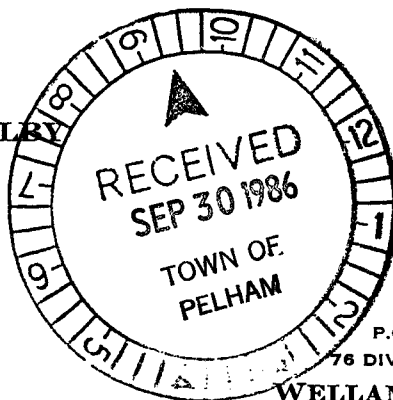


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WELLAND, ONTARIO
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September 29, 1986.

Planning Committee,
Town of Pelham,
P. O. Box 400,
Fonthill, Ontario
LOS 1EO

Dear Sirs:

Re: O.M.B. Appeal Schouten and Gordon
Re: Alsop Greenhouse

I enclose a copy of the
Reasons delivered by the Board in the event you do not already
have them.

Yours very truly,

For the Firm.

GFB:erb
Enclosure



R860305
C860132

Ontario Municipal Board

IN THE MATTER OF Section 34 of The Planning Act, 1983

AND IN THE MATTER OF appeals by Dick Schouten and John Gordon in respect of Zoning By-law 1069 (1986) of the Corporation of the Town of Pelham

AND IN THE MATTER OF Section 52(7) of The Planning Act, 1983

AND IN THE MATTER OF an appeal by Dick Schouten and John Gordon from a decision of the Regional Municipality of Niagara Land Division Committee whereby the Committee granted an application numbered B64/86 by William Alsop, upon conditions

C O U N S E L :

G.F. Brooks, Q.C.	- for	Town of Pelham
D.W. Fullerton	- for	Dick Schouten and John Gordon

MEMORANDUM OF ORAL DECISION delivered by T.F. BAINES
on August 28, 1986

The Board has before it two matters herein, a consent application in which the Land Division Committee granted a consent subject to certain conditions, one of which was the necessity of rezoning of the subject land. The associated zoning file deals with exactly that zoning requirement. Both matters were appealed by two non-farm residential neighbours. Prior to the commencement of the hearing, the land owner and the neighbours resolved certain problems associated with the application and the appellants have indicated their willingness to withdraw their appeals on both matters subject to one very minor modification of the wording of the by-law and further, subject to the Board's order not issuing herein until a certain sequence of events has taken place. The Board heard from a well qualified planner on behalf of the Town who has acted for the Town for some time on a consultant basis, who advised the Board of the various planning considerations, including compliance with the Town and Regional Official Plan and the basic fit with the local by-law dealing with the agricultural zone. The fact that the proposed lot is somewhat undersized as to the

normal agricultural sized lot produced the need essentially for a site specific type by-law, somewhat different than the normal. The parties have agreed that, while not common in these situations, they will undergo a site specific site plan approval process with the Town and enter into an agreement embodying that in a manner acceptable to the Town. The Board has, as stated, heard from the Town's planner and agrees with his opinion that the proposal constitutes good planning and appears to comply with the requirements of both the Town and Regional Official Plan. The Town's planner indicated that a certain letter dated May 29, 1986 from the Planning and Development Department of the Region of Niagara set forth fairly succinctly and accurately, the Region's position and that he agreed with it and for purposes of convenience the Board finds it appropriate simply to quote from that letter almost in its entirety as follows:

"This Zoning By-law Amendment does not change the current Agricultural A2 zone now on the property but instead adds an exception for this specific property. The exception limits the list of permitted uses to commercial greenhouses and accessory buildings. For the purposes of this By-law Amendment accessory buildings are also meant to include a single family dwelling and a farm helphouse. The By-law states that no accessory building (including the dwelling) shall be erected prior to the erection of greenhouses on the same lot.

This site is located within a Tender Fruit Agricultural Area according to the Regional Policy Plan and is designated Unique Agricultural in the Pelham Official Plan. This property was the subject of a recent consent application which was granted by the Regional Land Division Committee on April 2, 1986. The Region expressed concerns with the consent application even though it was a transfer to an adjacent land owner since the potential existed for the creation of a larger non-farm lot in the agricultural area. As a result some preliminary discussion on the contents of a possible zoning by-law, the Region did not appeal the Land Division Committee decision. The proposed By-law limits the use of the site to commercial greenhouses and accessory dwellings provided such accessory dwellings are erected after the greenhouses. In addition, the By-law also requires that the minimum greenhouse floor area is 2,322 square metres.

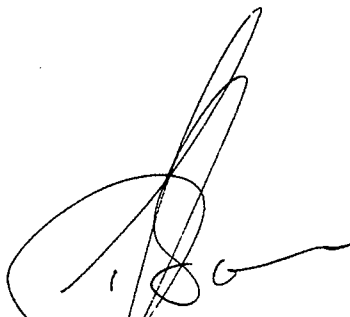
It therefore appears that with the limitations imposed by this proposed Zoning By-law Amendment, the intent of the Regional Policy Plan is being met. A non-farm dwelling will not be possible on this property and only large scale commercial greenhouses are permitted as the prime use. Regional planning staff therefore have no objection to this proposed Zoning By-law Amendment."

For the foregoing reasons as to planning acceptability, the Board is prepared to find that the by-law is proper as proposed and accordingly the appeals against both the consent and the by-law having been withdrawn are dismissed save as is necessary to give the Board jurisdiction to amend the

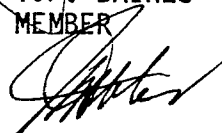
by-law on page 2, section 3A, to change the words "a) where found before the word "single" and "farm" to the word "one". The Board's order in this matter will not issue, however, until the following matters have been satisfied. First, an agreement shall be entered into of a site plan agreement nature with the Town of Pelham which shall provide that:

1. Any exhaust fan from any greenhouse on the property shall be located on the southerly side of such greenhouse.
2. Secondly, an evergreen screen shall be planted on the northerly boundary of the subject property to the standard Town of Pelham requirements in that regard.
3. Access to the property shall be arranged as agreed between the Town of Pelham and the Region of Niagara authorities.

Accordingly, subject to the above, the consent appeal is dismissed and the zoning by-law appeals are dismissed, save as necessary to support the amendment made by the Board to the by-law. The Board will also require that a copy of the site plan agreement, duly executed, be filed with it prior to issuance of its order.



T.F. BAINES
MEMBER



G.T. DOBBS
MEMBER