

Committee of Adjustment Agenda

CofA 01-2025

January 13, 2025

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, 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**
3. **Land Recognition Statement**

The Town of Pelham is situated on treaty land, steeped in the rich history of the First Nations such as the Hatiwendaronk, Haudenosaunee and the Anishinaabe, including the Mississaugas of the Credit First Nation. This territory is covered by the Upper Canada Treaties and is protected by the Dish With One Spoon Wampum Agreement. Today, many First Nations, Métis, and Inuit people from across Turtle Island live and work in Niagara. The Town of Pelham stands in solidarity with all Indigenous peoples, past and present, acknowledging that our high standard of living is a result of the resources and lasting friendship of Indigenous peoples.
4. **Approval of Agenda**
5. **Disclosure of Pecuniary Interest and General Nature Thereof**
6. **Requests for Withdrawal or Adjournment**
7. **Applications for Minor Variance - Part I**

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	3. Town of Pelham Building	
	4. Niagara Region	
	5. Lowell Tweidt	

8. Applications for Consent

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9. Applications for Minor Variance - Part II

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9.2	A3-2025P 346 Highway 20	83
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	2. Town of Pelham Public Works	
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10. Minutes for Approval

1. December 2, 2024

11. Adjournment

Town of Pelham Committee Report
Committee of Adjustment
Monday, January 13, 2025

Minor Variance Application: A1-2025P

Municipal Address: 1335 Effingham Street

Legal Description: CON 8 PT LOT 5

Roll Number: 2732 020 010 12500

Prepared By: Andrew Edwards, Town Planner

Department: Community Planning and Development

Nature and Extent of Relief/Permission Applied for:

The subject land is located on the east side of Effingham Street, lying south of Canboro Rd, legally described above, and known locally as 1335 Effingham Street in the Town of Pelham.

The subject land is zoned Rural Residential (RR) in accordance with Pelham Zoning By-law 4481 (2022), as amended. Application is made to construct a new single detached dwelling and accessory structure, and seeks relief from:

- 1. Section 6.7.2 – Maximum Front Yard Setback** – to permit a maximum front yard setback of 21.51 metres whereas the By-law allows for a 6-metre maximum front yard setback.

The lot has 45.1 metres of frontage along Effingham Street and is 2,612.3 square metres in area. The lot currently contains an existing single detached dwelling, and a one-storey frame garage. The applicant is proposing to construct a new single detached dwelling and accessory structure on the property. In addition, the scope of work entails the construction of a new septic system and relocation of the existing driveway. The existing dwelling will be maintained in the interim while the new dwelling is constructed. The existing dwelling will be demolished upon occupancy of the new dwelling. Please refer to Figure 1 for the site plan.

Figure 1. Proposed Site Plan

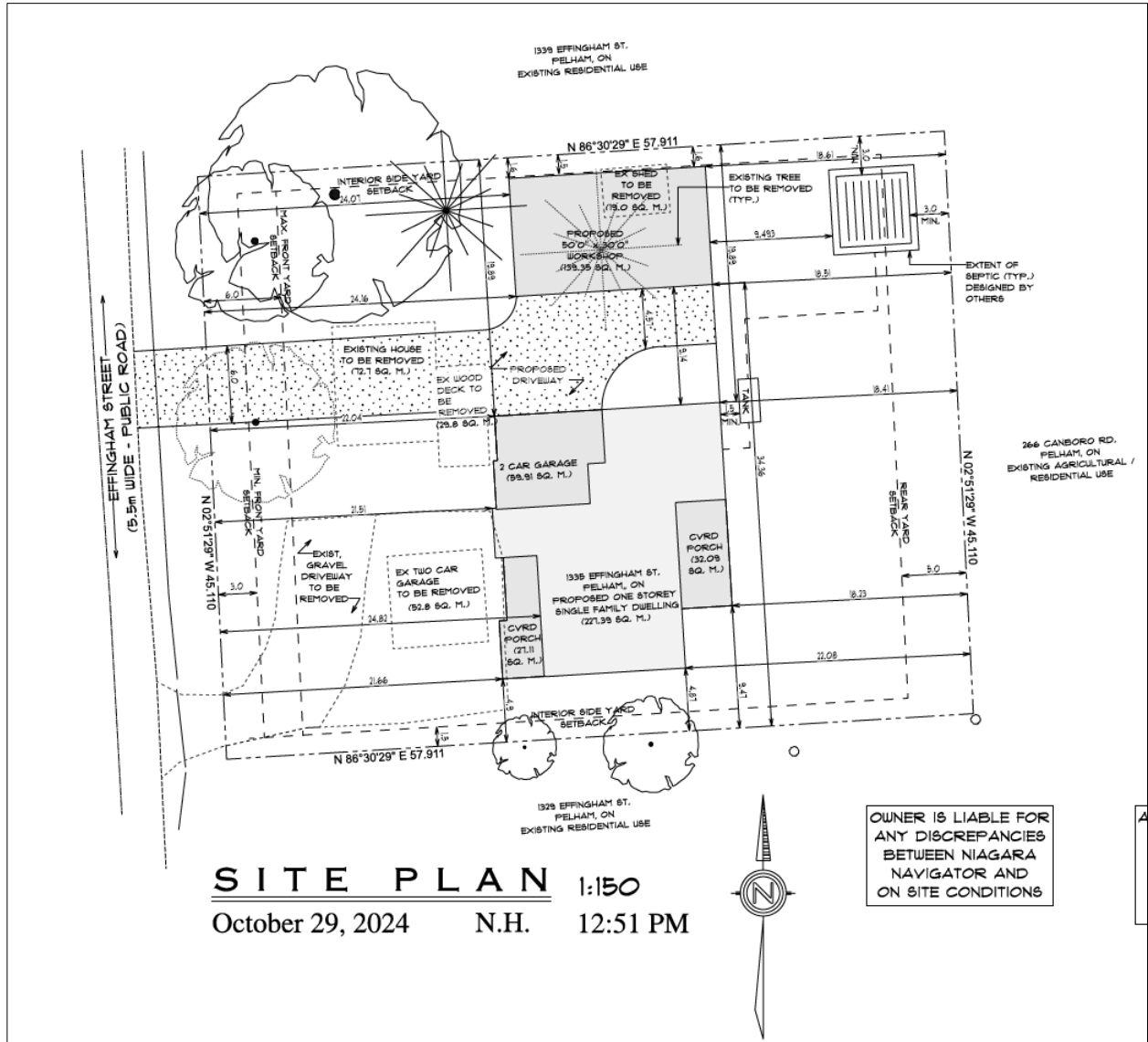
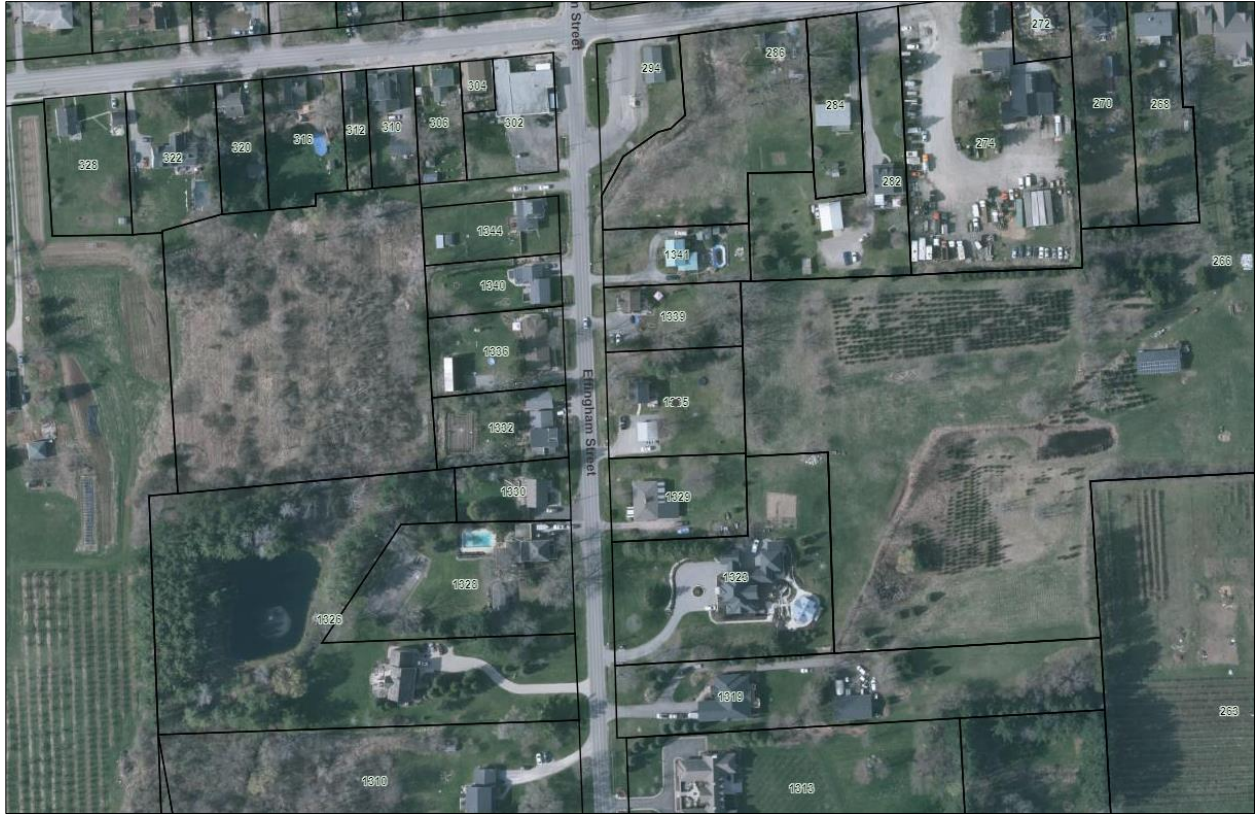


Figure 2. Aerial and Surrounding Context



Applicable Planning Policies:

Planning Act, R.S.O. 1990, c.P.13

Section 45 (1) states that the Committee of Adjustment may authorize a minor variance for provisions of the Zoning By-law, in respect of the land, as in its opinion it 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 (the “Four Tests”). A discussion of the four tests is included below.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS), 2024 came into effect on October 20, 2024, and replaced the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

The subject lands are located within a Settlement Area according to the PPS. Generally, the 2024 PPS encourages an appropriate range and mix of housing options and densities to meet projected and current needs. The variance will facilitate the construction of a new single detached dwelling.

4.6.2 of the PPS only permits development where archaeological resources have been conserved. The applicant submitted a Stage 1-2 Archaeological Assessment with the application. No archaeological resources were identified during the Stage 2 field assessment; therefore, no further archaeological assessment of the subject property was recommended. An acknowledgement letter from the Ministry of Citizenship and Multiculturalism (dated November 15, 2024) was also submitted with the application.

Staff are of the opinion that the proposed variance is consistent with the Provincial Planning Statement.

Greenbelt Plan (2024)

According to the Provincial Policy Statement, 2020 (“PPS”) and Niagara Official Plan, 2022 (“NOP”), “Part 1” is located outside the Specialty Crop Area and is designated as a Settlement Area under the PPS and Rural Settlement Area (otherwise known as a hamlet) under the NOP.

The Greenbelt Plan designates Ridgeville as a ‘Hamlet’. Hamlets are also included within the definition for ‘Settlement Areas’ and are located within the Protected Countryside. Policy 1.4.2 states that the policies of the Greenbelt Plan generally do not apply to Towns/Villages and Hamlets. Official Plans will continue to govern their land use based on policy direction of the Growth Plan.

Planning staff are of the opinion the requested minor variance is consistent with the Greenbelt Plan.

Niagara Region Official Plan (2022)

The lands are designated Rural Settlement Area in the Niagara Region Official Plan.

Rural settlements shall be the focus of development outside of urban area boundaries.

Rural settlements will be serviced by sustainable private water and wastewater treatment systems in accordance with Section 5.2. Private Sewage System staff conducted an on-site inspection on December 13, 2025. During the inspection, the septic tank (plastic) was exposed south of the dwelling, however, the location of the existing septic bed could not be determined. As such, given that the location of the existing bed could not be confirmed, the continued use of the existing septic bed while the new single-family dwelling is being construction cannot be approved.

Based on the information provided, a new class 4 sewage system is proposed at the northeast corner of the property to service the new dwelling. The applicant provided a sewage system design that appears to meet building code requirements.

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

As such, staff are of the opinion the applicant conforms with the Niagara Region Official Plan.

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 natural heritage features.

The local Official Plan designates the subject land as Specialty Agricultural, per Schedule 'A.' The purpose of the Specialty Agricultural designation is to implement the Province of Ontario's Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies.

Notwithstanding the property continues to be designated Specialty Agricultural per the Town's Official Plan, the property is located outside the Specialty Crop Area and is now designated as a Settlement Area under the PPS and Rural Settlement Area (otherwise known as a hamlet) under the NOP. The Town's Official Plan will be revised to include the hamlet boundary of Ridgeville into the Rural Settlement designation as part of the Official Plan review and update process commencing in 2025. It is noted the use of the lands would be in conformity with the Rural Settlement policies of the Town's Official Plan.

Section E1.5 states in part:

... applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not

warranted in a particular circumstance, causes undue hardship, or is otherwise is impossible to comply with.

The applicant provided a cover letter which outlined the following constraints that necessitate the variances: property size and orientation, driveway and garage configuration, and house design constraints.

Town Planning staff are of the opinion the application conforms with the Town's Official Plan.

Town of Pelham Zoning By-law 4481 (2022)

The subject lands are zoned Rural Residential (RR) in accordance with Town of Pelham Zoning By-law. The RR zone permits a variety of residential and accessory uses, including single detached dwellings, second dwellings (both attached and detached), and accessory uses.

The Committee of Adjustment, in accordance with 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	Test Response Explanation
The variance is minor in nature.	Yes, the requested variance is considered to be minor in nature. The variance seeks a maximum front yard setback of 21.51 metres to the dwelling front face, whereas a maximum of 6.0 metres is permitted. In making a determination of whether a variance is minor as required, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. The variance is considered minor as there will be minimal impacts on the streetscape, and there remains adequate lot area to site the new dwelling. The character of Effingham Street is mainly comprised of single detached dwellings located towards the street. However, in the vicinity there are varying front yard setbacks similar to what is proposed. As

	<p>such, the character of the neighbourhood is not anticipated to be significantly altered through the proposed variance. Further, the requested variance will enable the owner to retain the existing dwelling in the interim while the new dwelling is constructed. As such, staff are of the opinion the requested variance is minor in nature.</p>
<p>The variance is desirable for the development or use of the land.</p>	<p>Yes, the variance is desirable for the development or use of the land. The desirability test examines whether the variance is desirable from the standpoint of permitting appropriate development as a public interest. The variance will allow for the retention of the existing dwelling in the interim while the new dwelling is constructed. The development is not anticipated to significantly alter the character of the neighbourhood. In the opinion of staff, the new dwelling is an appropriate development. As such, staff are of the opinion the variance is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes. The variance maintains the general intent and purpose of the Zoning By-law. The intent of the maximum front yard setback is to enhance the streetscape through encouraging shallower front yard setbacks. Shallow front yards are intended to maintain community character, facilitate compact built form, increase safety through traffic calming and framing of the street, provide for eyes-on-the street, and facilitate a human-scaled development. Further, it is the intent of the maximum front yard setback to ensure the face of the dwelling projects past the garage. The variance is necessary to retain the existing dwelling while the new dwelling is constructed. Generally, dwellings in the surrounding area maintain shallow setbacks to Effingham Street. However, there are some variations along the street with larger setbacks on either side of the subject property (1341, 1329, 1326 and 1319 Effingham Street). Refer to Figure 2 above. The proposed dwelling on the subject property will be setback mid-way between the setbacks of the existing dwellings on the adjacent properties and will not appear out of place. The character of the area is not anticipated to change as a result of the variance. As such,</p>

	staff are of the opinion the variance maintains the general intent and purpose of the Zoning By-law.
The variance maintains the general intent and purpose of the Official Plan.	Yes, the variance maintains the general intent and purpose of the Official Plan. Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan. A single-detached dwelling is a permitted use in the property's designation. The variance will not compromise the ability of the dwelling to conform to the Official Plan. Staff are of the opinion the variance maintains the general intent and purpose of the Official Plan.

Agency and Public Comments:

On December 3, 2024, 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
 - Demolition permits will be required to be obtained, to the satisfaction of the Chief Building Official.
 - All necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.
- Public Works Department
 - Submit a comprehensive 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.
 - A Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.
- Niagara Region
 - Regional Public Works Growth Management and Planning Division staff find the proposed development to be consistent with the Provincial Planning Statement and in conformity to Provincial and Regional policies. As such, staff offer no objection to the application, provided a new sewage system permit is applied for and once approved, installed on the property, and

connected to the existing dwelling prior to the construction of the new dwelling.

One (1) public comment was received and is summarized as follows:

- Lowell Tweidt
 - Does not object to the minor variance.

Planning Staff Comments:

Based on the analysis given in above sections, staff is of the opinion 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 character, land use incompatibility, traffic, privacy and storm water runoff.

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.

Planning Staff Recommendations:

Planning staff recommend that minor variance file A1-2025P be approved subject to the following condition(s):

THAT the applicant:

- Obtain demolition permits will be required for the existing dwelling and two car garage, to the satisfaction of the Chief Building Official.
- Obtain all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.
- Enter into an interim second dwelling agreement to the satisfaction of the Director of Community Planning and Development.
- Obtain a sewage system permit and once approved, installed on the property, and connected to the existing dwelling prior to the construction of the new dwelling.
- Provide a Comprehensive Lot Grading and Drainage Plan, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works at Building Permit Stage.

- Obtain a Driveway Entrance Permit for construction of new or modification of existing driveways. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.

Approved and Submitted by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**A1-2025P
1335 Effingham Street**

December 23, 2024

Town staff have reviewed the following documentation for the purpose of **A1-2025P-** Minor Variance application for:

The subject land is zoned Rural Residential in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made to increase the setback to facilitate the construction of a singlefamily dwelling. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 6.7.2 – Maximum Front Yard Setback – to permit a maximum front yard setback of 21.51 metres whereas the By-law allows for a 6 metres maximum front yard setback.

This full report contains following comments in conjunction with Minor Variance application A1-2025P – 1335 Effingham Street.

Introduction:

The subject land is zoned Rural Residential in accordance with Pelham Zoning By-law 4481(2022), as amended. The subject land is located on the south side of Canboro Rd, lying east of Effingham Road, being PT LT 5 CON 8 PELHAM AS IN BB12724, in the Town of Pelham

Application for relief is made to increase the setback to facilitate the construction of a new single family dwelling. The Variance is necessary due to the following constraints:

- **Property Size and Orientation:** The size and orientation of the lot, along with existing and surrounding grades, require the location of the accessory building on the north side of the property.
- **Driveway and Garage Configuration:** With the accessory building and new driveway positioned on the north side, the garage must be placed on the left side of the house to share the new single driveway.
- **Design Constraints:** This layout necessitates that the front porch and entrance face the front of the house, with no garage structure facing Effingham Road, thereby providing a buffer from the road.

This full report contains following comments in conjunction with Minor Variance application A1-2025P – 1335 Effingham Street and shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Analysis:

Please see conditions below.

Public Works offer the following conditions:

- Comprehensive Lot Grading and Drainage Plan will be required, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works. At Building Permit Stage
- A Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the owner.

To: Sarah Conidi

Cc: Andrew Edwards

From: Jessica Passant, Building Intake/Zoning Technician

Date: December 27th, 2024

Subject: Building Comments on Applications to the Committee of Adjustment for
1335 Effingham Street

File Number: A1-2025P

Comments:

- Demolition permits will be required to be obtained, to the satisfaction of the Chief Building Official.
- All necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.

Respectfully,

Jessica Passant

Public Works Growth Management & Planning Division

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

Via Email Only

December 19, 2024

File Number: PLMV202401672

Sarah Conidi, J.D.
Deputy Clerk
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0

Dear Ms. Conidi:

Re: Regional and Provincial Comments
Application Type: Minor Variance
Town File Number: A1-2025P
Applicant: Nauta Building Consultants Ltd.
Location: 1335 Effingham Street, Pelham

Regional Public Works Growth Management and Planning Division staff have reviewed the Minor Variance application for 1335 Effingham Street in the Town of Pelham. The applicant is proposed relief from Section 6.7.2 (Maximum Front Yard Setback) of Zoning By-law 4481 (2022) to facilitate the construction of a single family dwelling.

The following comments are provided from a Provincial and Regional perspective to assist the Committee in their review of the application.

Archaeological Resources

The subject property falls within the Region's mapped Area of Archaeological Potential, as identified on Schedule 'K' of the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Regional staff have reviewed the *Stage 1-2 Archaeological Assessment* prepared by Detritus Consulting Ltd. (dated September 4, 2024). No archaeological resources were identified during the Stage 2 field assessment, conducted on June 3, 2024; therefore, no further archaeological assessment of the subject property was recommended by the

licensed archaeologist. An acknowledgement letter from the Ministry of Citizenship and Multiculturalism (dated November 15, 2024) was also submitted with the application. As such, staff are satisfied that archaeological resource protection policies have been met and offer no further requirements.

Private Servicing

Private Sewage System staff conducted an on-site inspection on December 13, 2025. During the inspection, the septic tank (plastic) was exposed south of the dwelling, however, the location of the existing septic bed could not be determined. As such, given that the location of the existing bed could not be confirmed, the continued use of the existing septic bed while the new single-family dwelling is being construction cannot be approved.

Based on the information provided, a new class 4 sewage system is proposed at the northeast corner of the property to service the new dwelling. The applicant provided a sewage system design that appears to meet building code requirements.

Therefore, a new sewage system is required to be installed on the property to service the new single-family dwelling. Considering the continued use of the existing septic system is not permitted during the construction of the new dwelling, the new sewage system would be required to be installed and connected to the existing dwelling in order to continue occupancy of the existing dwelling during the construction of the new dwelling. Once the new dwelling has finished construction and the Town has permitted occupancy, the existing septic tank will need to be decommissioned and the existing dwelling will no longer be permitted to use the new septic system. At this time new dwelling will be required to be connected to the newly constructed septic system.

Regional Private Sewage System staff offer no objection to the application from a servicing perspective, provided a new sewage system permit is applied for and once approved, installed on the property and connected to the existing dwelling prior to the construction of the new dwelling.

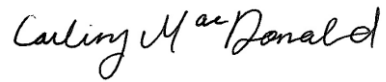
Conclusion

Regional Public Works Growth Management and Planning Division staff find the proposed development to be consistent with the Provincial Planning Statement and in conformity to Provincial and Regional policies. As such, staff offer no objection to the application, provided a new sewage system permit is applied for and once approved, installed on the property, and connected to the existing dwelling prior to the construction of the new dwelling.

Please send copies of the staff report and notice of the Committee's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca.

PLMV202401672
December 19, 2024

Kind regards,

A handwritten signature in black ink that reads "Carling MacDonald". The signature is written in a cursive, flowing style.

Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Caitlin Goodale, Private Sewage System Inspector, Niagara Region

From: Lowell Tweidt <[REDACTED]>
Sent: Tuesday, December 17, 2024 11:28 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: File # A1-2025P

Morning,

We are fine with the minor variance as per the referenced file for the property at 1335 Effingham St, Pelham.

Lowell Tweidt
[REDACTED] Effingham St
[REDACTED]

Town of Pelham Committee Report
Committee of Adjustment
Monday, January 13, 2025

Consent Application: B2-2025P & A2-2025P

Municipal Address: 342 Highway 20

Legal Description: CON 8 PT LOT 6 RP 59R1296, PART 1

Roll Number: 2732 020 013 07700

Prepared By: Andrew Edwards, Town Planner

Department: Community Planning and Development

Location of Lands and Purpose of Application:

The subject parcel, shown as Parts 1 and 4 on the attached sketch, has a frontage of 38.1m on the south side of Highway 20, lying west of Effingham Street, being Part of Lot 6, Concession 8, in the Town of Pelham.

Application is made for consent to convey 1,463.2 square metres of land (Part 4), to be merged with the abutting property to the west (Part 2 – 346 Highway 20) for the purpose of consolidating all agriculture-related commercial space (Gallagher’s Farm Market), including farm buildings, on one lot. Part 1 is to be retained and is proposed to be merged with Part 3 through consent file B3-2025P. No new construction is proposed.

This application is being considered concurrently with Consent File B3-2025P and Minor Variance Files A2-2025P and A3-2025P.

The subject properties are zoned Specialty Agricultural (SA) in accordance with Pelham Zoning By-law 4481 (2022), as amended. Application for relief is made to permit zoning deficiencies as a result of the concurrent consent application. The applicant seeks relief from the following section(s) of the Zoning By-law:

- a. **Section 5.2.2 “Minimum Lot Frontage”** – to permit a minimum lot frontage of 10.67 metres whereas the By-law requires a minimum of 180 metres; and
- b. **Section 5.2.2 “Minimum Lot Area”** – to permit a minimum lot area of 17,454.6 square metres whereas the By-law requires 16.2 hectares.

346 Highway 20 is currently being used for commercial and residential purposes, being Gallagher’s Farm Market and a single detached dwelling. The adjacent lot, 342, is

currently vacant. The proposal involves a boundary adjustment between 342 and 346 Highway 20 with the intention of containing all commercial space on one lot (two Gallagher's Farm buildings), while keeping the dwelling on a separate lot (342 Highway 20). Please refer to Figure 1 for the severance sketch submitted with the application. The red and blue illustrates the proposed lot lines following the boundary adjustment. Figure 2 illustrates the parcels as currently exist.

Figure 1. Severance Sketch

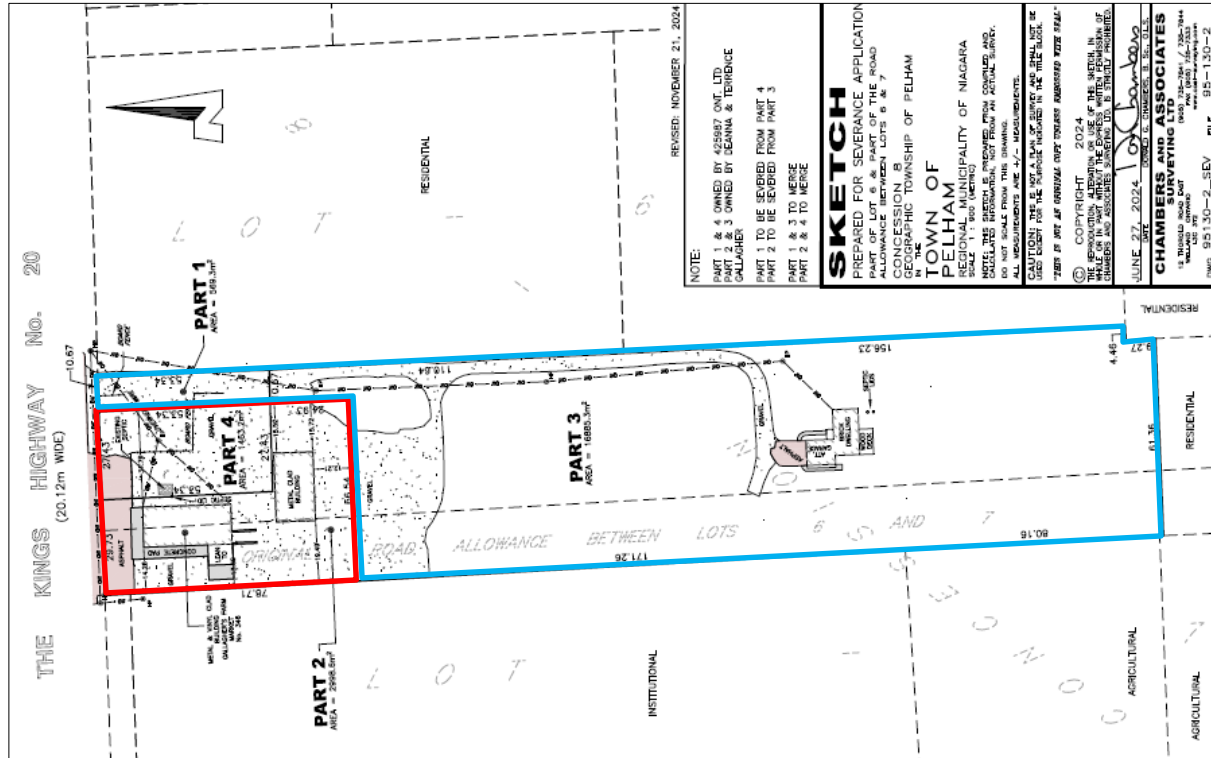


Figure 2. Aerial



Applicable Planning Policies:

Planning Act, R.S.O. 1990, c.P.13

Section 45 (1) states that the Committee of Adjustment may authorize a minor variance for provisions of the Zoning By-law, in respect of the land, as in its opinion it 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 (the “Four Tests”). A discussion of the four tests is included below.

Section 53 (1) states a landowner 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.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS), 2024 came into effect on October 20, 2024, and replaced the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

The subject lands are within the Provincial Agricultural System and are considered “Prime Agricultural Lands,” and more specifically, a specialty crop area in the Provincial Planning Statement (PPS), 2024. Permitted uses, among others, include agricultural/ agricultural related uses, limited residential development and home occupations.

Both parcels are serviced by individual on-site sewage and water services, consistent with the PPS. On-site sewage and water services will not be impacted by the proposed boundary adjustment, and each parcel will maintain sufficient lot area for replacements should they be required in the future.

Section 4.3 of the PPS states that prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term agricultural use. Section 4.3.3 introduces the policy base for lot creation and lot adjustments in prime agricultural area. Section 4.3.3.2 states that lot adjustments in prime agricultural areas may be permitted for ‘legal or technical reasons’.

The PPS defines ‘legal or technical’ reasons as:

[...] severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Staff are of the opinion the proposed boundary adjustment is for a legal or technical reason. The proposed lot adjustment is requested to separate the existing residential use from the existing commercial use on the property for estate planning purposes. The boundary adjustment will enable the commercial use to be sold separately from the existing dwelling located to the rear of the property. Further, a new lot is not being created, and the adjustment will not remove any actively farmed lands from production. No land use change is proposed through the applications. As such, staff are satisfied the proposal is made for a legal or technical reason consistent with Policy 4.3.3.2.

Policy 4.6.2 does not permit development or site alteration on lands containing archaeological resources or areas of archaeological potential unless the resources have been conserved. The lands are identified in the Town’s Heritage Master Plan as displaying a high degree of archaeological potential. No development or ground disturbance is proposed through the boundary adjustment. As such, an archaeological

assessment has not been required. The following archaeological advisory is provided for the applicant's information:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

As such, staff are of the opinion the applications for consent and minor variance are consistent with the Provincial Planning Statement.

Greenbelt Plan (2024)

The Greenbelt Plan, 2024 ("Greenbelt Plan") designates the subject lands as Protected Countryside, and more specifically within the Niagara Peninsula Tender Fruit and Grape Area.

Policy 4.6.1 (e) of the Greenbelt Plan states that lot creation is discouraged but minor lot adjustments or boundary additions may be permitted, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

The application does not create a new lot or fragment any key natural heritage features. In the opinion of staff, it is proposed for a legal or technical reason, being to separate the existing residential use from the existing commercial use on the property. Future agricultural use may also occur on the parcel containing the existing dwelling. Separating the parcels will simplify future real estate transactions involving the property, enabling the commercial or residential parcels to be sold independently. The applicant has indicated the purpose of the boundary adjustment is for estate planning purposes. Please see planning staff comments at the end of this report as well as discussion in PPS section.

Planning staff are of the opinion the requested consent and minor variance applications are consistent with the Greenbelt Plan.

Region of Niagara Official Plan (2022)

The Region of Niagara Official Plan ("NOP") provides the policy guidance for future development across the Region.

The NOP provides the policy guidance for future development across the Region. Similar to the PPS, the NOP restricts lot creation in agricultural areas, and only permits severances for agricultural lots, legal or technical reasons, minor boundary adjustments, a residence surplus to a farming operation, and infrastructure (subject to specific criteria). Regional policy defers to local municipalities to determine what is considered a "legal or technical reason" for a consent within the Prime Agricultural Area.

NOP Policy 4.1.4.3 requires that all development and uses include sustainable on-site private water supply and private sewage disposal systems. Regional staff conducted septic inspections as part of the review of the application. No defects were observed with the sewage system at the time of inspection at 346 Highway 20, however, the exact location of the sewage system is unknown. A septic design was included with the application which demonstrates the commercial parcel (346 Highway 20) can accommodate a new septic system following the boundary adjustment, if necessary. Servicing for the existing dwelling (342 Highway 20) is to remain as existing and maintains adequate lot area should a replacement system be required in the future.

Regional Public Works Growth Management and Planning Division staff offered no objection to the application, provided the Town is satisfied that the boundary adjustment qualifies for legal or technical reasons. Regional comments concluded the proposal is generally consistent with the Provincial Policy Statement and does not conflict with Provincial and Regional policies pertaining to consents in specialty crop areas.

As such, Planning staff are of the opinion the applications conform with the Niagara Region Official Plan.

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 natural heritage features.

The local Official Plan designates the subject land as 'Specialty Agricultural.' The Specialty Agricultural designation is intended to implement the Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies.

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. Access from both parcels will remain from Highway 20. No changes to accesses are proposed.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;
 - ✓ Unchanged. No new accesses are proposed.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Both the severed and retained lots will be in compliance with the zoning by-law following the granting of concurrent minor variance applications.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ A septic design was included with the application which demonstrates the commercial parcel (346 Highway 20) can accommodate a new septic system following the boundary adjustment, if necessary. Servicing for the existing dwelling is to remain as is.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ No issues have been raised. The lot areas would appear sufficient to handle drainage on site without impacting neighbouring properties.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Each land use 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 is anticipated. There are no features identified on site.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
 - ✓ No objection from Niagara Region.
- 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. Staff are of the opinion the viability of both parcels will remain unchanged through the boundary adjustment. The viability of the parcels is enhanced through separating the uses on the existing 346 Highway 20.

Section E1.5 states in making a determination of whether a variance is minor as required in Item Four, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. The applicant submitted a planning justification report with the application. Staff are satisfied the reasons detailed in the report are appropriate and agree with its conclusions. See discussion under Zoning By-law section of this report.

Town Planning staff are of the opinion the proposed consent and minor variance applications conform to the local Official Plan.

Town of Pelham Comprehensive Zoning By-law 4481 (2022)

The subject lands are zoned Specialty Agricultural (SA).

The Committee of Adjustment, in accordance with 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	Test Response and Explanation
1. Is the variance minor in nature?	<p>A2-2025P - Section 5.2.2 “Minimum Lot Frontage” A2-2025P - Section 5.2.2 “Minimum Lot Area”</p> <p>As a result of consent application B2-2025P, the subject lands will have a frontage of 10.67 metres and a lot area of 17,454.6 square metres. The frontage and lot area deficiencies are minor in nature as they do not result in adverse impacts on neighbouring properties, or the use or function of the property itself. Access to the property is maintained, and there are no significant changes to traffic, servicing capability, or compatibility with surrounding land uses. The reduced lot area and frontage do not alter the lot’s functionality, demonstrating the variances are negligible in their effect on surrounding land uses and are minor in nature.</p>

<p>2. Is the variance desirable for the development or use of the land.</p>	<p>A2-2025P - Section 5.2.2 “Minimum Lot Frontage” A2-2025P - Section 5.2.2 “Minimum Lot Area”</p> <p>Yes, the variances are desirable for the development or use of the land. The reduced lot frontage does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water service should replacements be required in the future. The variance facilitates an appropriate use of the land through the proposed boundary adjustment and is made for a legal or technical reason. The boundary adjustment will contain each use in its entirety on each respective lot, rectifying existing encroachments. The flag shaped lot (which results in a deficient frontage) provides a practical solution for separating the existing commercial and residential uses on site by containing each use on a separate parcel allowing them to be conveyed independently. The deficient frontage is limited to the driveway of the lot, with the parcel widening towards to the rear.</p>
<p>3. Does the variance maintain the general intent and purpose of the Zoning By-law.</p>	<p>A2-2025P - Section 5.2.2 “Minimum Lot Frontage”</p> <p>The intent of a minimum lot frontage is to ensure adequate access to the street, in order to maintain safety, accessibility, and functionality. A secondary intent is to ensure consistency across the streetscape. Given the lot context, the variance is not anticipated to alter the streetscape in a significant way as it will not change visually. Adequate frontage will remain for access and functionality of the site. Adverse impacts such as inadequate emergency access, or traffic issues are not anticipated as the driveway access is not changing.</p> <p>Notwithstanding the frontage deficiency, the flag-shaped design ensures adequate access to the lot through a defined driveway corridor, meeting access requirements. The configuration and size remain suitable for the site’s intended use, and the variance is not anticipated to introduce any conflicts with neighbouring properties.</p> <p>The intent of a minimum lot area in the context of a rural residential lot is to ensure there is adequate space for private septic and water service, and to ensure drainage can be managed on site. The reduced lot area does not alter the sewage and water servicing</p>

	arrangements or impact the ability to provide sustainable on-site sewage and water services. The lot remains adequate in area to handle drainage on site.
4. Does the variance maintain the general intent and purpose of the Official Plan.	<p>A2-2025P - Section 5.2.2 “Minimum Lot Frontage” A2-2025P - Section 5.2.2 “Minimum Lot Area”</p> <p>Yes, the variances maintain the general intent and purpose of the Official Plan. The intent of the Speciality Agricultural designation is to implement the Province of Ontario’s Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies. The requested variance should have no impact on the agricultural viability of the surrounding area and will not compromise the objectives of the Official Plan, with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities.</p> <p>As such, staff are of the opinion the variances maintain the general intent and purpose of the Official Plan.</p>

Agency and Public Comments:

On December 17, 2024, 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
 - No comments.
- Public Works Department
 - Given that there is no construction as this is a boundary adjustment, the Public Works Staff does not have any further comments.
- Niagara Region
 - The subject lands have frontage along Regional Road 20. This section of road has a substandard road allowance. The designated road allowance is 35.0 meters as identified in the NOP. Staff note that future applications made under the Planning Act will be subject to a 7.45 metre road widening across the frontage of the subject property in order to achieve 17.5 metres from the original centerline of this road section (to be confirmed by an Ontario Land Surveyor).

- Staff acknowledge that the proposed lot adjustment will not result in ground disturbance. As such, in lieu of an archaeological assessment, Regional staff provided an archaeological advisory for the applicant's information:
- The proposal is consistent with the Provincial Planning Statement and does not conflict with Provincial and Regional policies pertaining to lot adjustments in specialty crop areas. As such, Regional Growth Management and Planning Division staff offer no objection to the application, subject to the Committee ensuring that the proposed severed parcels (Parts 4 and 3) merge in title with the abutting lands (Parts 2 and 1, respectively), and provided the Town is satisfied that the boundary adjustment qualifies for legal or technical reasons.
- Enbridge Gas
 - Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.
- Hydro One
 - We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time.

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

Planning Staff Comments:

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning and Development Services staff on March 21, 2024, to discuss the proposal. In addition, a consent sketch, planning justification report, and septic design/letter were provided in support of the proposed application.

The Town's Official Plan typically discourages severances in the Specialty Agricultural designation, however, the lands proposed to be conveyed are not currently used for agricultural production and would not fragment any key natural heritage feature nor is a separate lot being created. Further, the commercial operation and residential use are currently located across both parcels with the existing commercial building located on 346 Highway 20 and the associated septic system and some parking / storage area located on 342 Highway 20. In addition, the existing driveway for the dwelling is located on 342 Highway 20. The proposed boundary adjustment will rectify this and ensure that should 342 Highway 20 be used for agricultural purposes in future (in addition to the existing dwelling), access can be provided by the existing driveway. Based on the analysis provided in the planning justification report provided by the applicant, staff are of the opinion the consent is for a legal or technical reason and can be supported.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposed boundary adjustment is consistent with the PPS and conforms to Provincial, Regional, and local plans. The resulting parcels will comply with applicable zoning regulations following granting of the concurrent minor variance applications, and should not negatively impact the surrounding neighbourhood with respect to traffic, privacy, and stormwater management. Further, staff are of the opinion the application is made for a legal or technical reason by ensuring that the uses will be contained on respective properties and not limiting potential future agricultural use at 346 Highway 20 containing the existing residence or impacting natural heritage features. The applicant is advised that future Planning Act applications will be subject to a 7.45 metre road widening across the frontage of the subject property.

The requested variances are minor in nature, conform to the general policies and intent of both the Official Plan and Zoning By-law and are appropriate for the development and use of the land.

Planning Staff Recommendations:

Planning staff recommend that consent file B2-2025P and Minor Variance application A2-2025P be approved subject to the following condition(s):

THAT the applicant:

Recommended Conditions for B2-2025P:

- Obtains all necessary zoning approvals (minor variance) be obtained for Parts 1, 2, 3, and 4.
- Merges Part 1 on title with Part 3.
- Merges Part 2 on title with Part 4.
- Provides 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.
- Provides the final certification fee of \$445, payable to the Treasurer, Town of Pelham, submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.
- Confirms that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.

Recommended Conditions for A2-2025P:

- That the approval of the minor variance is subject to Consent File B2-2025P obtaining final approval.

Approved and Submitted by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**B2-2025P
342 Highway 20 West**

December 23, 2024

Town staff have reviewed the following documentation for the purpose of **B2-2025P**- Minor Variance application for:

The subject parcel, shown as Parts 1 and 4 on the attached sketch, has a frontage of 38.1m on the south side of Highway 20, lying west of Effingham Street, being Part of Lot 6, Concession 8, in the Town of Pelham.

Application is made for consent to convey 1,463.2 square metres of land (Part 4), to be merged with the abutting property to the west (Part 2 – 346 Highway 20) for the purpose of consolidating all agriculture-related commercial space (Gallagher’s Farm Market), including farm buildings, on one lot. Part 1 is to be retained and is proposed to be merged with Part 3 through consent file B3- 2025P. No new construction is proposed.

This application is being considered concurrently with Consent File B3-2025P Minor Variance Files A2-2025P and A3-2025P.

Introduction:

The subject land is located on the south side of Highway 20, lying west of Effingham Street, being Part of Lot 6, Concession 8, in the Town of Pelham.

The proposal involves a boundary adjustment between 342 and 346 Highway 20 with the intention of containing all commercial space on one lot (two Gallagher's Farm buildings), while keeping the dwelling on a separate lot. **No construction is proposed.** This action is required for estate planning reasons.

The lots are currently organized with 342 being comprised of PART 1 and PART 4, while 346 is comprised of PART 2 and PART 3. The proposal will result in 342 being comprised of PART 1 and PART 3, while 346 will be comprised of PART 2 and PART 4.

Both properties have existing zoning deficiencies in lot frontage: 342 has an existing deficient lot area and 346 has additional existing deficiencies pertaining to its agricultural-related use. The proposed lot for 346 would be deficient in lot area, after adjustment.

This application is being considered concurrently with Consent File B3-2025P Minor Variance Files A2-2025P and A3-2025P.

Analysis:

Given that there is no construction as this is a boundary adjustment, the Public Works Staff does not have any further comments.

Public Works offer the following conditions:

- That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.

To: Sarah Conidi

Cc: Andrew Edwards

From: Jessica Passant, Building Intake/Zoning Technician

Date: December 27th, 2024

Subject: Building Comments on Applications to the Committee of Adjustment for
342 Highway 20 & 346 Highway 20

File Numbers: B2-2025P and B3-2025P.

Comments:

- The Building Department has no comments at this time.

Respectfully,

Jessica Passant

Public Works Growth Management & Planning Division

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

Via Email Only

January 7, 2025

File Number: PLCS202401883

Sarah Leach
Deputy Clerk/Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Leach:

Re: Regional and Provincial Comments
Application Type: Consent
Town File Number: B2-2025P, B3-2025P
Applicant: [REDACTED]
Location: 342-346 Highway 20 West, Pelham

Regional Public Works Growth Management and Planning Division staff have reviewed the consent applications relating to the lands municipally known as 342 and 346 Highway 20 West in the Town of Pelham (“subject lands”).

The applicant is proposing a consent to convey 1,463.2 m² of land (Part 4), to be merged with the abutting property to the west (Part 2) for the purpose of consolidating all agriculture-related commercial space (including farm buildings) on one lot. An additional consent is proposed to convey 16,885.3 m² of land (Part 3), to be merged with to the abutting property to the north (Part 1 – 342 Highway 20) for continued use of the single detached dwelling.

A virtual pre-consultation meeting for this application was held on March 21, 2024, with the Applicant, Town and Regional staff in attendance. Since this meeting, the *Provincial Planning Statement, 2024* (“2024 PPS”) has replaced the *Provincial Policy Statement, 2020* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*, effective as of October 20, 2024. As such, the following comments will reflect the policies of the 2024 PPS.

The following comments are provided from a Provincial and Regional perspective to assist the Committee in their review of the applications.

January 7, 2025

Provincial and Regional Policies

According to the *Provincial Planning Statement, 2024* ("PPS"), the subject lands are located within a Prime Agricultural Area, and more specifically a Specialty Crop Area. The lands are identified within a Specialty Crop Area under the *Niagara Official Plan, 2022* ("NOP"), and within the Protected Countryside and Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area under the *Greenbelt Plan, 2017* ("Greenbelt Plan").

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be managed and protected. Accordingly, the policies of the PPS, Greenbelt Plan and NOP restrict lot creation in agricultural areas, and only permit severances for agricultural lots, legal or technical reasons, minor boundary adjustments, a residence surplus to a farming operation, and infrastructure (subject to specific criteria).

Regional staff have reviewed the *Planning Justification Brief* (PJB) prepared by Land Pro Planning Solutions (dated November 25, 2024). Based on the description provided in the PJB, staff are of the understanding that the consent is being proposed as a lot adjustment for legal or technical reasons, as permitted by NOP Policy 4.1.6.1(d), in order to contain all of the agriculture-related commercial uses on one property, separate from the existing residential dwelling. Staff note that Regional policy defers to local municipalities to determine what is considered a "legal or technical reason" for a consent within prime agricultural areas.

Based on the information provided, Regional staff offer no objection to the applications, provided Town staff are satisfied that the consent qualifies for legal or technical reasons.

Archaeological Potential

The subject lands are within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Staff acknowledge that the proposed lot adjustment will not result in ground disturbance. As such, in lieu of an archaeological assessment, Regional staff provide the following archaeological advisory for the applicant's information:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in

January 7, 2025

the Niagara Region Archaeological Management Plan: Appendix C."

Regional Road

Regional Road Allowance

The subject lands have frontage along Regional Road 20. This section of road has a substandard road allowance. The designated road allowance is 35.0 meters as identified in the NOP. Staff note that future applications made under the Planning Act will be subject to a 7.45 metre road widening across the frontage of the subject property in order to achieve 17.5 metres from the original centerline of this road section (to be confirmed by an Ontario Land Surveyor).

Protection of Survey Evidence

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Private Servicing

Regional Private Sewage System staff conducted a site inspection on November 12, 2024, where the septic tank was exposed east of the building known as 346 Highway 20 West. No defects were observed with the sewage system at the time of the inspection, however, the exact location of the sewage system is unknown. Staff acknowledge that the area of the sewage system is used as outdoor storage, noting that vehicle traffic should be avoided in this area to avoid premature failure of the septic system.

A sewage system design was requested to demonstrate that the proposed new lot can service the existing commercial building in the future when the existing septic system fails. Accordingly, the applicant submitted a sewage system design showing that a replacement system can be installed on the new property to meet minimum building code requirements. Please note, if changes are proposed to the store in the future or the existing system fails, a new two compartment septic tank would be required to be installed along with a septic system meet current building code requirements.

The dwelling at the property municipally known as 342 Highway 20 West was also inspected on November 14, 2024. Staff noted that the existing sewage system is wholly contained within this parcel and the parcel contains enough usable land on the property to install a new sewage system when required in the future.

Therefore, Regional Private Sewage System staff offer no objection to the proposed consent applications based on the plan submitted.

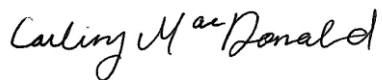
January 7, 2025

Conclusion

In conclusion, the proposal is consistent with the Provincial Planning Statement and does not conflict with Provincial and Regional policies pertaining to lot adjustments in specialty crop areas. As such, Regional Growth Management and Planning Division staff offer no objection to the application, provided the Town is satisfied that the boundary adjustment qualifies for legal or technical reasons.

Please send copies of the staff report and notice of the Committee's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca.

Kind regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Jake McGowan, Development Approvals Technician, Niagara Region
Caitlin Goodale, Private Sewage System Inspector, Niagara Region

From: [Municipal Planning](#)
To: [Jodi Legros](#); [Sarah Conidi](#)
Subject: RE: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025 re Enbridge comment to B2-2025P: 342 Highway 20 and B2-2025P: 342 Highway 20
Date: Thursday, December 19, 2024 3:08:35 PM

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner. For any encroachments, please contact ONTLands@enbridge.com.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Jodi Legros <JLegros@pelham.ca>
Sent: Tuesday, December 17, 2024 1:17 PM
To: MR18Enquiry@mpac.ca; landuseplanning@hydroone.com; Municipal Planning <MunicipalPlanning@enbridge.com>; jim.sorley@npei.ca
Subject: [External] RE: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
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Further to the Notice forwarded to you today, please note that comments are due on **January 2, 2024**.

Thanks and regards,



Jodi Legros, Dipl.M.A.

Legislative and Committee Coordinator, Clerks Department
Town of Pelham

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

T: 905-892-2607 x322

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

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From: Jodi Legros

Sent: Tuesday, December 17, 2024 1:16 PM

To: MR18Enquiry@mpac.ca; landuseplanning@hydroone.com; MunicipalPlanning@enbridge.com; jim.sorley@npei.ca

Subject: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025

Good afternoon,

Please refer to the link below for the Notice of Hearing related to each of the following Committee of Adjustment files:

[CofA B2-B3, A2-A3 - 2025P](#)

- B2-2025P: 342 Highway 20
- B3-2025P: 346 Highway 20
- A2-2025P: 342 Highway 20 – Parts 1 & 3
- A3-2025P: 346 Highway 20 – Parts 2 & 4

If you have any questions, please do not hesitate to contact Sarah Conidi, Deputy Clerk at sconidi@pelham.ca

Thank you,



Jodi Legros, Dipl.M.A.

Legislative and Committee Coordinator, Clerks Department

Town of Pelham

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

T: 905-892-2607 x322

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

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Jodi Legros

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>
Sent: Sunday, December 22, 2024 11:07 PM
To: Jodi Legros
Subject: Pelham - 342 and 346 Highway 20 - B2-2025P and B3-2025P

Hello,

We are in receipt of your Application for Consent, B2-2025P and B3-2025P dated 2024-12-17. 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' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: [Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

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

Customers Affected: >5000 501-5000 51-500 21-50 <=20 Multiple Crew Service Area

If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead,
Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

Town of Pelham Committee Report
Committee of Adjustment
Monday, January 13, 2025

Consent Application: B3-2025P & A3-2025P

Municipal Address: 346 Highway 20

Legal Description: PT LT 6 CON 8 PELHAM; PT RDAL BTN LT 6 & 7 CON 8 PELHAM AS IN RO693699; PELHAM

Roll Number: 2732 020 013 07800

Prepared By: Andrew Edwards, Town Planner

Department: Community Planning and Development

Location of Lands and Purpose of Application:

The subject parcel, shown as Parts 2 and 3 on the attached sketch, has a frontage of 29.73 metres on the south side of Highway 20, lying west of Effingham Street, being Part of Lot 6, Concession 8, in the Town of Pelham.

Application is made for consent to convey 16,885.3 square metres of land (Part 3), to be merged with to the abutting property to the north (Part 1 – 342 Highway 20) for continued use of the single detached dwelling. Part 2 is to be retained and is proposed to be merged with Part 4 through consent file B2-2025P for the purpose of consolidating all agriculture-related commercial space (Gallagher’s Farm Market), including farm buildings, on one lot. No new construction is proposed.

This application is being considered concurrently with Consent Files B2-2025P and B3-2025P, and Minor Variance File A2-2025P.

The subject properties are zoned Specialty Agricultural (SA) in accordance with Pelham Zoning By-law 4481 (2022), as amended. Application for relief is made to permit zoning deficiencies as a result of the concurrent consent application. The applicant seeks relief from the following section(s) of the Zoning By-law:

- a. **Section 3.2.1(e) “Agriculture-Related Uses – Minimum Lot Frontage”** – to permit a minimum lot frontage of 57.16 whereas the By-law requires 150 metres for an agricultural-related use;
- b. **Section 3.2.1(f) “Agriculture-Related Uses – Minimum Lot Area”** – to permit a minimum lot area of 4,461.8 square metres whereas the By-law requires a

- minimum of 1.0 hectare (10,000 square metres) for an agricultural-related use;
- c. **Section 5.2.2 “Minimum Interior Side Yard”** – to permit a minimum interior side yard setback of 15.52 metres whereas the By-law requires a minimum of 20 metres;
- d. **Section 5.2.2 “Minimum Rear Yard”** – to permit a minimum rear yard setback of 12.21 metres whereas the By-law requires a minimum of 20 metres; and,
- e. **Section 5.2.2 “Maximum Lot Coverage”** – to permit a maximum lot coverage of 14.65% whereas the By-law permits a maximum of 10%.

346 Highway 20 is currently being used for commercial and residential purposes, being Gallagher’s Farm Market and a single detached dwelling. The adjacent lot, 342, is currently vacant but contains a portion of the septic system, storage area and parking for the Gallagher’s Farm Market and the access to the residential dwelling on Part 3. The proposal involves a boundary adjustment between 342 and 346 Highway 20 with the intention of containing all commercial space on one lot (two Gallagher’s Farm buildings), while keeping the dwelling on a separate lot (342 Highway 20). Please refer to Figure 1 for the severance sketch submitted with the application. The red and blue illustrates the proposed lot lines following the boundary adjustment. Figure 2 illustrates the parcels as currently exist.

Figure 1. Severance Sketch

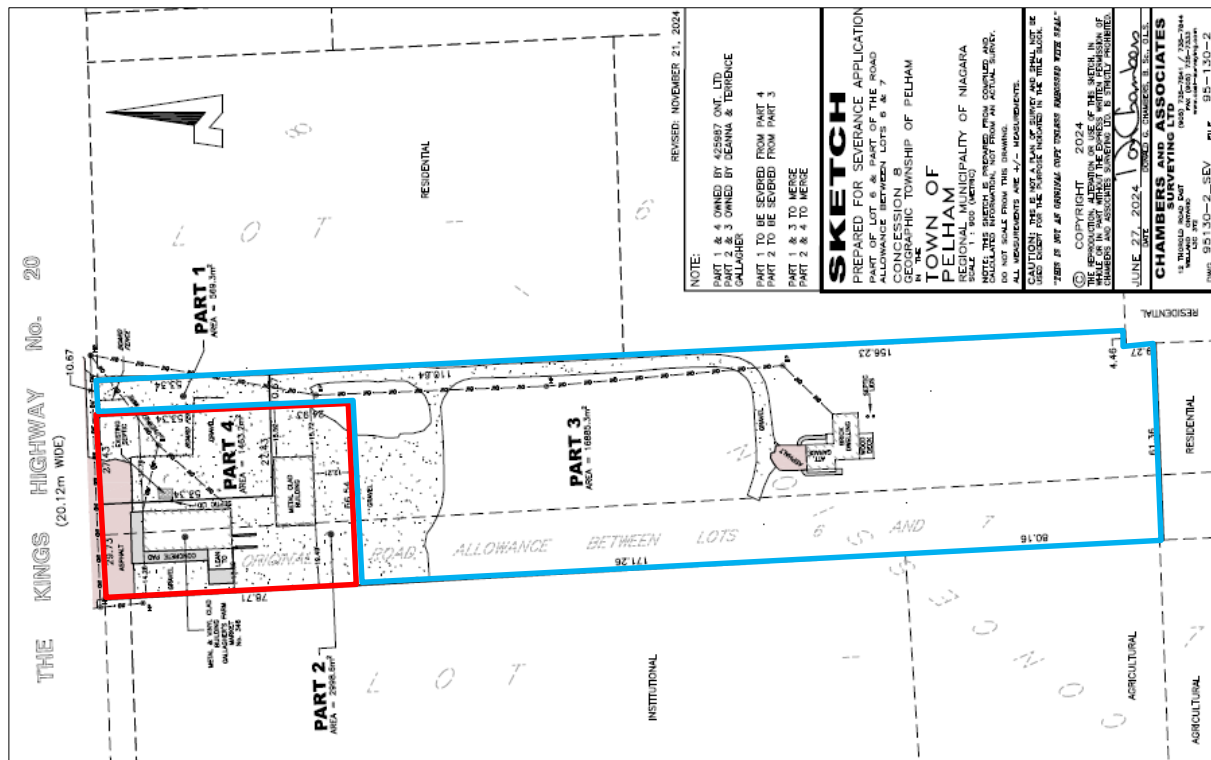


Figure 2. Aerial



Applicable Planning Policies:

Planning Act, R.S.O. 1990, c.P.13

Section 45 (1) states that the Committee of Adjustment may authorize a minor variance for provisions of the Zoning By-law, in respect of the land, as in its opinion it 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 (the “Four Tests”). A discussion of the four tests is included below.

Section 53 (1) states a landowner 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.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS), 2024 came into effect on October 20, 2024, and replaced the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

The subject lands are within the Provincial Agricultural System and are considered “Prime Agricultural Lands,” and more specifically, a specialty crop area in the Provincial Planning Statement (PPS), 2024. Permitted uses, among others, include agricultural/ agricultural related uses, limited residential development and home occupations.

Both parcels are serviced by individual on-site sewage and water services, consistent with the PPS. On-site sewage and water services will not be impacted by the proposed boundary adjustment, and each parcel will maintain sufficient lot area for replacements should they be required in the future.

Section 4.3 of the PPS states that prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term agricultural use. Section 4.3.3 introduces the policy base for lot creation and lot adjustments in prime agricultural area. Section 4.3.3.2 states that lot adjustments in prime agricultural areas may be permitted for ‘legal or technical reasons’.

The PPS defines ‘legal or technical’ reasons as:

[...] severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Staff are of the opinion the proposed boundary adjustment is for a legal or technical reason. The proposed lot adjustment is requested to separate the existing residential use from the existing commercial use on the two properties for estate planning purposes. The boundary adjustment will enable the commercial use to be sold separately from the existing dwelling located to the rear of the property. Further, a new lot is not being created, and the adjustment will not remove any actively farmed lands from production. No land use change is proposed through the applications. As such, staff are satisfied the proposal is made for a legal or technical reason consistent with Policy 4.3.3.2.

Policy 4.6.2 does not permit development or site alteration on lands containing archaeological resources or areas of archaeological potential unless the resources have been conserved. The lands are identified in the Town’s Heritage Master Plan as displaying a high degree of archaeological potential. No development or ground disturbance is proposed through the boundary adjustment. As such, an archaeological assessment has not been required. The following archaeological advisory is provided for the applicant’s information:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

As such, staff are of the opinion the applications for consent and minor variance are consistent with the Provincial Planning Statement.

Greenbelt Plan (2024)

The Greenbelt Plan, 2024 ("Greenbelt Plan") designates the subject lands as Protected Countryside, and more specifically within the Niagara Peninsula Tender Fruit and Grape Area.

Policy 4.6.1 (e) of the Greenbelt Plan states that lot creation is discouraged but minor lot adjustments or boundary additions may be permitted, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature.

The application does not create a new lot or fragment any key natural heritage features. In the opinion of staff, it is proposed for a legal or technical reason, being to separate the existing residential use from the existing commercial use on the property. Future agricultural use may also occur on the parcel containing the existing dwelling. Separating the parcels will simplify future real estate transactions involving the property, enabling the commercial or residential parcels to be sold independently. The applicant has indicated the purpose of the boundary adjustment is for estate planning purposes. Please see planning staff comments at the end of this report as well as discussion in PPS section.

Planning staff are of the opinion the requested consent and minor variance applications are consistent with the Greenbelt Plan.

Region of Niagara Official Plan (2022)

The Region of Niagara Official Plan ("NOP") provides the policy guidance for future development across the Region.

The NOP provides the policy guidance for future development across the Region. Similar to the PPS, the NOP restricts lot creation in agricultural areas, and only permits severances for agricultural lots, legal or technical reasons, minor boundary adjustments,

a residence surplus to a farming operation, and infrastructure (subject to specific criteria). Regional policy defers to local municipalities to determine what is considered a "legal or technical reason" for a consent within the Prime Agricultural Area.

NOP Policy 4.1.4.3 requires that all development and uses include sustainable on-site private water supply and private sewage disposal systems. Regional staff conducted septic inspections as part of the review of the application. No defects were observed with the sewage system at the time of inspection at 346 Highway 20, however, the exact location of the sewage system is unknown. A septic design was included with the application which demonstrates the commercial parcel (346 Highway 20) can accommodate a new septic system following the boundary adjustment, if necessary. Servicing for the existing dwelling (342 Highway 20) is to remain as existing and maintains adequate lot area should a replacement system be required in the future.

Regional Public Works Growth Management and Planning Division staff offered no objection to the application, provided the Town is satisfied that the boundary adjustment qualifies for legal or technical reasons. Regional comments concluded the proposal is generally consistent with the Provincial Policy Statement and does not conflict with Provincial and Regional policies pertaining to consents in specialty crop areas.

As such, Planning staff are of the opinion the applications conform with the Niagara Region Official Plan.

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 natural heritage features.

The local Official Plan designates the subject land as 'Specialty Agricultural.' The Specialty Agricultural designation is intended to implement the Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies.

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. Access from both parcels will remain from Highway 20. No changes to accesses are proposed.
- b) Will not cause a traffic hazard as a result of its location on a curve or a hill;

- ✓ Unchanged. No new accesses are proposed.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Both the severed and retained lots will be in compliance with the zoning by-law following the granting of concurrent minor variance applications.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ A septic design was included with the application which demonstrates the commercial parcel (346 Highway 20) can accommodate a new septic system following the boundary adjustment, if necessary. Servicing for the existing dwelling is to remain as is.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ No issues have been raised. The lot areas would appear sufficient to handle drainage on site without impacting neighbouring properties.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Each land use 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 is anticipated. There are no features identified on site.
- h) Conforms with Regional lot creation policy as articulated in the Regional Policy Plan; and,
 - ✓ No objection from Niagara Region.
- 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. Staff are of the opinion the viability of both parcels will remain unchanged through the boundary adjustment. The viability of the parcels is enhanced through separating the uses on the existing 346 Highway 20.

Section E1.5 states in making a determination of whether a variance is minor as required in Item Four, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. The applicant submitted a planning justification report with the application.

Staff are satisfied the reasons detailed in the report are appropriate and agree with its conclusions. See discussion under Zoning By-law section of this report.

Town Planning staff are of the opinion the proposed consent and minor variance applications conform to the local Official Plan.

Town of Pelham Comprehensive Zoning By-law 4481 (2022)

The subject lands are zoned Specialty Agricultural (SA).

The Committee of Adjustment, in accordance with 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	Test Response and Explanation
<p>1. Is the variance minor in nature?</p>	<p>Section 3.2.1(e) “Agriculture-Related Uses – Minimum Lot Frontage” Section 3.2.1(f) “Agriculture-Related Uses – Minimum Lot Area”</p> <p>As a result of consent application B3-2025P, the subject lands will have a frontage of 57.16 metres and a lot area of 4,461.8 square metres. The frontage and lot area deficiencies are minor in nature as they do not result in adverse impacts on neighbouring properties, or the use or function of the property itself. Access to the property is maintained, and there are no significant changes to traffic, servicing capability, or compatibility with surrounding land uses. The reduced lot area and frontage do not alter the lot’s functionality, demonstrating the variances are negligible in their effect on surrounding land uses and are minor in nature.</p> <hr/> <p>Section 5.2.2 “Minimum Interior Side Yard” Section 5.2.2 “Minimum Rear Yard”</p> <p>Yes, the variance is minor in nature. The location of the metal structure (metal-clad building to rear of Part 2) requiring relief for the interior and sideyard is existing. The variances are required due to the location of the proposed rear and interior lot lines. The variance is appropriate given the orientation of the site and is not anticipated to impact the streetscape, or neighbouring properties, in a significant way. The reduced setbacks do not interfere with the function of the site or adjacent lands and are unlikely to result in any substantial negative impacts. As such, staff are of the opinion the variance is minor in nature.</p>

	<p>Section 5.2.2 “Maximum Lot Coverage”</p> <p>Yes, the variance is minor in nature. The ~5% increase in lot coverage is minor as it does not result in significant impacts on drainage, landscaping, or adjacent properties. The remaining permeable surface is sufficient to accommodate stormwater management and lot area remains adequate to ensure area for replacement septic system should one be required in the future. Additionally, the increase does not alter the streetscape or cause visual overdevelopment of the lot as the conditions are existing. As such, staff are of the opinion the variance is minor.</p>
<p>2. Is the variance desirable for the development or use of the land.</p>	<p>Section 3.2.1(e) “Agriculture-Related Uses – Minimum Lot Frontage” Section 3.2.1(f) “Agriculture-Related Uses – Minimum Lot Area”</p> <p>Yes, the variances are desirable for the development or use of the land. The reduced lot frontage does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water service should replacements be required in the future. The variance facilitates an appropriate use of the land through the proposed boundary adjustment and is made for a legal or technical reason. The boundary adjustment will contain each use in its entirety on each respective lot, rectifying existing encroachments. The boundary adjustment provides a practical solution for separating the existing commercial and residential uses on site by containing each use on a separate parcels allowing them to be conveyed independently and rectifying previous encroachments.</p> <p>Section 5.2.2 “Minimum Interior Side Yard” Section 5.2.2 “Minimum Rear Yard”</p> <p>Yes, the variances are desirable for the development or use of the land. The relief is desirable as it facilitates the boundary adjustment without necessitating the removal or relocation of the existing metal-clad building or location of the existing driveway on Part 1. The variances preserve the functionality of the building while facilitating the reconfigured lot layout given the location of the existing driveway on Part 1. The proposal represents appropriate land use while maintaining access and separation for neighbouring properties. The streetscape will remain unchanged. In the opinion of staff, the variance is desirable for the development or use of the land.</p>

	<p>Section 5.2.2 “Maximum Lot Coverage”</p> <p>Yes, the variance is desirable for the development or use of the land. The increase in lot coverage is desirable as it allows for the retention and continued use of the business and structures as they currently exist, which maintains to the functionality of the site. The increased coverage facilitates an efficient use of the site, and in the opinion of staff is not an overdevelopment of the site. The character of the site and functionality of the site are maintained. In the opinion of staff, the variance is desirable for the development or use of the land.</p>
<p>3. Does the variance maintain the general intent and purpose of the Zoning By-law.</p>	<p>Section 3.2.1(e) “Agriculture-Related Uses – Minimum Lot Frontage”</p> <p>Section 3.2.1(f) “Agriculture-Related Uses – Minimum Lot Area”</p> <p>The intent of a minimum lot frontage is to ensure adequate access to the street, in order to maintain safety, accessibility, and functionality. A secondary intent is to ensure consistency across the streetscape. Given the lot context, the variance is not anticipated to alter the streetscape in a significant way as it will not change visually. Adequate frontage will remain for access and functionality of the site. Adverse impacts such as inadequate emergency access, or traffic issues are not anticipated as the driveway access is not changing.</p> <p>The configuration and size remain suitable for the site’s intended use, and the variance is not anticipated to introduce any conflicts with neighbouring properties. Functionally, the site will not change.</p> <p>The intent of a minimum lot area is to ensure there is adequate space for private septic and water service, and to ensure drainage can be managed on site. The reduced lot area does not alter the sewage and water servicing arrangements or impact the ability to provide sustainable on-site sewage and water services. The lot remains adequate in area to handle drainage on site.</p>

	<p>Section 5.2.2 “Minimum Interior Side Yard” Section 5.2.2 “Minimum Rear Yard”</p> <p>Yes, the variances maintain the general intent and purpose of the Zoning By-law.</p> <p>It is the intent of the minimum interior side yard and rear yard provisions to maintain adequate separation between buildings and lot lines to ensure safety, access, and compatibility between uses. Notwithstanding the metal clad building’s proximity to the new lot lines is reduced, sufficient clearance remains for access, maintenance of the building, and drainage. The relief sought maintains the intent of the by-law by ensuring that the building’s use and function remain unaffected, and no negative impacts arise from the reduced setback in terms of drainage, access, and buffer to neighbouring uses.</p> <hr/> <p>Section 5.2.2 “Maximum Lot Coverage”</p> <p>Yes, the variance maintains the general intent and purpose of the Zoning By-law. Maximum lot coverage is intended to control building mass, manage stormwater runoff, and ensure adequate open space for servicing, access, and to preserve the character of the agricultural area. While the lot area is increasing, the remaining open space of the site ensures compliance with the intent of the by-law. Sufficient area remains for natural infiltration and drainage. In the opinion of staff, the variance aligns with the intent of the by-law to support the functional use of the site while avoiding the overdevelopment of the site.</p>
<p>4. Does the variance maintain the general intent and purpose of the Official Plan.</p>	<p>All Variances</p> <p>Yes, the variances maintain the general intent and purpose of the Official Plan. The intent of the Speciality Agricultural designation is to implement the Province of Ontario’s Greenbelt Plan and recognize the importance of specialty croplands in the Provincial and Regional economies. The requested variance should have no impact on the agricultural viability of the surrounding area and will not compromise the objectives of the Official Plan, with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities.</p> <p>As such, staff are of the opinion the variances maintain the general intent and purpose of the Official Plan.</p>

Agency and Public Comments:

On December 17, 2024, 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
 - No comments.
- Public Works Department
 - Given that there is no construction as this is a boundary adjustment, the Public Works Staff does not have any further comments.
- Niagara Region
 - The subject lands have frontage along Regional Road 20. This section of road has a substandard road allowance. The designated road allowance is 35.0 meters as identified in the NOP. Staff note that future applications made under the Planning Act will be subject to a 7.45 metre road widening across the frontage of the subject property in order to achieve 17.5 metres from the original centerline of this road section (to be confirmed by an Ontario Land Surveyor).
 - Staff acknowledge that the proposed lot adjustment will not result in ground disturbance. As such, in lieu of an archaeological assessment, Regional staff provided an archaeological advisory for the applicant's information:
 - The proposal is consistent with the Provincial Planning Statement and does not conflict with Provincial and Regional policies pertaining to lot adjustments in specialty crop areas. As such, Regional Growth Management and Planning Division staff offer no objection to the application, subject to the Committee ensuring that the proposed severed parcels (Parts 4 and 3) merge in title with the abutting lands (Parts 2 and 1, respectively, and provided the Town is satisfied that the boundary adjustment qualifies for legal or technical reasons.
- Enbridge Gas
 - Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.
- Hydro One
 - We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time.

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

Planning Staff Comments:

A pre-consultation meeting was held with the applicant of the property and staff from the Town and Niagara Region Planning and Development Services staff on March 21, 2024, to discuss the proposal. In addition, a consent sketch, planning justification report, and septic design/letter were provided in support of the proposed application.

The Town's Official Plan typically discourages severances in the Specialty Agricultural designation, however, the lands proposed to be conveyed are not currently used for agricultural production and would not fragment any key natural heritage feature. Further, the commercial operation and residential use are currently located across both parcels with the existing commercial building located on 346 Highway 20 and the associated septic system and some parking / storage area located on 342 Highway 20. In addition, the existing driveway for the dwelling is located on 342 Highway 20. The proposed boundary adjustment will rectify this and ensure that should 342 Highway 20 be used for agricultural purposes in future (in addition to the existing dwelling), access can be provided by the existing driveway. Based on the analysis provided in the planning justification report provided by the applicant, staff are of the opinion the consent is for a legal or technician reason and can be supported.

Based on the analysis in the sections above, Planning staff is of the opinion that the proposed boundary adjustment is consistent with the PPS and conforms to Provincial, Regional, and local plans. The resulting parcels will comply with applicable zoning regulations following granting of the concurrent minor variance applications, and should not negatively impact the surrounding neighbourhood with respect to traffic, privacy, and stormwater management. Further, staff are of the opinion the application is made for a legal or technical reason. The applicant is advised that future Planning Act applications will be subject to a 7.45 metre road widening across the frontage of the subject property.

The requested variances are minor in nature, conform to the general policies and intent of both the Official Plan and Zoning By-law and are appropriate for the development and use of the land.

Planning Staff Recommendations:

Planning staff recommend that consent file B3-2025P and Minor Variance application A3-2025P be approved subject to the following condition(s):

THAT the applicant:

Conditions for B3-2025P:

- Obtain all necessary zoning approvals (minor variance) for Parts 1, 2, 3, and 4.
- Merges Part 2 on title with Part 4.

- Merges Part 1 on title with Part 3.
- Provides 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.
- Provides the final certification fee of \$445, payable to the Treasurer, Town of Pelham, submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.
- Confirms that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.

Conditions for A3-2025P:

Approval of the minor variance is subject to Consent File B3-2025P obtaining final approval.

Approved and Submitted by:

Shannon Larocque, MCIP, RPP
Manager of Planning

**Engineering Department
Committee of Adjustment Report**

For

**B3-2025P
346 Highway 20 West**

December 23, 2024

Town staff have reviewed the following documentation for the purpose of **B2-2025P**- Minor Variance application for:

The subject parcel, shown as Parts 1 and 4 on the attached sketch, has a frontage of 38.1m on the south side of Highway 20, lying west of Effingham Street, being Part of Lot 6, Concession 8, in the Town of Pelham.

Application is made for consent to convey 1,463.2 square metres of land (Part 4), to be merged with the abutting property to the west (Part 2 – 346 Highway 20) for the purpose of consolidating all agriculture-related commercial space (Gallagher’s Farm Market), including farm buildings, on one lot. Part 1 is to be retained and is proposed to be merged with Part 3 through consent file B3- 2025P. No new construction is proposed.

This application is being considered concurrently with Consent File B2-2025P Minor Variance Files A2-2025P and A3-2025P.

Introduction:

The subject land is located on the south side of Highway 20, lying west of Effingham Street, being Part of Lot 6, Concession 8, in the Town of Pelham.

The proposal involves a boundary adjustment between 342 and 346 Highway 20 with the intention of containing all commercial space on one lot (two Gallagher's Farm buildings), while keeping the dwelling on a separate lot. **No construction is proposed.** This action is required for estate planning reasons.

The lots are currently organized with 342 being comprised of PART 1 and PART 4, while 346 is comprised of PART 2 and PART 3. The proposal will result in 342 being comprised of PART 1 and PART 3, while 346 will be comprised of PART 2 and PART 4.

Both properties have existing zoning deficiencies in lot frontage: 342 has an existing deficient lot area and 346 has additional existing deficiencies pertaining to its agricultural-related use. The proposed lot for 346 would be deficient in lot area, after adjustment.

This application is being considered concurrently with Consent File B2-2025P Minor Variance Files A2-2025P and A3-2025P.

Analysis:

Given that there is no construction as this is a boundary adjustment, the Public Works Staff does not have any further comments.

Public Works offer the following conditions:

- That the applicant confirm that no existing utilities currently cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.

To: Sarah Conidi

Cc: Andrew Edwards

From: Jessica Passant, Building Intake/Zoning Technician

Date: December 27th, 2024

Subject: Building Comments on Applications to the Committee of Adjustment for
342 Highway 20 & 346 Highway 20

File Numbers: B2-2025P and B3-2025P.

Comments:

- The Building Department has no comments at this time.

Respectfully,

Jessica Passant

Public Works Growth Management & Planning Division

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

Via Email Only

January 7, 2025

File Number: PLCS202401883

Sarah Leach
Deputy Clerk/Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Leach:

Re: Regional and Provincial Comments
Application Type: Consent
Town File Number: B2-2025P, B3-2025P
Applicant: [REDACTED]
Location: 342-346 Highway 20 West, Pelham

Regional Public Works Growth Management and Planning Division staff have reviewed the consent applications relating to the lands municipally known as 342 and 346 Highway 20 West in the Town of Pelham (“subject lands”).

The applicant is proposing a consent to convey 1,463.2 m² of land (Part 4), to be merged with the abutting property to the west (Part 2) for the purpose of consolidating all agriculture-related commercial space (including farm buildings) on one lot. An additional consent is proposed to convey 16,885.3 m² of land (Part 3), to be merged with to the abutting property to the north (Part 1 – 342 Highway 20) for continued use of the single detached dwelling.

A virtual pre-consultation meeting for this application was held on March 21, 2024, with the Applicant, Town and Regional staff in attendance. Since this meeting, the *Provincial Planning Statement, 2024* (“2024 PPS”) has replaced the *Provincial Policy Statement, 2020* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*, effective as of October 20, 2024. As such, the following comments will reflect the policies of the 2024 PPS.

The following comments are provided from a Provincial and Regional perspective to assist the Committee in their review of the applications.

January 7, 2025

Provincial and Regional Policies

According to the *Provincial Planning Statement, 2024* ("PPS"), the subject lands are located within a Prime Agricultural Area, and more specifically a Specialty Crop Area. The lands are identified within a Specialty Crop Area under the *Niagara Official Plan, 2022* ("NOP"), and within the Protected Countryside and Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area under the *Greenbelt Plan, 2017* ("Greenbelt Plan").

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be managed and protected. Accordingly, the policies of the PPS, Greenbelt Plan and NOP restrict lot creation in agricultural areas, and only permit severances for agricultural lots, legal or technical reasons, minor boundary adjustments, a residence surplus to a farming operation, and infrastructure (subject to specific criteria).

Regional staff have reviewed the *Planning Justification Brief* (PJB) prepared by Land Pro Planning Solutions (dated November 25, 2024). Based on the description provided in the PJB, staff are of the understanding that the consent is being proposed as a lot adjustment for legal or technical reasons, as permitted by NOP Policy 4.1.6.1(d), in order to contain all of the agriculture-related commercial uses on one property, separate from the existing residential dwelling. Staff note that Regional policy defers to local municipalities to determine what is considered a "legal or technical reason" for a consent within prime agricultural areas.

Based on the information provided, Regional staff offer no objection to the applications, provided Town staff are satisfied that the consent qualifies for legal or technical reasons.

Archaeological Potential

The subject lands are within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Staff acknowledge that the proposed lot adjustment will not result in ground disturbance. As such, in lieu of an archaeological assessment, Regional staff provide the following archaeological advisory for the applicant's information:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in

the Niagara Region Archaeological Management Plan: Appendix C."

Regional Road

Regional Road Allowance

The subject lands have frontage along Regional Road 20. This section of road has a substandard road allowance. The designated road allowance is 35.0 meters as identified in the NOP. Staff note that future applications made under the Planning Act will be subject to a 7.45 metre road widening across the frontage of the subject property in order to achieve 17.5 metres from the original centerline of this road section (to be confirmed by an Ontario Land Surveyor).

Protection of Survey Evidence

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Private Servicing

Regional Private Sewage System staff conducted a site inspection on November 12, 2024, where the septic tank was exposed east of the building known as 346 Highway 20 West. No defects were observed with the sewage system at the time of the inspection, however, the exact location of the sewage system is unknown. Staff acknowledge that the area of the sewage system is used as outdoor storage, noting that vehicle traffic should be avoided in this area to avoid premature failure of the septic system.

A sewage system design was requested to demonstrate that the proposed new lot can service the existing commercial building in the future when the existing septic system fails. Accordingly, the applicant submitted a sewage system design showing that a replacement system can be installed on the new property to meet minimum building code requirements. Please note, if changes are proposed to the store in the future or the existing system fails, a new two compartment septic tank would be required to be installed along with a septic system meet current building code requirements.

The dwelling at the property municipally known as 342 Highway 20 West was also inspected on November 14, 2024. Staff noted that the existing sewage system is wholly contained within this parcel and the parcel contains enough usable land on the property to install a new sewage system when required in the future.

Therefore, Regional Private Sewage System staff offer no objection to the proposed consent applications based on the plan submitted.

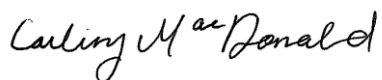
January 7, 2025

Conclusion

In conclusion, the proposal is consistent with the Provincial Planning Statement and does not conflict with Provincial and Regional policies pertaining to lot adjustments in specialty crop areas. As such, Regional Growth Management and Planning Division staff offer no objection to the application, provided the Town is satisfied that the boundary adjustment qualifies for legal or technical reasons.

Please send copies of the staff report and notice of the Committee's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca.

Kind regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Jake McGowan, Development Approvals Technician, Niagara Region
Caitlin Goodale, Private Sewage System Inspector, Niagara Region

From: [Municipal Planning](#)
To: [Jodi Legros](#); [Sarah Conidi](#)
Subject: RE: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025 re Enbridge comment to B2-2025P: 342 Highway 20 and B2-2025P: 342 Highway 20
Date: Thursday, December 19, 2024 3:08:35 PM

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

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Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Jodi Legros <JLegros@pelham.ca>
Sent: Tuesday, December 17, 2024 1:17 PM
To: MR18Enquiry@mpac.ca; landuseplanning@hydroone.com; Municipal Planning <MunicipalPlanning@enbridge.com>; jim.sorley@npei.ca
Subject: [External] RE: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025

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Further to the Notice forwarded to you today, please note that comments are due on **January 2, 2024**.

Thanks and regards,



Jodi Legros, Dipl.M.A.

Legislative and Committee Coordinator, Clerks Department
Town of Pelham

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

T: 905-892-2607 x322

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

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From: Jodi Legros

Sent: Tuesday, December 17, 2024 1:16 PM

To: MR18Enquiry@mpac.ca; landuseplanning@hydroone.com; MunicipalPlanning@enbridge.com; jim.sorley@npei.ca

Subject: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025

Good afternoon,

Please refer to the link below for the Notice of Hearing related to each of the following Committee of Adjustment files:

[CofA B2-B3, A2-A3 - 2025P](#)

- B2-2025P: 342 Highway 20
- B3-2025P: 346 Highway 20
- A2-2025P: 342 Highway 20 – Parts 1 & 3
- A3-2025P: 346 Highway 20 – Parts 2 & 4

If you have any questions, please do not hesitate to contact Sarah Conidi, Deputy Clerk at sconidi@pelham.ca

Thank you,



Jodi Legros, Dipl.M.A.

Legislative and Committee Coordinator, Clerks Department

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Jodi Legros

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>
Sent: Sunday, December 22, 2024 11:07 PM
To: Jodi Legros
Subject: Pelham - 342 and 346 Highway 20 - B2-2025P and B3-2025P

Hello,

We are in receipt of your Application for Consent, B2-2025P and B3-2025P dated 2024-12-17. 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' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: [Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

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

Customers Affected: >5000 501-5000 51-500 21-50 <=20 Multiple Crew Service Area

If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead,
Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

**Engineering Department
Committee of Adjustment Report**

For

**A2-2025P
342 Highway 20 West**

December 23, 2024

Town staff have reviewed the following documentation for the purpose of **A2-2025P**- Minor Variance application for:

The subject land is zoned Specialty Agricultural (SA) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made to rectify zoning deficiencies as a result of consent applications B2-2025P and B3-2025P. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 5.2.2 “Minimum Lot Frontage” – to permit a minimum lot frontage of 10.67 metres whereas the By-law requires a minimum of 180 metres; and

Section 5.2.2 “Minimum Lot Area” – to permit a minimum lot area of 17,454.6 square metres whereasthe By-law requires 16.2 hectares.

This application is being considered concurrently with Consent Files B2-2025P and B3-2025P, and Minor Variance File A3-2025P.

Introduction:

The subject land is located on the south side of Highway 20, lying west of Effingham Street, being Part of Lot 6, Concession 8, in the Town of Pelham.

The proposal involves a boundary adjustment between 342 and 346 Highway 20 with the intention of containing all commercial space on one lot (two Gallagher's Farm buildings), while keeping the dwelling on a separate lot. **No construction is proposed.** This action is required for estate planning reasons.

The lots are currently organized with 342 being comprised of PART 1 and PART 4, while 346 is comprised of PART 2 and PART 3. The proposal will result in 342 being comprised of PART 1 and PART 3, while 346 will be comprised of PART 2 and PART 4.

Both properties have existing zoning deficiencies in lot frontage: 342 has an existing deficient lot area and 346 has additional existing deficiencies pertaining to its agricultural-related use. The proposed lot for 346 would be deficient in lot area, after adjustment.

This application is being considered concurrently with Consent Files B2-2025P and B3-2025P, and Minor Variance File A3-2025P.

Analysis:

Given that there is no construction as this is a boundary adjustment, the Public Works Staff does not have any further comments.

Public Works offer the following comments:

No comments

To: Sarah Conidi

Cc: Andrew Edwards

From: Jessica Passant, Building Intake/Zoning Technician

Date: December 27th, 2024

Subject: Building Comments on Applications to the Committee of Adjustment for
342 Highway 20 & 346 Highway 20

File Numbers: A2-2025P and A3-2025P.

Comments:

- The Building Department has no comments at this time.

Respectfully,

Jessica Passant

From: [Municipal Planning](#)
To: [Jodi Legros](#); [Sarah Conidi](#)
Subject: RE: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025 re Enbridge comment to B2-2025P: 342 Highway 20 and B2-2025P: 342 Highway 20
Date: Thursday, December 19, 2024 3:08:35 PM

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner. For any encroachments, please contact ONTLands@enbridge.com.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

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TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
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From: Jodi Legros <JLegros@pelham.ca>
Sent: Tuesday, December 17, 2024 1:17 PM
To: MR18Enquiry@mpac.ca; landuseplanning@hydroone.com; Municipal Planning <MunicipalPlanning@enbridge.com>; jim.sorley@npei.ca
Subject: [External] RE: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025

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Thanks and regards,



Jodi Legros, Dipl.M.A.

Legislative and Committee Coordinator, Clerks Department
Town of Pelham

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Please refer to the link below for the Notice of Hearing related to each of the following Committee of Adjustment files:

[CofA B2-B3, A2-A3 - 2025P](#)

- B2-2025P: 342 Highway 20
- B3-2025P: 346 Highway 20
- A2-2025P: 342 Highway 20 – Parts 1 & 3
- A3-2025P: 346 Highway 20 – Parts 2 & 4

If you have any questions, please do not hesitate to contact Sarah Conidi, Deputy Clerk at sconidi@pelham.ca

Thank you,



Jodi Legros, Dipl.M.A.

Legislative and Committee Coordinator, Clerks Department

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**Engineering Department
Committee of Adjustment Report**

For

**A3-2025P
346 Highway 20 West**

December 23, 2024

Town staff have reviewed the following documentation for the purpose of **A3-2025P**- Minor Variance application for:

The subject land is zoned Specialty Agricultural (SA) in accordance with Pelham Zoning By-law 4481(2022), as amended. Application for relief is made to rectify zoning deficiencies as a result of consent applications B2-2025P and B3-2025P. The applicant seeks relief from the following sections of the Zoning By-law:

Section 3.2.1(e) "Agriculture-Related Uses – Minimum Lot Frontage" – to permit a minimum lot frontage of 57.16 whereas the By-law requires 150 metres for an agricultural-related use; and

Section 3.2.1(f) "Agriculture-Related Uses – Minimum Lot Area" – to permit a minimum lot area of 4,461.8 square metres whereas the By-law requires a minimum of 1.0 hectare (10,000 square metres) for an agricultural-related use.

Section 5.2.2 "Minimum Interior Side Yard" – to permit a minimum interior side yard setback of 15.52 metres whereas the By-law requires a minimum of 20 metres.

Section 5.2.2 "Minimum Rear Yard" – to permit a minimum rear yard setback of 12.21 metres whereas the By-law requires a minimum of 20 metres.

Section 5.2.2 "Maximum Lot Coverage" – to permit a maximum lot coverage of 14.65% whereas the By-law permits a maximum of 10%.

This application is being considered concurrently with Consent Files B2-2025P and B3-2025P, and Minor Variance File A2-2025P.

Introduction:

The subject land is located on the south side of Highway 20, lying west of Effingham Street, being Part of Lot 6, Concession 8, in the Town of Pelham.

The proposal involves a boundary adjustment between 342 and 346 Highway 20 with the intention of containing all commercial space on one lot (two Gallagher's Farm buildings), while keeping the dwelling on a separate lot. **No construction is proposed.** This action is required for estate planning reasons.

The lots are currently organized with 342 being comprised of PART 1 and PART 4, while 346 is comprised of PART 2 and PART 3. The proposal will result in 342 being comprised of PART 1 and PART 3, while 346 will be comprised of PART 2 and PART 4.

Both properties have existing zoning deficiencies in lot frontage: 342 has an existing deficient lot area and 346 has additional existing deficiencies pertaining to its agricultural-related use. The proposed lot for 346 would be deficient in lot area, after adjustment.

This application is being considered concurrently with Consent Files B2-2025P and B3-2025P, and Minor Variance File A2-2025P.

Analysis:

Given that there is no construction as this is a boundary adjustment, the Public Works Staff does not have any further comments.

Public Works offer the following comments:

No comments

To: Sarah Conidi

Cc: Andrew Edwards

From: Jessica Passant, Building Intake/Zoning Technician

Date: December 27th, 2024

Subject: Building Comments on Applications to the Committee of Adjustment for
342 Highway 20 & 346 Highway 20

File Numbers: A2-2025P and A3-2025P.

Comments:

- The Building Department has no comments at this time.

Respectfully,

Jessica Passant

From: [Municipal Planning](#)
To: [Jodi Legros](#); [Sarah Conidi](#)
Subject: RE: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025 re Enbridge comment to B2-2025P: 342 Highway 20 and B2-2025P: 342 Highway 20
Date: Thursday, December 19, 2024 3:08:35 PM

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Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

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500 Consumers Rd, North York, ON M2J1P8
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Sent: Tuesday, December 17, 2024 1:17 PM
To: MR18Enquiry@mpac.ca; landuseplanning@hydroone.com; Municipal Planning <MunicipalPlanning@enbridge.com>; jim.sorley@npei.ca
Subject: [External] RE: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025

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Legislative and Committee Coordinator, Clerks Department
Town of Pelham

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Subject: Committee of Adjustment Notice of Hearing B2 & B3-2025P and A2 & A3-2025P: January 13, 2025

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- B2-2025P: 342 Highway 20
- B3-2025P: 346 Highway 20
- A2-2025P: 342 Highway 20 – Parts 1 & 3
- A3-2025P: 346 Highway 20 – Parts 2 & 4

If you have any questions, please do not hesitate to contact Sarah Conidi, Deputy Clerk at sconidi@pelham.ca

Thank you,



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Legislative and Committee Coordinator, Clerks Department

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Meeting #: 12-2024
Date: Monday, December 2, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Brenda Stan
Colin McCann
Isaiah Banach

Members Absent John Cappa
Sue Sarko

Staff Present Jodi Legros
Andrew Edwards
Gim Ledesma
Sarah Conidi
Sarah Leach

1. Attendance

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

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

Noting that a quorum was present, Chair Banach 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. Land Recognition Statement

Jodi Legros, Assistant Secretary-Treasurer, recited the land recognition statement.

4. Approval of Agenda

Moved By Brenda Stan

Seconded By Colin McCann

THAT the agenda for the December 2, 2024 Committee of Adjustment meeting be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interest and General Nature Thereof

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

6. Requests for Withdrawal or Adjournment

Jodi Legros, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Applications for Minor Variance

7.1 A38-2024P - 2828 Beamer Street

Purpose of the Application

Application for relief is made to facilitate the conversion of a portion of the existing single detached dwelling to a small-scale agricultural related retail space. The applicant seeks relief from the following section(s) of the Zoning By-law:

Section 3.2.1(a) “Agriculture-Related Uses” – to permit an agricultural related use within the primary dwelling and not in conjunction with an operation farm, whereas the By-law requires the use be conducted entirely within a detached accessory building in conjunction with an operational farm; and

Section 3.2.1(c) “Agriculture-Related Uses” – to permit a maximum floor area of 38 m² (or 16.67%) for ancillary retail/commercial sales and service activities whereas the By-law permits ancillary retail/commercial sales and service activities be limited to the lesser of 50m² or a maximum of 10% of the gross floor area of the building; and

Section 3.2.1(f) “Agriculture-Related Uses” – to permit an Agriculture-Related Use on a property with a minimum lot frontage of 102m whereas the By-law requires a minimum lot frontage of 150m.

Representation

The agents, Dorothy Yeung and Terrance Glover were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region

Applicant Comments

The agent, Dorothy Yeung, shared a presentation.

Public Comments

None

J. Legros, Assistant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:21 pm and confirmed no e-mails have been received concerning the subject application. J. Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Brenda Stan

Seconded By Colin McCann

THAT the public portion of the meeting be closed.

Carried

Member Comments

None

Moved By Brenda Stan

Seconded By Colin McCann

Application for relief of Section 3.2.1(a) “Agriculture-Related Uses” – to permit an agricultural related use within the primary dwelling and not in conjunction with an operation farm, whereas the By-law requires the use be conducted entirely within a detached accessory building in conjunction with an operational farm, is hereby: GRANTED.

The above decision is based on the following reasons:

1. **The variance is minor in nature as the scale and use of the agricultural related use is appropriate for the site and remains secondary to the primary rural residential use of the property, both visually and functionally.**
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 the retail operation will support agriculture by selling local agricultural products.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
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.**

Application for relief of Section 3.2.1(c) “Agriculture-Related Uses” – to permit a maximum floor area of 38m² (or 16.67%) for ancillary retail/commercial sales and service activities whereas the By-law permits ancillary retail/commercial sales and service activities be limited to the lesser of 50m² or a maximum of 10% of the gross floor area of the building, is hereby: GRANTED.

The above decision is based on the following reasons:

1. **The variance is minor in nature as the scale and use of the agricultural related use is appropriate for the site and will make use of a portion of the existing dwelling without the need for the construction of new purpose-built retail space.**
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 use of a portion of an existing structure and will contribute to the larger goal of supporting agricultural uses.**

5. This application is granted without prejudice to any other application in the Town of Pelham.
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.

Application for relief of Section 3.2.1(f) “Agriculture-Related Uses” – to permit an Agriculture-Related Use on a property with a minimum lot frontage of 102m whereas the By-law requires a minimum lot frontage of 150m, is hereby: GRANTED

The above decision is based on the following reasons:

1. The variance is minor in nature as the proposed retail use is of a small scale and is not anticipated to significantly alter the character of the area.
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 use on an existing lot which is compatible with surrounding land uses.
5. This application is granted without prejudice to any other application in the Town of Pelham.
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 decisions are subject to the following conditions:

1. That the applicant enter into a site plan agreement with the Town of Pelham to the satisfaction of the Director of Community Planning and Development; and
2. That all necessary building permits are obtained to the satisfaction of the Chief Building Official.

Carried

7.2 A5-2023P - 1113 Garner Avenue

Purpose of the Application

Application is made for relief, to convert an existing single-storey detached accessory structure (garage) into a second dwelling unit, from:

Section 3.1(g) “Accessory Uses, Buildings and Structures” and 3.29.1(b)(ix) “Urban Areas” – to permit a minimum setback of 0.29m for an accessory structure (second dwelling unit) whereas the by-law requires accessory buildings and structures not attached to the main building to be located not less than 1.0m from an interior side or rear yard lot line.

Representation

The Applicants, Robert & Stephanie Jarrett, were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region

Applicant Comments

None

Public Comments

None

J. Legros, Assistant Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:29 pm and confirmed no e-mails have been received concerning the subject application. J. Legros indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Colin McCann

Seconded By Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Member Comments

Andrew Edwards, Town Planner, responded to committee members' inquiries that the building is not changing but requires a reduced setback due to a change in use. Gim Ledesma, Engineering Technologist, responded to a member's inquiry that there are no known drainage issues with the existing building.

Moved By Colin McCann

Seconded By Brenda Stan

Application for relief of Section 3.1(g) “Accessory Uses, Buildings and Structures” and 3.29.1(b)(ix) “Urban Areas” – to permit a minimum setback of 0.29m for an accessory structure (second dwelling unit) whereas the by-law requires accessory buildings and structures not attached to the main building to be located not less than 1.0m from an interior side or rear yard lot line, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it is not anticipated to result in a negative impact on the adjacent uses, drainage, streetscape, or substantially remove amenity space on the lot.**
- 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 is compatible with the existing dwelling and the built form of the area and will recognize an existing deficiency and bring the existing structure into conformity with the Town’s Zoning By-law.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 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:

- 1. That the applicant applies for and receives approval for a Building Permit for the proposed conversion of the accessory structure.

Carried

8. Minutes for Approval

Moved By Colin McCann
Seconded By Brenda Stan

THAT the Committee of Adjustment minutes dated October 7, 2024 and November 4, 2024, be approved.

Carried

9. Adjournment

The hearing was adjourned at 4:34 pm.

Moved By Brenda Stan
Seconded By Colin McCann

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for January 13, 2024 at 4:00 p.m.

Carried

Isaiah Banach, Chair

Jodi Legros, Assistant Secretary-Treasurer