

## NOTICE OF PUBLIC HEARING

**HEARING DATE:** Wednesday, September 8, 2021 at 4:00pm

**PLACE:** This will be a virtual / electronic meeting

**Town Council approved Committee of Adjustment Hearings to be held electronically through By-law 4296(2020).**

**The Town of Pelham Committee of Adjustment meeting live webcast will be streaming at: <https://www.youtube.com/user/TownOfPelham>**

In the matter of the Planning Act; Revised Statutes of Ontario, 1990, Chapter P.13; notice is hereby given that an application for **consent** under the file number noted below will be heard by the Committee of Adjustment for the Town of Pelham at the date and place shown above.

**File Number:** B25/2021P

**Date of Mailing:** August 4, 2021

**Subject Lands:** No Municipal Address - West Side of Rice Road (between RR20 and Shaw Avenue aka Meridian Way), Pelham

**Legal Description:** Part of Block 3, Plan 59M-432, designated as Parts 7 and 13 on 59R-16208 (Parts 3, 4, 5, 10, 13 and 14 on sketch)

### Location of the lands and purpose of this application:

The subject parcel, shown as Parts 5 and 10 (boundary adjustment) on the attached sketch, has a frontage of 17.15m on the west side of Rice Road, and Parts 3 and 10 (easement lands – right of way) is an interior parcel of land situated 123.24m west of Rice Road and Part 14 (easement land s- right of way) on sketch is an interior parcel of land situated approximately 123.24m west of Rice Road. , all lying south of Highway 20, being Part of Block 3, Plan 59M-432, designated a Parts 7 and 13 on 59R-16208 (Parts 3, 4, 5, 10, 13 and 14 on sketch) in the Town of Pelham.

Application is made for consent to convey 2,266.2 square metres of land (Parts 5 and 10 on sketch), to be added to the abutting property to the south (Parts 6 and 7 on sketch), for future development. Parts 3, 4, 13 and 14 on the sketch is to be retained for continued future commercial use.

Application is further made for consent to convey an easement in perpetuity over 277.9 square metres of land, being Parts 3 and 10 on sketch, to the benefit of Parts 1, 2, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

Application is further made for consent to convey an easement in perpetuity over 41.2 square meters of land, being Part 14 on sketch, to the benefit of Parts 1, 2, 5, 6, 7, 8, 9, 10, 11 and 12 on sketch for a right of way. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

Application is further made for consent to convey an easement in perpetuity over 24.3 square meters of land, being Part 10 on sketch, to the benefit of Parts 3, 4, 13 and 14 on sketch for a private watermain. Parts 3, 4, 5, 10, 13 and 14 on sketch are to be retained for continued future commercial use.

This application is being considered concurrently with Consent Files B26/2021P, B27/2021P and B28/2021P.

**PUBLIC HEARING:** This is a public hearing called for the purpose of hearing evidence for, or in opposition to, the above noted application. Anyone wishing to register objections, support or comments concerning this application may present them in writing to the Secretary-Treasurer prior to the hearing and/or at the hearing, or make a verbal presentation at the hearing.

**YOUR INPUT IS ENCOURAGED:** The Committee would appreciate receiving your written and/or verbal comments regarding this application. Written comments must be submitted by **August 25, 2021**. If the Secretary-Treasurer does not receive your comments by this date, it may be presumed you have no objection to the proposal. Should an extension be required, please contact the Secretary-Treasurer. Verbal comments will be received by the Committee at the electronic public hearing via Zoom. **To participate in the virtual meeting to provide oral input, please pre-register with the Secretary Treasurer by sending an email to the email address noted below before 12:00pm noon on Friday, September 3, 2021.** All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the remote electronic public meeting. Registrants will be notified of the Committee of Adjustments Decision. If you have not submitted written comments or pre-registered and wish to submit a comment during the meeting, you may

livestream the meeting from our YouTube Chanel and e-mail comments to [clerks@pelham.ca](mailto:clerks@pelham.ca) during the public comment portion of the application only. If your comments are not received during the public portion of the application, they will not be considered. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.

It is highly recommended that the applicant or the authorized agent of the applicant be present at the hearing. Please note that if you do not attend at this hearing, the Committee may proceed in your absence and you will not be entitled to any further notice in the proceedings.

**NOTICE OF DECISION:** Requests for copies of the decision of the Committee of Adjustment or notice of adjournment of hearing, if any, must be in writing and addressed to:

Secretary Treasurer of the Committee of Adjustment  
20 Pelham Town Square, P.O. Box 400, Fonthill ON L0S 1E0  
905-892-2607 ext. 320 [hwillford@pelham.ca](mailto:hwillford@pelham.ca)

For technical questions, please contact:  
Kenny Ng, Planner  
905-892-2607 ext. 324 [kng@pelham.ca](mailto:kng@pelham.ca)



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Holly Willford, BA  
Town Clerk/Secretary-Treasurer

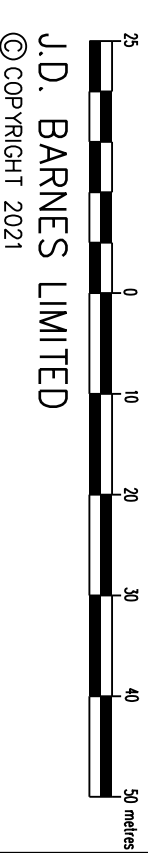
**Date of Mailing: August 4, 2021**



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY  
 SKETCH FOR PLANNING PURPOSES ONLY

# EAST Fonthill Residences TOWN OF PELHAM REGIONAL MUNICIPALITY OF NIAGARA

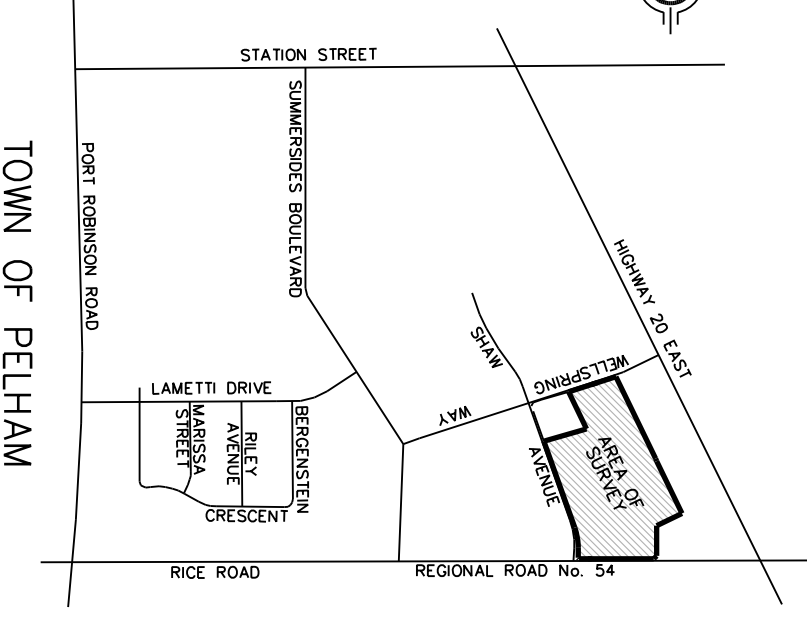
SCALE 1 : 750



J.D. BARNES LIMITED  
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**METRIC NOTE**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE  
 CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



**LEGAL DESCRIPTION**

PART OF BLOCK 3, REGISTERED PLAN 59M-432 (BEING PARTS 2, 3, 5, 6, 7, 12, 13, 14 AND 15 ON PLAN 59R-16208)  
 BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY DATED SEPTEMBER 24, 2020. THIS IS NOT A PLAN OF SURVEY.

**CAUTION**

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

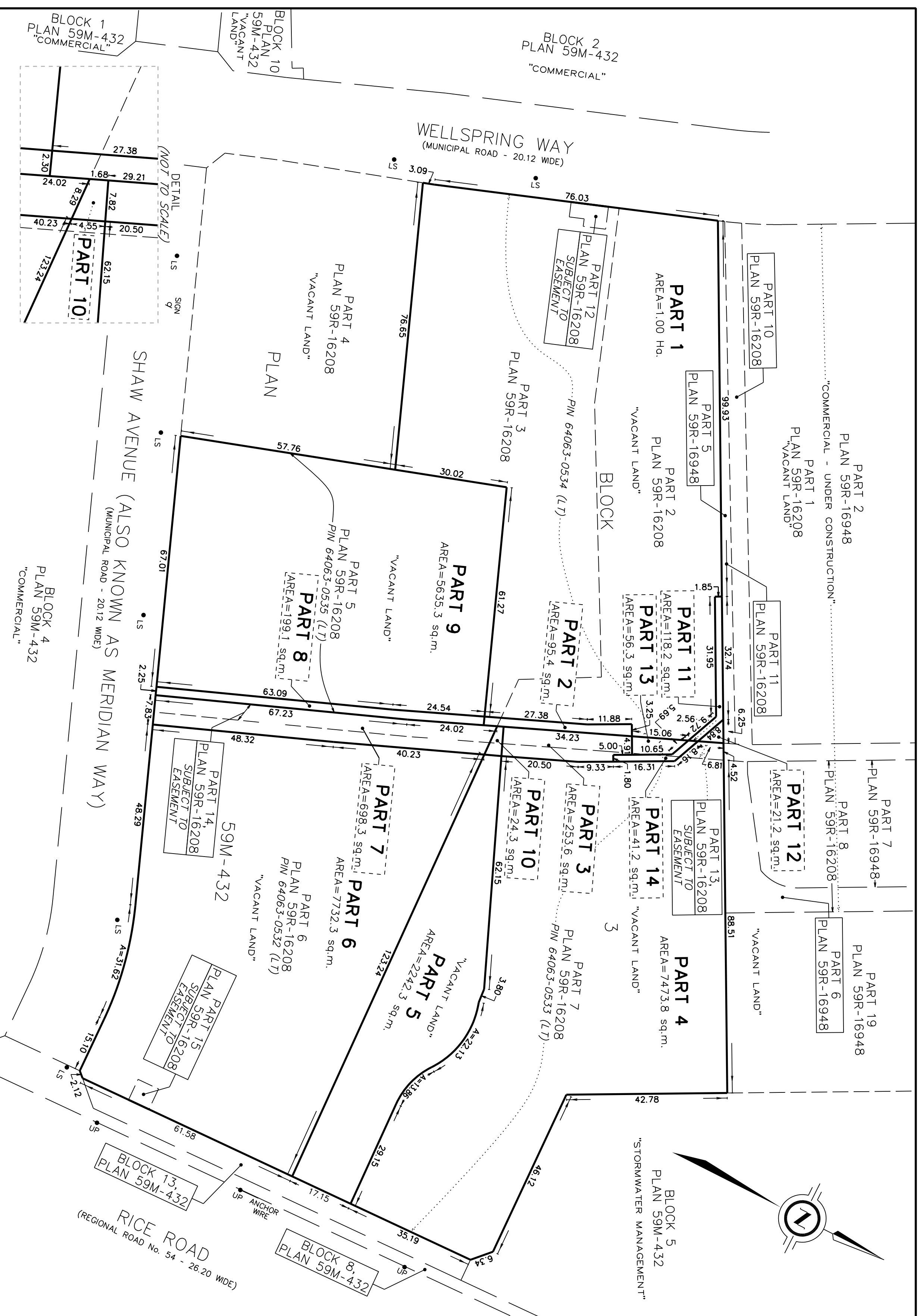
*Allan Heywood*  
 ALLAN HEYWOOD  
 ONTARIO LAND SURVEYOR

JUNE 30, 2021  
 DATE

**J.D. BARNES**  
 SURVEYING  
 LAND INFORMATION SPECIALISTS  
 43 BRANTFORD ROAD, UNIT 2, NIAGARA FALLS, ON L2E 6A4  
 T: (905) 356-9099 F: (905) 356-6223 www.jdbarnes.com

DATE	2021/06/30
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Ref No: 20-16-255-00



## **Electronic Hearing Procedures &**

### **How to Get Involved in a Town of Pelham Zoom Hearing**

All Town of Pelham in person Committee of Adjustment hearings have been cancelled, instead the Town is holding all Committee of Adjustment hearings electronically via Zoom.

#### **Notice of Hearing**

A Notice of Hearing will be mailed to the all persons listed as owners in the last revised assessment roll number within 60 meters (200 feet) of the subject property. The Notice of Hearing can also be found at the Town of Pelham website for all applications being heard by electronic meetings: <https://www.pelham.ca/en/town-hall/committee-of-adjustment.aspx>

#### **How to Submit Comments**

Public input on applications is invited. During this time, written comments are encouraged as the preferred method of receiving public input. Written comments may be sent by mail or e-mail to the attention of the Secretary Treasurer. You may also drop written comments off at Town Hall in the drop box. You may also provide oral input by joining the electronic meeting.

#### **Written Comments**

Please provide written input by mailing or e-mailing your comments to the Secretary Treasurer by the date indicated on the Notice of Hearing. You may also drop off written comments to Town Hall in the drop box.

#### **Oral Submissions**

To participate in the remote electronic public meeting to provide oral input, please pre-register with the Secretary Treasurer by telephone or email by the date indicated on the Notice of Hearing. All registrants will be provided in advance of the meeting instructions on how to use your computer, tablet or phone to participate in the electronic meeting.

Please note, the Secretary Treasurer will provide you the Zoom link and password in advance of the meeting. This is for pre-registered participants only and is not to be shared with others.

#### **View the Meeting – E-mail Comments Live**

The remote electronic meeting can be viewed by live-streamed on the Town's YouTube Channel at <https://www.youtube.com/user/TownOfPelham>. While viewing the meeting live you may submit comments during your application of interest to: [clerks@pelham.ca](mailto:clerks@pelham.ca). Please note, if your comments are submitted after the public portion of the application you are interested in has been closed, your comments will not be considered. This method of public participation is not the preferred method as you may not submit your comments in time. Use this method at your own risk and the Town is not responsible for any livestream lag, disconnection or internet failures.

#### **More Information**

For more information please contact:

Secretary Treasurer of the Committee of Adjustment  
20 Pelham Town Square, P.O. Box 400, Fonthill ON L0S 1C0  
905-892-2607 ext. 315 [hwillford@pelham.ca](mailto:hwillford@pelham.ca)

Assistant Secretary Treasurer of the Committee of Adjustment  
20 Pelham Town Square, P.O. Box 400, Fonthill ON L0S 1C0  
905-892-2607 ext. 320 [sleach@pelham.ca](mailto:sleach@pelham.ca)

For technical questions, please contact:

Kenny Ng, Planner

905-892-2607 ext. 324 [kng@pelham.ca](mailto:kng@pelham.ca)

### **Test Session**

Prior to the Committee of Adjustment hearing, participants are required to take part in a test Zoom session with Town staff. Testing will cover the audio and video quality of the participant's device; reviewing the process for participants to join the meeting; and reviewing the presentation process.

The test session will be held on the Monday prior to the meeting. The test session should take less than 15 minutes to complete. Note: other members of the public may be in the same test session. The Secretary-Treasurer or Assistant Secretary Treasurer will contact you via email with your test session information.

### **Participant Process During Meetings**

- Participants are required to join the meeting 15 minutes in advance of the start time for the Hearing.
- Participants are responsible for ensuring their background is free from offensive or vulgar material. If inappropriate material is visible you will be removed from the meeting.
- Vulgar or offensive language / comments will not be tolerated. If inappropriate language is used you will be removed from the meeting.
- Participants' microphones will remain off until they are called to speak.
- Once your comments have been heard by the Committee of Adjustment, your microphone will again be muted. Once voting on the item has taken place, participants will be removed from the meeting completely.
- Once removed from the Hearing, you can visit the Town's YouTube if you wish to continue watching the meeting.

### **Technical Difficulties During Hearings**

- Beyond the mandatory training session, Town staff will **not** provide technical assistance for participants before or during Hearings.
- If a participant's connection to the meeting fails during the Hearing, Town Staff will attempt to make reasonable efforts to re-establish connection for a period of 5 minutes. If the connection cannot be re-established within 5 minutes, the comments received up to that point will be included as part of the official record and the hearing will continue.
- If a participant is not present when called upon by the Chair three times, the participant will be considered absent and the hearing will continue without the participant.
- If, in the Chair's opinion, a participant's audio / video is not of an acceptable quality, the Chair may require the participant to use the dial-in option or may defer the application until a regular hearing can be held.