

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

January 3, 2023

File No.: D.17.06.MV-22-0135

Sarah Leach
Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S1E0

Dear Ms. Wilford:

**Re: Regional and Provincial Comments
Application: Minor Variance
File No. A2/2023P
Owner: [REDACTED]
Address: 261 Canboro Road
Town of Pelham**

Regional staff has reviewed the information circulated for the above noted minor variance application to facilitate the construction of a one-storey dwelling addition on the subject property by permitting a minimum side yard setback of 4.38 metres whereas the Town's Zoning By-law requires a minimum side yard setback of 9 metres. The following Provincial and Regional comments are offered to assist the Committee in considering this application.

Provincial and Regional Policies

The Provincial Policy Statement (PPS) designates the subject property within a prime agricultural area, and more specifically as a specialty crop area. Such lands shall be protected for long-term use for agriculture, with specialty crop areas being given the highest priority for protection. The Greenbelt Plan designates the lands as within the Niagara Peninsula Tender Fruit and Grape Area as part of the policies of the Protected Countryside. The Niagara Official Plan (NOP) designates the property as within the Specialty Crop Area.

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected, and allow for a range of agriculture, agriculture-related and on-farm diversified uses. Given that the proposed application is

submitted to allow for an expansion to an existing single detached dwelling, Regional staff are of the opinion that the proposed use is consistent with the PPS and conforms to Provincial and Regional policies subject to the comments below.

Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of significant woodland and the Fonthill Kame Delta Provincially Significant Earth Science ANSI. The property is also mapped as part of the Provincial Natural Heritage System (PNHS). As such, these features are considered Key Natural Heritage Features (KNHF).

Niagara Official Plan (NOP) Policy 3.1.5.7.1 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of a KNHF. Further, NOP policies require that a minimum 30 metre Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KNHF be established as natural self-sustaining vegetation. Development or site alteration is generally not permitted within a KNHF or its VPZ.

However, expansions to existing uses are permitted, provided they are limited in scope and in close geographical proximity to existing development. The proposed addition is within the existing development footprint and is no closer to the KNHF than the existing development. As such, the addition meets these requirements. Additionally, a VPZ is not possible due to the location of the existing gazebo. Environmental Planning offers no requirements and no objection to the proposed minor variance application.

Archaeological Potential

Schedule K of the NOP identifies the subject lands within an area that exhibits a high potential for the discovery of archaeological resources. Policy 6.4.2.6 of the NOP states that development (including the construction of buildings and structures requiring approval under the *Planning Act*) and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on a review of aerial photography, it appears that the portion of the property that will be impacted by the proposed development has been subject to recent, intensive and extensive ground disturbance as a result of the construction of the existing dwelling and in-ground pool. Accordingly, Regional staff will not require an archaeological assessment with the application.

Private Servicing

Regional Private Sewage System (PSS) staff has reviewed the proposed application. Regional records indicate that a private sewage system consisting of a septic tank and a double in ground filter bed (Class 4 system) was installed in 2021 with approval from our

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department. The septic system was installed to handle the capacity of a one bedroom, 79 m² addition.

Based on the information submitted for the minor variance application and subsequent correspondence, Regional PSS staff has determined that the proposed addition is consistent with the approved septic permit. As such, we have no objections to the proposed application.

Conclusion

Regional Planning and Development Services staff is not opposed to the development permit application as proposed, subject to the satisfaction of any local requirements.

Should you have any questions or wish to discuss these comments, please contact the undersigned at alexandria.tikky@niagararegion.ca or 905-980-6000 extension 3593, or Pat Busnello, Manager of Development Planning, at pat.busnello@niagararegion.ca or at extension 3379.

Please send notice of the Committee's decision on this application.

Best regards,

A handwritten signature in cursive script, appearing to read 'A. Tikky', with a large, sweeping loop at the bottom.

Alexandria Tikky, MCIP, RPP
Senior Planner

cc: Pat Busnello, Manager, Development Planning, Niagara Region
Devon Haluka, Private Sewage Systems Inspector, Niagara Region
Andrew Edwards, Planner, Town of Pelham