

NOTICE OF PUBLIC HEARING

HEARING DATE: Monday, June 5, 2023, at 4:00pm

PLACE: **This will be a hybrid (virtual/in-person) hearing**

Virtual Participation: Zoom Webinar / Youtube Livestream

**In-person Participation: Meridian Community Centre, 100
Meridian Way, Fonthill, Accursi Room B**

Town Council approved hybrid meetings through By-law 4507(2022).

**The Town of Pelham Committee of Adjustment hearing 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: B7/2023P

Date of Mailing: April 17, 2023

Subject Lands: 1440 Pelham Street, Pelham

Legal Description: Lot 2, Part of Lot 3 on Plan 715, being Part 1 on Plan 59R-16172 (Part 1 on Plan 59R-17025)

Location of the lands and purpose of this application:

The subject parcel, shown as Part 1 on the attached Reference Plan 59R-17025, has a frontage of 1.00m on the west side of Pelham Street, lying south of Highway 20 West, being Lot 2, Part of Lot 3 on Plan 715, being Part 1 on Plan 59R-16172 in the Town of Pelham.

Application is made for consent to convey an easement in perpetuity over Part 1 on Reference Plan 59R-17025, to the benefit of Bell Canada for use of the existing underground conduit and cables to service 1450 Pelham Street. Part 1 on Reference Plan 59R-16172 and Part 1 on Reference Plan 59R-17025 are to be retained for continued commercial use of the commercial building known municipally as 1440 Pelham Street.

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 comments 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 May 24, 2023.** 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 public hearing via virtual or in-person participation. **To provide verbal comments virtually at the hearing, please pre-register with the Secretary Treasurer by sending an email to the email address noted below before 12:00pm noon on June 2, 2023.** Zoom webinar registration information and procedure will be provided. **To provide verbal comments in-person at the hearing, pre-registration is encouraged but not required.** Registrants will be notified of the Committee of Adjustments Decision. If you have not submitted written comments and wish to submit a comment live during the meeting, you may livestream the meeting from our YouTube Chanel and e-mail comments to clerks@pelham.ca during the public comment portion of this 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 this hearing, the Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings.



COMMITTEE OF ADJUSTMENT

Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON, L0S 1E0

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 sleach@pelham.ca

For technical questions, please contact:
Lindsay Richardson, Policy Planner
905-892-2607 ext. 335 lrichardson@pelham.ca

A handwritten signature in black ink, appearing to read "Sleach", is written over a solid black horizontal line.

Sarah Leach, BA
Deputy Clerk/Secretary-Treasurer

Date of Mailing: April 17, 2023

PLAN 59R-17025

RECEIVED AND DEPOSITED:

July 28/21
DATE

R. Lane
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF NIAGARA SOUTH (No. 59)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE
LAND TITLES ACT.

JULY 23, 2021
DATE

N.P. Muth
NICHOLAS P. MUTH, O.L.S.

SCHEDULE

PART	LOT	PLAN	PIN
1	PART OF LOT 2 WEST SIDE OF SOUTH PELHAM STREET	REGISTERED PLAN 715	PART OF 64066-0744

PLAN OF SURVEY OF
PART OF LOT 2
(WEST SIDE OF SOUTH PELHAM STREET)
REGISTERED PLAN 715
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:250



NICHOLAS P. MUTH O.L.S.

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE
POINTS (A) AND (B) BY REAL TIME NETWORK (RTN) OBSERVATIONS,
UTM ZONE 17, NAD83 (CSRS) (2010)

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999805

FOR BEARING COMPARISON A ROTATION OF 3'40"10" COUNTERCLOCKWISE
WAS APPLIED TO PLAN 59R-10058 TO CONVERT TO GRID BEARINGS.

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (CSRS)(2010)
COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
(A)	4767195.221	639562.156
(B)	4767200.845	639639.248

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

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

LEGEND:

- SIGN THUS □ DENOTES A SURVEY MONUMENT PLANTED
- SIGN THUS ■ DENOTES A SURVEY MONUMENT FOUND
- IB DENOTES IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- CP DENOTES CONCRETE PIN
- CC DENOTES CUT CROSS
- (744) DENOTES MATTHEWS, CAMERON, HEYWOOD - KERRY T. HOWE, O.L.S.
- (895) DENOTES D. A. LANE, O.L.S.
- (912) DENOTES A. J. CLARKE, O.L.S.
- (WT) DENOTES WITNESS
- (MEAS) DENOTES MEASURED
- P1 DENOTES PLAN 59R-16172
- P2 DENOTES PLAN OF SURVEY BY C. J. CLARKE, NIAGARA, LIMITED,
DATED FEBRUARY 11, 1976 (FILE No. 66-204)
- P3 DENOTES PLAN 59R-10058
- P4 DENOTES PLAN 59R-15458
- P5 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY P. D. REITSMAN
SURVEYING LTD. DATED APRIL 20, 1993 (FILE No. 93-39)
- P6 DENOTES PLAN OF SURVEY BY C. J. CLARKE, NIAGARA, LIMITED,
DATED APRIL 18, 1977. (FILE No. 66-204)
- N1 DENOTES FIELD NOTES BY C. J. CLARKE, NIAGARA, LIMITED,
DATED APRIL 14, 1977. (FILE No. 66-204)

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 22nd DAY OF JULY, 2021

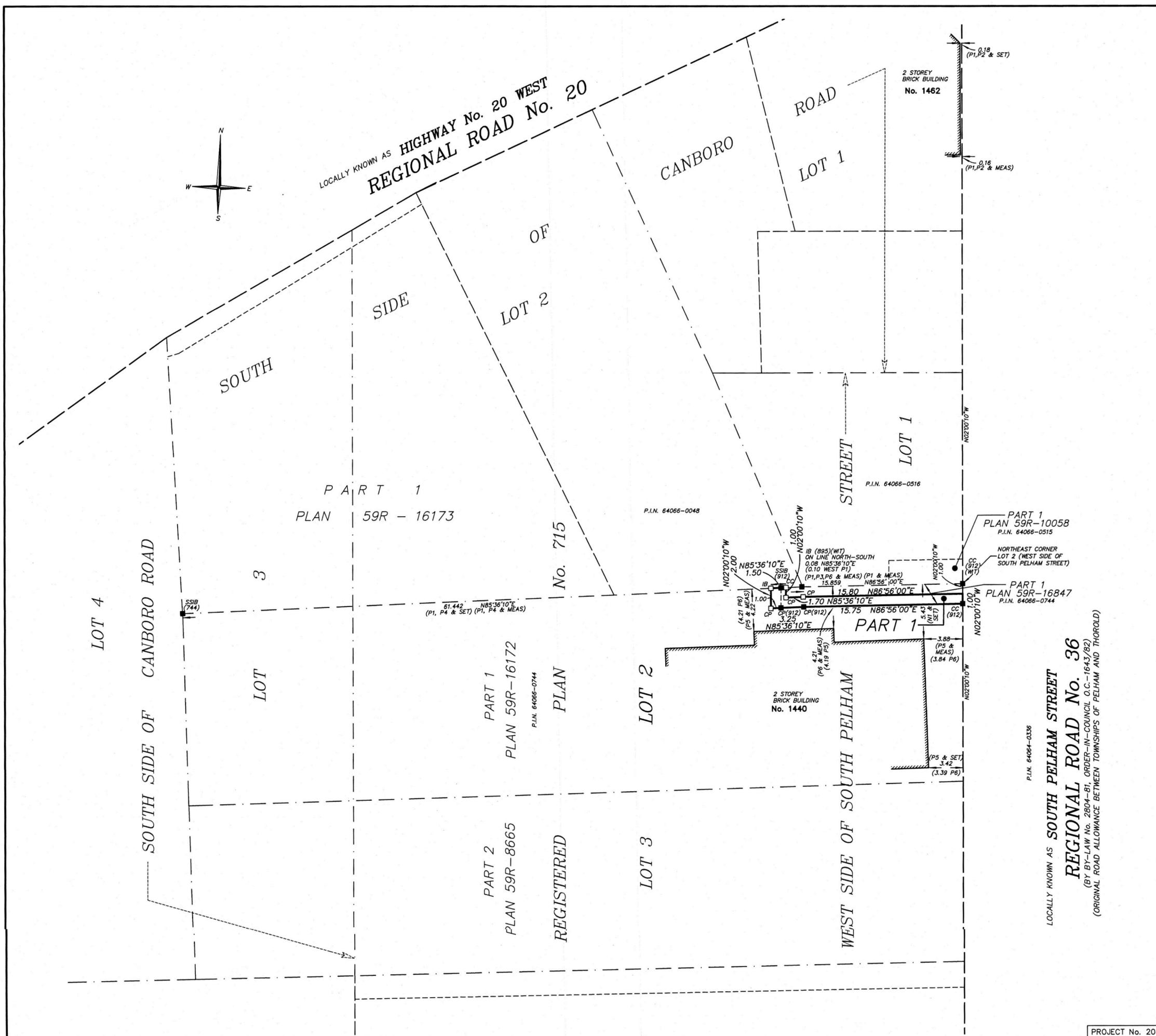
JULY 23, 2021

DATE

N.P. Muth
NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
SURVEYORS • ENGINEERS • PLANNERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

PROJECT No. 208163D



Hybrid Committee of Adjustment Hearing Procedures

The Town of Pelham is holding hybrid Committee of Adjustment hearings. A hybrid hearing involves a mixture of in-person and remote attendance/ participation.

Notice of Hearing

A Notice of Hearing is 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 on the Town of Pelham website, Committee of Adjustment webpage: <https://www.pelham.ca/en/town-hall/committee-of-adjustment.aspx>

View the Meeting

The Committee of Adjustment hearing can be viewed by livestream on the Town's YouTube Channel at <https://www.youtube.com/user/TownOfPelham/live>. The link will go live at the date and time prescribed on the Notice of Hearing. A recording of the hearing is also available on YouTube and the Town of Pelham website following the meeting.

Attendees are also welcomed to view the meeting in-person at the date, time and location prescribed on the Notice of Hearing.

Written Comments

Written comments are encouraged as the preferred method of receiving public input. 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. Written comments submitted on or before the deadline will be included on the public agenda. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.

Verbal Submissions – Remote Participation

To make verbal comments to the Committee during the public portion of the hearing, please pre-register with the Secretary Treasurer by telephone or email by the date indicated on the Notice of Hearing.

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. Zoom test meetings are available by request. Please advise the Secretary Treasurer of your requirements at the time of registration.

Verbal Submissions – In-person Participation

To make verbal comments to the Committee during the public portion of the hearing, please attend the hearing in-person at the date, time and location prescribed on the Notice of Hearing. In-person participants wishing to make verbal comments are encouraged to pre-register with the Secretary Treasurer by telephone or email. This allows for the preparation of a speakers list. Although pre-registration is encouraged and preferred it is not a requirement of speaking in person at the meeting.

Please note, all verbal submissions, regardless of method, are live-streamed and recorded.

E-mail Comments Live

While viewing the meeting remotely via livestream you may submit comments to: clerks@pelham.ca. Please note, comments must be received before or during the public portion of your application of interest. If your comments are submitted after the public portion of the application you are interested in has 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. 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. 320 sleach@pelham.ca

For technical questions, please contact:
Lindsay Richardson, Policy Planner
905-892-2607 ext. 335 lrichardson@pelham.ca

Participant Process During Meetings

- Participants are encouraged to join the hearing 15 minutes in advance of the start time for the hearing.
- Vulgar or offensive language/comments will not be tolerated. If inappropriate language is used, you will be removed from the meeting.

Additional Procedures for Remote Participation

- Participants joining remotely 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.
- Participants will remain in the waiting room until they are called to speak. Participants will be able to hear and see the meeting while in the waiting room.
- Once your comments have been heard by the Committee of Adjustment, you will be placed back into the waiting room where you may continue to view the meeting.

Technical Difficulties During Hearings

- Beyond the available Zoom test 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. If the connection cannot be re-established, 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 in the Zoom Webinar when called upon by the Chair, 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.