

January 28, 2020

Mrs. Nancy J. Bozzato, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Minor Variance - Application A22/2019P
250 Canboro Road, Pelham
Concession 8, Part Lot 4
Roll No. 2732 020 010 11000

The subject land is located on the south side of Canboro Road, lying east of Effingham Street, legally described above, and known municipally as 250 Canboro Road.

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The proposed accessory buildings (detached garage and shed) require zoning relief through a minor variance application as follows:

- **Section 7.7 a) "Max (Accessory) Lot Coverage"** seeking 2.7 %, whereas 1 % is permitted for the detached garage and shed.
- **Section 7.7 d) "Max (Accessory) Building Height"** seeking 5 m, whereas 3.7 m is permitted for the detached garage only.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement (PPS) designates the subject land within the 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Greenbelt Plan (2017)

The subject parcel is designated 'Tender Fruit & Grape Lands' within the Greenbelt Plan's *Protected Countryside*.

Policy 4.5 states that all existing uses are permitted, including single dwellings on existing lots of record, provided they were zoned for such prior to the Greenbelt Plan coming into force. Expansions to existing buildings which bring the use more into conformity with this Plan are permitted so long as new municipal services are not required and the addition does not expand into key natural heritage / hydrologic features. The proposed accessory building does not conflict with Greenbelt Plan policy.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as ‘Unique Agricultural Area’ as part of the Protected Countryside lands in the Greenbelt Plan.

Pelham Official Plan (2014)

The Town Official Plan designates the subject parcel as ‘Specialty Agricultural’. The purpose of this designation is to implement the Greenbelt Plan and recognize the importance of specialty croplands. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record. The proposed lot coverage variance has impacts on the horizontal footprint of the structure on the subject land, while the building height deals with the vertical scale.

Policy A2.1.2 states the objective of the Official Plan is to make planning decisions that consider the health and integrity of the broader landscape as well as long term cumulative impacts on the ecosystem. Planning decisions should also restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.

Policy B2.2.7 states that the Canboro Road corridor is considered to be an area of significant potential for enhancement as a rural promenade. Council recognizes this area as being located within a highly vulnerable aquifer and the policies of this Plan with respect to such feature will be considered in the assessment of any *Planning Act* approval.

Policy E1.5 states that in making a determination of whether a variance is minor as required by the *Four Tests*, the Committee of Adjustment 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. In addition, applicants should be prepared to demonstrate a need for the variance on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

The applicant has supplied a letter justifying the architectural rationale for the proposed garage’s design.

Town of Pelham Zoning By-law No. 1136 (1987), as amended

The subject land is zoned ‘Agricultural’ (A) according to the Zoning By-law. Section 7 of the ‘A’ zone permits one single detached dwelling and accessory buildings, among other uses.

Section 7.7	Requirements for buildings and structures accessory to dwellings		
a)	Maximum Lot Coverage	1 %	Request = 2.7 %
d)	Maximum Building Height	3.7 m	Request = 5 m

The Committee of Adjustment, in 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	Explanation
1. The variance is minor in nature.	Increasing the accessory building height to 5 m appear minor given the rural residential context. The 5 m building height, when paired



	<p>with the proposed footprint, should not negatively impact adjacent neighbours, particularly to the west.</p> <p>Increasing the max accessory lot coverage to 2.7 % is minor overall given the parcel size and the ability for the subject lands to continue handling stormwater runoff without negatively impacting adjacent lands, subject to an adequate Grading and Drainage Plan, as requested by Town engineering staff. Furthermore, adequate land is available to safely manage private wastewater (sewage) and for landscaped amenity area purposes.</p>
2. The variance is desirable for the development or use of the land.	<p>The variance request to increase the accessory building height and accessory lot coverage is desirable for the property as it allows for enhanced storage and use of both the facility and property. The Site Plan indicates two (2) trees from the proposed garage footprint area will be relocated to the front yard. The variances are also considered desirable for the surrounding neighbourhood as the proposed garage extension will not negatively impact the neighbourhood's built form and cultural landscape due to its scale, orientation and massing.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The <i>Design Justification Letter</i> provided with the application was meant to address Planning staff's previous concern over Policy E1.5. Regarding the increased lot coverage, the applicant has stated the existing (258 m² / 2773 ft²) of accessory buildings on site do not meet the owner's storage needs. The proposed use of a building accessory to a single detached house is permitted in the 'Specialty Agricultural' designation of the Official Plan and the policy does permit uses which are compatible with agriculture.</p> <p>Given the size of the subject land, the proposed lot coverage should not, in and of itself conflict with any notable Official Plan policy, considering the proposed height and scale of the building which is now in Planning staff's opinion, more appropriate for 250 Canboro Rd.</p> <p>The increase in accessory building height to 5 m should not compromise any objectives of the Official Plan, particularly Policy B2.2.7 which speaks to the rural character of the Canboro Road corridor. The variance for a 5 m accessory building height is considered appropriate given the neighbourhood's local context and meets the general intent of the Town Official Plan policies.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The <i>Design Justification Letter</i> states that current residential zones are permitted to have 10% accessory building lot coverage. However, this is not relevant because the subject lands are zoned (and designated) <i>Agricultural</i> due to its location well outside of the <i>Urban Settlement Areas</i>. <i>Agricultural</i> zoned properties are limited to a 1% lot coverage for buildings accessory to dwellings. The</p>

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	<p>subject land is still large enough and capable of adequately handling normal stormwater runoff events, private septic system servicing and maintaining open space for private amenity areas.</p> <p>The size of the proposed accessory building's height to 5 m is appropriate given the immediate rural residential context and the associated building footprint proposed at that height. Ample amounts of open space are available on the site to accommodate the existing private sewage system, landscaped amenity area for the residents and stormwater runoff resulting from an increased accessory building lot coverage.</p>
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Agency / Public Comments

On December 12th 2019, a notice was circulated to agencies directly affected by the proposed application including internal Town departments and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (January 14, 2020; September 3, 2019)
 - Separate building permits will be required, one for the existing 5 m x 9.1 m storage shed at the southwest corner of the property and the proposed detached garage addition.
- Public Works Department (January 16, 2020; August 16, 2019)
 - That the applicant submits a Drainage Plan addressing how the stormwater runoff from the addition will be addressed to ensure that drainage does not negatively impact neighbouring lands.

Public comments were previously received from a neighbouring resident and their Planning consultant based on the applicant's original submission which were summarized in the September 10, 2019 Planning Staff *Recommendation Report* (A22/2019P). At the time of this writing, no new public comments were received following the latest circulation of the revised Notice, Site Plan and Elevation Plans.

Planning Comments

The subject lands are 0.4 ha (1 ac) in land area, is not farmed and is considered to be a rural residential lot. The subject lands fall outside of the NPCA Regulated Screening area and are surrounded by:

- North – Rural residential dwellings
- East – Rural residential dwellings
- South – Woodlots / Agricultural
- West – Rural residential dwellings

The applicant's agent submitted a revised 'Design Justification Letter' which summarizes the amended proposal and notes these changes resulted from the westerly neighbour's concerns. The original letters of objection were discussed in detail in the September 10th 2019 staff *Recommendation Report*.



The justification also states that the current (258 m² / 2773 ft² of) detached and attached garages do not meet the owner's storage needs. With regards to future stormwater runoff resulting from the increased lot coverage, the applicant has stated that stormwater runoff will be contained within a new underground stormwater management system installed on-site. Any drainage controls such as this will ultimately need to be documented on the Drainage Plan suggested as a condition of approval and be to the satisfaction of the Town's Public Works Director, prior to building permit issuance.

The applicant has stated that the owner intends to store a motorhome (along with other cars) within the proposed garage. The proposed 5 m building height is capable of housing a Class A motorhome and is much less obtrusive in scale for the neighbourhood than the previous design, assuming certain architectural features exist, particularly strategically placed window openings.

In terms of the requested relief for an increase height limit to 5 m for the proposed accessory building, Planning staff are now convinced this part of the application satisfies all *four tests* of a minor variance under the *Planning Act*, as detailed above. The topography of this neighbourhood also plays to the applicant's advantage in that Canboro Road is relatively higher in grade in relation to the proposed garage site. The reduced scale, massing and design of the proposed garage extension should be considerably less impactful for the adjacent neighbours to the west and the public at-large. The proposed building Elevations should architecturally complement the public and private realms by positively reinforcing a human-scaled, rural character neighbourhood along the Canboro Road corridor.

It should be noted that an existing 41.8 m² (450 ft²) detached garage / shed was discovered in the rear yard without a building permit. The application for a building permit on this structure also requires a slight increase in lot coverage to comply with the Zoning By-law, albeit a lesser percentage totalling 1.35 %.

The proposed minor variance request to increase the maximum accessory lot coverage to 2.7 % and the accessory building height limit to 5 m should not facilitate any adverse impacts with regards to land use incompatibility, storm water runoff, *normal farm practices* or privacy etc. pending satisfactory building *Elevation Plans*.

Planning Staff is of the opinion that the application for increased lot coverage and building height satisfies the *Planning Act*, is consistent with Provincial policies, the Regional Official Plan, and complies with the general intent of the Town Official Plan and Zoning By-law. The proposal is compatible with adjacent uses and the rural agricultural character of the area.

Planning Staff is of the opinion that if the applicant can satisfy the proposed conditions, then part of the application will meet the four minor variance tests laid out by the *Planning Act*, be consistent with Provincial policies, the Regional Official Plan, and conform to the general intent of the Town's Official Plan and Zoning By-law.

Subject to conditions, the authorization of the minor variances is not expected to generate negative impacts for adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number **A22/2019P** be approved.

THAT the applicant



- At the time of building permit, provide a Drainage Plan addressing stormwater runoff from the proposed garage addition to the satisfaction of the Director of Public Works.

Submitted by,



Curtis Thompson
Planner, B.URPI

Approved by,



Barb Wiens, MCIP, RPP
Director of Community Planning & Development

