

**Planning and Development Services**

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**Via Email**

March 22, 2023

File: D.16.06.MV-23-0018

Sarah Leach, BA  
Secretary Treasurer of the Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square  
Fonthill, ON, L0S 1E0

Dear Ms. Leach:

**Re: Regional and Provincial Comments  
Minor Variance Application  
Town File: A8/2023P  
337 Canboro Road  
Town of Pelham**

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Regional Planning and Development Services staff has reviewed the information circulated for the Minor Variance application for 337 Canboro Road in the Town of Pelham ("subject property"). The Region received its circulation from the Town on March 1, 2023.

The Applicant is proposing the following variances to facilitate the construction of a detached accessory structure (two car garage and storage building):

- A maximum lot coverage of 1.16%, whereas the by-law allows 1% provided the maximum lot coverage of all building does not exceed 10%, and
- A minimum interior side yard setback of 2.06 m whereas the by-law requires a minimum side yard setback of 3 m.

The following comments are provided from a Provincial and Regional perspective to assist the Town in its consideration of this application.

**Provincial and Regional Policies**

According to the *Provincial Policy Statement, 2020* (PPS), the subject property is located within a Prime Agricultural Area, and more specifically within a Specialty Crop Area. The subject property is designated as Protected Countryside Area within the *Greenbelt Plan, 2017* (Greenbelt Plan) and Prime Agricultural Area within *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* (Growth Plan). The *Niagara Official Plan, 2022* (NOP) designates the lands as within the Specialty Crop Area.

Provincial and Regional policies aim to protect agricultural land for long-term agricultural use. Specifically, Section 2.3 'Agriculture' of the PPS, Chapter 4 'Competitive Region' of the NOP, and Section 3.1 'Agricultural System' of the Greenbelt Plan set out provisions on the types of development that can occur on the subject lands. According to Policy 4.1.2.2 of the NOP, single detached dwellings and accessory structure are permitted on existing lots of record in specialty crop areas, provided they were zoned for such or permitted through other regulation as of December 16, 2004.

As such, the application is consistent with and conforms to Provincial and Regional policies subject to the comments below.

## **Archaeological Resources**

The portion of the subject property, including the location of the proposed accessory structure, is located within the Area of Archaeological Potential as identified in Schedule 'K' of the NOP. Regional staff note that the Town has a Heritage Master Plan and, as such, town staff should be satisfied that any local archaeological provisions / requirements are addressed.

In addition, Regional staff recommend that the following standard archaeological advisory clause is included as a condition in the building permit to protect for any archaeological resources that may be encountered during construction:

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."*

## **Environmental Comments**

The subject property is impacted by the Region's Natural Environment System, consisting of other woodlands. Policy 3.1.9.7 of the NOP requires the completion of an Environmental

March 22, 2023

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Impact Study (EIS) when development or site alteration is proposed within 50 m of other woodland. The proposed detached garage is outside of the above-noted setback. As such, Regional staff offer no objection to the minor variance from an environmental standpoint.

## Private Servicing

Regional Private Sewage System (PSS) staff found no record for the existing sewage system servicing the dwelling. The existing septic tank was exposed west of the dwelling and the liquid level was found to be at a good working level during our site inspection on March 10, 2023. At the time of inspection there appeared to be no visible defects with the septic system. Further confirmation was provided to us indicating the septic bed is located south of the septic tank; however, the septic bed may be partially located under the existing gravel driveway. Please note, any replacement sewage system would be required to meet the minimum 5 m setback to the driveway in the future. No living space, plumbing fixtures or bedrooms are permitted in the proposed garage. In addition, the property contains enough usable land for a replacement system when required in the future.

Therefore, based on the information provided, PSS staff has no objection provided no bedrooms, living space or plumbing fixture are constructed within the garage.

## Conclusion

Regional Planning and Development Services staff does not object to the proposed Minor Variance application, as it is consistent with and in conformity to Provincial and Regional policies. Town staff should be satisfied that any local requirements for the proposal are met.

Please contact the undersigned at [Carling.MacDonald@niagararegion.ca](mailto:Carling.MacDonald@niagararegion.ca) should you have any questions related to the above comments. Please send the Notice of Committee's Decision on this Application when available.

Best Regards,



Carling MacDonald  
Development Planner

cc. Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region