

Date: 26 August 2019

Project No: 19164

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

Attn: Town of Pelham Committee of Adjustment
Nancy Bozzato, Town Clerk / Secretary-Treasurer

Re: File A-22/2019P – 250 Canboro Road
Minor Variance Application [REDACTED]

Quartek Group Inc. has been retained by Mr. Michael Woods, adjacent property owner to the west [REDACTED], to provide planning justification for the refusal of the minor variance application File No. A-22/19P for the subject lands located at 250 Canboro Road.

Mr. Woods submitted a letter to the Town on August 1, 2019 for the notice of objection for the variance application to increase in the maximum lot coverage of an accessory structure/building and increase the maximum height for an accessory structure/building. The purpose of the objection was based on concerns for the size of the structure, location and setback, purpose of the structure, drainage issues, noise and light pollution, inaccurate building lot coverage, and the possibility of an alternative location.

I understand that the original notice was dated July 18, 2019 and mailed to adjacent property owners inviting the public to attend the Committee Meeting scheduled for August 13, 2019. The application described the proposal and identified the request for a maximum lot coverage for an accessory structure/building of 4% whereas Section 7.7 (a) permits 1%, and request for a maximum height of 6m for an accessory structure/building whereas Section 7.7 (d) permits 3.7m.

Subsequent to the Town receiving additional information about an undeclared accessory structure built without a building permit on the subject lands, a revised notice dated August 15, 2019 was mailed out with the Committee Meeting rescheduled for September 10, 2019. The revised application identified an increase in the maximum lot coverage for an accessory structure/building from 4% to 4.30%.



The application package for public review contained building elevations and a design justification letter for the requested variances. The design justification letter was brief and no thorough description on the proposed use of the structure or any regard to potential impacts to adjacent properties was provided.

In the letter, it stated that although the parcel is zoned agricultural (A) it is used for residential and 10% accessory building coverage is permitted. It is important to note that the parcel is not zoned residential and the by-law permits 1% for accessory structures/buildings that are incidental and subordinate to the main use, which in this case is residential (single detached dwelling). The quoted 10% is the total combined building lot coverage which includes the dwelling and all accessory structures/buildings.

The letter indicated that the current structures are not enough to meet the Applicant's storage needs and the increase in lot coverage and building height was required. Furthermore, the proposed structure will accent the renewed architectural appeal without effecting the function and charm of the property. The letter did not provide what the intended use of the proposed building would be for to determine if the requested variances are appropriate and warranted.

For the purpose of understanding the proposal in the context of site statistics and having regard to the zoning provisions, the following details are provided.

Subject Land Area: 11,700 m²/1.17 hectares/2.9 acres

Existing Buildings:

- (1) House and Attached Garage: 559.1 m²/6,018.10 ft²
- (2) Pool Shed: 3.4 m²/36.60 ft²
- (3) Existing Garage: 92.4 m²/994.60 ft²
- (4) Existing Shed: 45.79 m²/492.88 ft²

Existing Buildings Lot Coverage = 700.69 m²/7,542.18 ft²

Existing Accessory Structures/Buildings:

- Attached Garage: 128.96 m²/1,388.11 ft²)
- Pool Shed: 3.4 m²/36.60 ft²
- Garage: 92.4 m²/994.60 ft²
- Shed: 45.79 m²/492.88 ft²

Existing Accessory Structures/Buildings Lot Coverage = 270.55 m²/2,912.19 ft²



According to the Zoning By-law, Section 7.7 (a) 1% of accessory structures/buildings should equate to a maximum of 117 m²/1,259.38 ft² and 10% of all buildings would equate to 1,170 m²/12,593.78 ft².

Currently, the lot coverage of existing accessory structures/buildings is 2.3% and with the addition of the proposed garage and a building area of 340.1 m²/3,660.81 ft² the new total lot coverage for accessory structures/buildings will be 610.65 m²/6,572.98 ft². This is an increase from 1% to 5.2% ($610.65 \text{ m}^2 \div 117 \text{ m}^2 = 5.2$), which exceeds the maximum 1% lot coverage for accessory structures/buildings by 4.2%.

The combined lot coverage for existing structures/buildings (dwelling and accessory uses) is 5.9% and with the proposed garage added, the new combined lot coverage will be 8.9%, which does not exceed the maximum 10% total building lot coverage zoning requirement.

The requested building height from 3.7m/12.14ft to 6m/19.69ft would be considered excessive given its proposed location in the front yard making it very noticeable on the Canboro Road corridor. Moreover, the building is situated right against the minimum side yard setback of 3m/9.84ft which is immediately adjacent to the neighbouring property to the west. The orientation and angle of the proposed garage will create a visual impact by screening views from the front porch of 252 Canboro Road in the easterly direction.

As shown on the site plan, there is a breezeway to connect to the buildings with a large concrete pad in between. The Applicant contacted Mr. Woods indicating the proposed garage was to be used to store cars however the number of cars were not disclosed, and given the size of the structure and the large open concrete area raises concerns for light trespass and excessive noise (e.g., possible automotive service and repair shop).

As prescribed under Section 45 (1) of the Planning Act, four tests are applied to determine if the minor variance should be approved. In the evaluation of determining whether the variance should be approved, all four tests must be satisfied.

1. *Is the requested variance minor in nature?*

As provided in the site statistics, the request to increase lot coverage for an accessory structure/building from 1% to 5.2% is not minor in nature since the size and location of the building will require the removal of trees and impede the sight lines of Canboro Road to the neighbouring property to the west.



In terms of preserving the rural and natural character of the site along the Canboro Road corridor, the size and location of the building does not achieve that objective.

The size of the building and additional concrete pad will add a significant amount of nonpermeable surface thus increasing water runoff and the potential to impact the drainage conditions of the lands to the west.

The requested building height increase of 2.3m/7.55ft is not considered minor in nature since it would be constructing a two-storey structure that is supposed to be incidental to the main use (dwelling) of which is set back further from the road. Despite the topography of the site and visual perception from Canboro Road that the structure may not appear high, if compared to adjacent accessory buildings along the corridor, this building is not consistent with the existing built form. Understanding the aesthetic appearance of the proposed garage is to compliment the dwelling, the proposed height will not respect the aesthetic appearance of adjacent uses.

The Applicant should provide more justification on how this building in addition to the other accessory structures and buildings on the property are incidental to the main use (dwelling) when the total combined floor area of accessory uses is greater than the size of the dwelling.

Dwelling: 430.14 m²/4,629.99 ft²

Accessory Structures/Buildings: 610.65 m²/6,572.98 ft²

The Applicant should also provide more justification and explain the hardships that would be encountered if the variances are not granted approval.

2. *Is the requested variances desirable for the appropriate use of the land, building or structure?*

With respect to desirability, the proposed garage is an accessory use and appropriate for storage purposes, however the size and location of the building is not appropriate given its potential to impact the rural character, create a visual impact by screening the neighbour, impact to existing trees, increase in water runoff and potential for drainage issues.



3. *Is the requested variances in keeping with the general intent and purpose of the Official Plan?*

Given that the proposed garage is an accessory use, it is permitted under the Specialty Agricultural designation. Although, Section B2.2.7 of the Official Plan provides a policy that identifies the Canboro Road as a corridor and an important transportation linkage between Downtown Fenwick and Fonthill. The corridor is considered to be an area of significant potential for enhancement as a rural promenade characterized by public parks and spaces geared to pedestrians and cyclists, as well as the promotion of agricultural based tourism and accessory commercial uses.

Understanding that the proposed garage is an accessory use to the main use being the dwelling, the location, height and size of the building does not meet the intent of maintaining the rural character of the corridor.

4. *Is the general intent and purpose of the Zoning By-law being met?*

The proposed garage is a permitted use in the agricultural (A) zone, however the regulations to restrict accessory structures/buildings to 1% and maintain the agricultural and natural heritage settings is not being satisfied.

The Applicant is requesting 610.65 m²/6,572.98 ft² of accessory uses to be approved which is 4.2% greater than the zoning requirement and this will significantly impact the context of the rural and natural setting of the site and the Canboro Road corridor in the broader context.

Furthermore, the requested increase in building height from 3.7m/12.14ft to 6m/19.69ft will create a visual screen from the easterly views of the neighbour and the impact the openness and natural setting of the area.

Besides the above noted impacts, the potential noise and light trespass from the building is imminent and the Applicant has not provided any details in the justification letter. A lighting plan and the particulars of the light design should be made available to determine the potential light trespass onto adjacent properties. The specific use for the proposed garage should be disclosed so any mitigation to offset any impacts are listed as conditions of approval.

In conclusion, the requested variances should be denied by the Committee of Adjustment on the basis that it does not satisfactorily meet the four tests.



Mr. Woods is not opposed to the Applicant constructing a garage however the size, scale and location of the building should be reduced and/or relocated elsewhere on the subject lands.

For consideration by the Committee of Adjustment, the Applicant should consider the following prior to approvals being granted:

1. Reduce the size, scale and height of the building so that it aligns with the intent of an accessory use being incidental to the main use (dwelling).
2. Consider relocating the building to the existing attached garage located along the eastern property limits.
3. Prepare and submit a Tree Inventory and Preservation Plan with recommendations for appropriate replacement of trees to offset the visual impacts to adjacent properties.
4. Prepare and submit a stormwater management brief and grading plan to the Town's Engineering Department for approval to ensure the stormwater runoff and drainage meets the Town standards.

If you have any questions or require additional information, please do not hesitate to contact me.

Thank you,

A handwritten signature in blue ink, appearing to read "Susan Smyth", with a stylized flourish at the end.

Susan Smyth
Planner

Cc: Michael Woods – Owner [REDACTED]