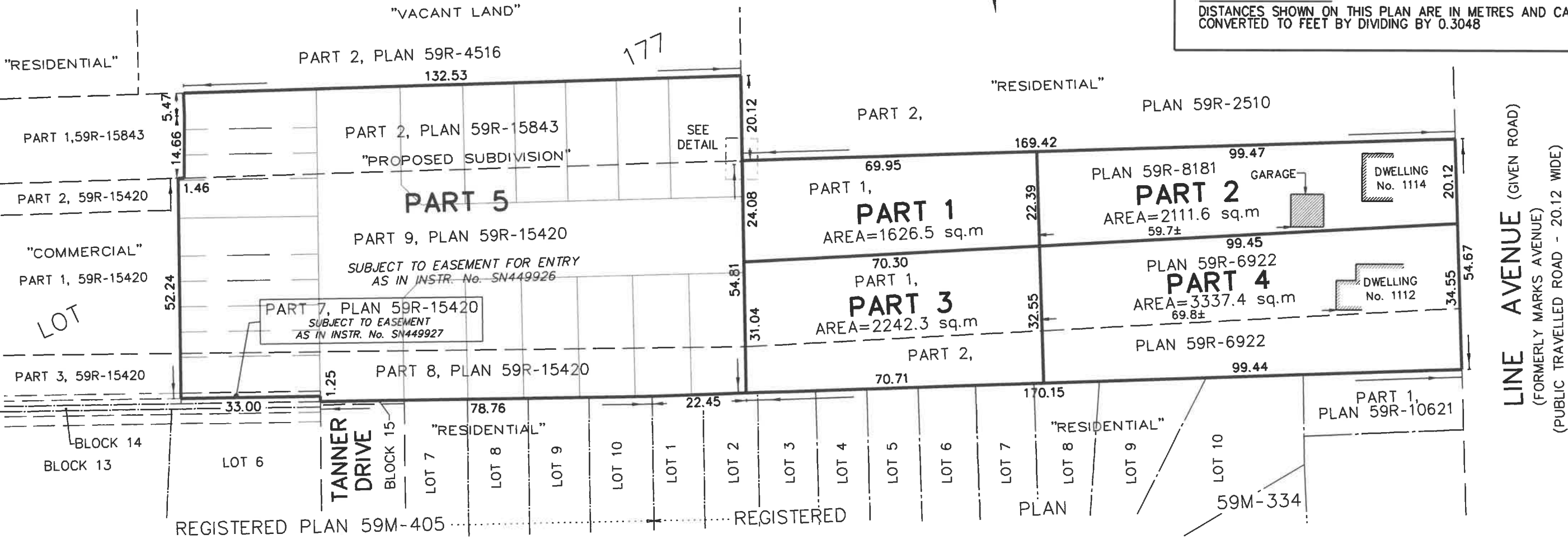


J.D. BARNES LIMITED

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METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048



LEGAL DESCRIPTION

PART OF LOT 177, GEOGRAPHIC TOWNSHIP OF THOROLD, TOWN
OF PELHAM

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE
RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN
OF SURVEY.

SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM
AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR
THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

June 23, 2022
DATE

ALLAN J. HEYWOOD
ONTARIO LAND SURVEYOR



J.D. BARNES
LIMITED

LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING
MAPPING
GIS

CN/TS	DRAWN
AH	CHECKED
JUN.22/'22	DATED:
21-16-222-01	Ref. No.

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; Taylor Boyle, Engineering Technologist; Lucas Smith, Engineering Technologist; Shannon Larocque; Senior Planner

From: Gimuel Ledesma, Engineering Technologist

Date: July 20, 2022

File No.: B8/2022P

RE: Consent – 1114 Line Avenue

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.

Application is made for consent to partial discharge of mortgage and consent to convey 1626.5 square metres of land (Part 1), to be added to the abutting property to the west (Part 5), for future development. Part 2 is to be retained for continued residential use of the dwelling known municipally as 1114 Line Avenue.

Public Works offer the following comments:

- Public Works has no comments

Public Works request the following conditions:

- Town staff will require a comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate.

To: Sarah Leach

Cc: Andrew Edwards

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

Date: July 18th, 2022

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – August 2nd, 2022 Hearing

Comment for Re: File B7/2022P & B8/2022P

The building department offers the following comment,

- No comment

Kind Regards,

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

Sarah Leach

To: Godfrey, Nicholas
Subject: RE: Comments for B7/2022P & B8/2022P

From: Godfrey, Nicholas <Nicholas.Godfrey@niagararegion.ca>
Sent: Wednesday, July 20, 2022 1:37 PM
To: Sarah Leach <SLeach@pelham.ca>
Cc: Andrew Edwards <AEdwards@pelham.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>
Subject: RE: Comments for B7/2022P & B8/2022P

Good afternoon Sarah,

The properties are adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Staff offer no objection to the proposed consent applications and confirm that no environmental studies are required in support of it.

Consistent with Regional Official Plan (ROP) policy 7.B.1.11, an Environmental Impact Study (EIS) will likely be required in support of any future site alteration and/or development proposed on the subject lands to demonstrate that there will be no significant negative impact on the feature or its ecological function.

Please let me know if you have any questions.

Best,

Nicholas Godfrey, MA
Development Planner
Planning and Development Services
Niagara Region
Phone: 905-980-6000 ext. 3264 Toll-free: 1-800-263-7215
www.niagararegion.ca

From: [LANDUSEPLANNING](#)
To: [Jacquie Miller](#)
Subject: Pelham - 1112 and 1114 Line Ave- B7 B8-2022P
Date: Tuesday, July 19, 2022 9:23:37 AM
Attachments: [image002.png](#)

Hello,

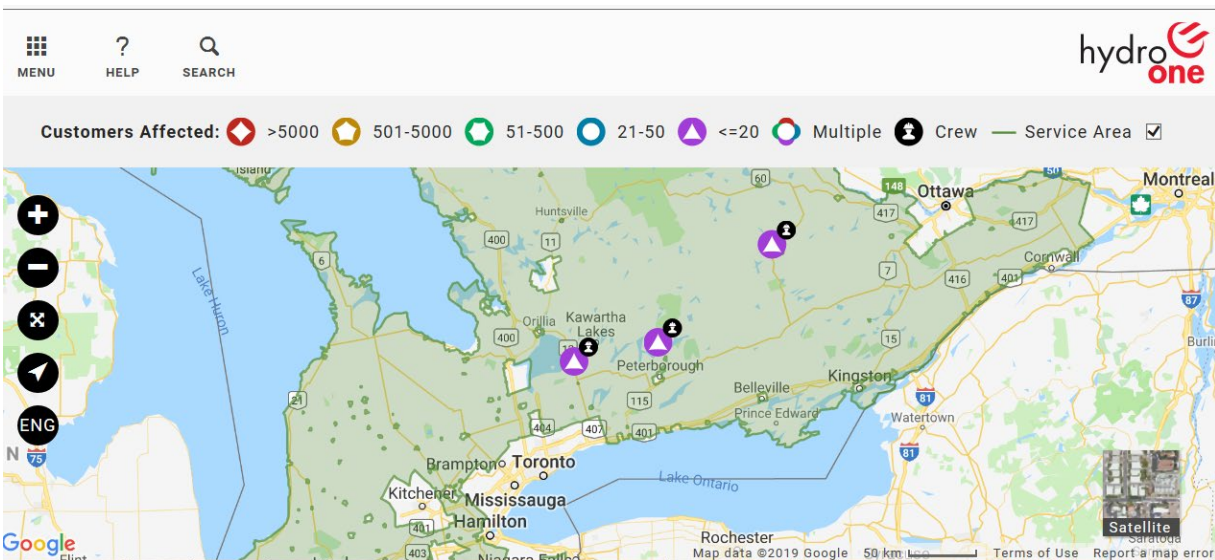
We are in receipt of your Consent Application, B7 & B8-2022P dated July 6, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **[Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.](#)**

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 to be connected to your Local Operations Centre

Thank you,

Kitty Luk

Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.

185 Clegg Road

Email: landuseplanning@hydroone.com

From: Jacquie Miller <JMiller@pelham.ca>
Sent: Wednesday, July 6, 2022 9:04 AM
To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; MunicipalPlanning@enbridge.com; jim.sorley <jim.sorley@npei.ca>; ash.neville@rci.rogers.com
Subject: Committee of Adjustment Notices of Hearings - August 2, 2022

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

Good morning:

Please find attached the Notice of Hearing for files:

- B7/2022P – 1112 Line Avenue; and
- B8/2022P – 1114 Line Avenue.

I have also attached the Planning Brief.

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

Thank you,
Jacquie



Jacquie Miller

Legislative and Committee Coordinator, Clerks Department
Town of Pelham
D: 905-980-6664 | E: JMiller@pelham.ca
T: 905-892-2607 x322
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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forwards) of the initial email

Committee of Adjustment
Minutes

Meeting #: CofA 06/2022
Date: Wednesday, June 1, 2022
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present John Klassen
 Sandra Marsh
 Brenda Stan

Members Absent Donald Cook
 Bernie Law

Staff Present Sarah Leach
 Jacquie Miller
 Shannon Larocque

1. Attendance

Applicants, 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.

2.1 Land Recognition Statement

Ms. Sarah Leach, Assistant Secretary-Treasurer, recited the land recognition statement.

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 A5/2022P - 27 College Street

Purpose of the Application

Application is made for relief of Section 6.1(c) "Maximum (Accessory Building) Height" – to permit a maximum height of 5.36m, whereas the by-law allows a maximum height of 4.75m.

Representation

The Applicant, Rick Yazwinski was electronically present.

Correspondence Received

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

Applicants Comments

The Applicant, Mr. Yazwinski provided a brief summary of the proposal.

A Member asked what impact the build would have on surrounding trees. Mr. Yazwinski stated that the proposed location was intentional to minimize the impact on the surrounding trees and garden.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:18 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.

Member Comments

The Members indicated they had no further comments or objections.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT application for relief of Section 6.1(c) “Maximum (Accessory Building) Height” – to permit a maximum height of 5.36m, whereas the by-law allows a maximum height of 4.75m, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no significant impacts on the subject property with regard to massing, streetscape or sightline issues are anticipated.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will facilitate the construction of a detached garage to accommodate the homeowner’s storage and studio use.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

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

Prior to Building Permit:

- 1. To the Satisfaction of the Director of Public Works**
 - 1. Submit an updated Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**

2. **Obtain a Driveway Access and Culvert Permit from the Town for the construction of a new driveway or any modifications to existing driveways/entrance. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to Building Permit and the Applicant shall bear all costs associated with the works.**

Carried

6. Applications for Consent

None.

7. Minutes for Approval

None.

8. Adjournment

Moved By Sandra Marsh

Seconded By Brenda Stan

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for July 5, 2022 at 4:00 pm.

Carried

John Klassen, Chair

Sarah Leach, Assistant Secretary-Treasurer