

Committee of Adjustment AGENDA

Special CofA 1/2020

January 28, 2020

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. Attendance
2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff
3. Disclosure of Pecuniary Interest and General Nature Thereof
4. Requests for Withdrawal or Adjournment
5. Applications for Minor Variance

5.1 A22/2019P - 250 Canboro Road

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1. Town of Pelham Planning Department (January 28, 2020)

2. Town of Pelham

2. Town of Pelham Public Works

3. Town of Pelham Building Department

4. Niagara Region

Public comments received for September 10th, 2019 hearing:

5. Michael Woods

6. Quartek Group Inc.

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Better Neighbourhoods Presentation

6. Applications for Consent

7. Minutes for Approval

8. Adjournment

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>

From the Department of



	<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



September 10, 2019

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
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Roll No. 2732 020 010 11000

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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 4.3 %, whereas 1 % is permitted for the detached garage and shed.
- **Section 7.7 d) "Max (Accessory) Building Height"** seeking 6 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.

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 = 4.3 % |
| d) Maximum Building Height | 3.7 m | Request = 6 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 6 m does not appear minor given the rural residential context. The 6 m building height, when paired with the proposed footprint, may negatively impact adjacent neighbours, particularly to the west.



	Increasing the max accessory lot coverage to 4.3 % 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.
2. The variance is desirable for the development or use of the land.	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 three (3) trees from the proposed garage footprint area will be relocated to the front yard.
3. The variance maintains the general intent and purpose of the Official Plan.	<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, assuming the height and scale of the building is appropriate.</p> <p>The requested increase of lot coverage and building height was not accompanied by a thoroughly demonstrated need on the basis that the subject zoning provision is not warranted, causes undue hardship, or is otherwise impossible to comply with (Policy E1.5). The 'Design Justification Letter' provided with the application states 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. The increase in accessory building height to 6 m may compromise the objective of the Official Plan, particularly Policy B2.2.7 which speaks to the rural character of the Canboro Road corridor. The variance for a 6 m accessory building height is inappropriate given the neighbourhood's local context and does not meet the general intent of the Town Official Plan policies.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	The size of the proposed accessory building's height to 6 m is inappropriate 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.

Agency / Public Comments

On August 15th 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 (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.
- Niagara Region Planning & Development Services (January 27, 2019)
 - A sewage system was installed in 2007.
 - The Site Plan submitted incorrectly shows the tile bed location underneath the existing driveway. It is actually located near the southeast corner of the property.
 - No objections, provided no plumbing or living space is included and the reconfigured gravel driveway does not extend any closer to the raised tile bed than what it is currently.
- Public Works Department (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 received from a neighbouring resident and their Planning consultant which are summarized as follows:

- The Design Justification Letter submitted by the applicant does not address potential impacts.
- Concern for light trespass and excessive noise given building size that it could be a possible automotive service / repair shop.
 - These uses are prohibited in the Zoning By-law and is speculation.
- The proposed lot coverage for accessory buildings is 5.2%. (This includes the attached garage)
 - Attached garages do not contribute towards the accessory building lot coverage sum calculated in Section 6.1, but instead the overall lot coverage sum found in Section 7.7.
- Even though the proposed garage is not located within the *required front yard (13 m)* zoning setback, it functions and appears to be within the front yard given where the dwelling was decidedly built.
 - True, however it's location in what appears to be the front yard complies with the Zoning By-law.
- The size and scale of the proposed garage will impact sightlines of 252 Canboro Road and erode the rural character of Canboro Road.
 - The residential dwelling that preceded the existing residence at 252 Canboro Road was recently torn down to make way for a newer dwelling that is setback considerably further from Canboro Road. Unfortunately, dwellings located further from public roads with deep front yard setbacks have other negative consequences, namely the obtrusiveness associated with neighbouring accessory buildings which appear to be located in front yards, despite full compliance with all zoning setbacks. If the new dwelling (at 252 Canboro Road) maintained its historically short front yard setback like much of the neighbourhood, these adverse impacts could have been significantly reduced.

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 'Design Justification Letter' stating that current residential zones are permitted to have 10% accessory building lot coverage. However, this is not the case because the subject lands are zoned *Agricultural* and therefore is limited to a 1% accessory building lot coverage. The justification also states that the current (258 m² / 2773 ft² of) detached and attached garages do not meet the owner's storage needs.

The proposed minor variance request to increase the maximum accessory lot coverage to 4.3 % 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*. However, the proposed request to increase the accessory building height to 6 m may facilitate an adverse impact with regards to land use incompatibility given the scale being proposed in conjunction with the requested height.

Planning staff have only been advised verbally that the owner intends to store a motorhome within the garage. However, the largest motorhomes available (known as Class A), cannot exceed a height of 4.15 m (13.6'). Understanding this, and that flat roof designs already maximize ceiling height, the proposed 6 m height is not warranted. A maximum building height of 5 m would be more than capable of housing a Class A motorhome and be much less obtrusive in scale for the neighbourhood, assuming certain architectural features are included, particularly strategically placed window openings.

In terms of the requested relief for an increase height limit to 6 m for the proposed accessory building, Planning staff are not convinced this part of the application satisfies all *four tests* of a minor variance under the *Planning Act*, as detailed above. The requested height limit only satisfies the test for desirability. Furthermore, the applicant has not provided any reasonably thorough grounds, or planning justification as to why the increase is warranted. Although the topography of this neighbourhood plays to the applicant's advantage in that Canboro Road is relatively higher in relation to the proposed garage site, the scale and massing of the garage will still be of considerable size and the adjacent neighbour to the west is also at roughly the same grade. Knowing this, the proposed accessory building height should be refused or alternatively, reduced, and the final design should architecturally complement the public and private realms by positively reinforcing a human-scaled, rural character neighbourhood along the Canboro Road corridor. Planning staff acknowledge the use of large amounts of glazing (windows) may not be practical or desirable for the applicant due to privacy, security and cost. However, symmetrically proportionate windows located along the upper northeast & northwest walls, at an amended building height, should be practical and would satisfy Town Planning staff.

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 %.

Planning Staff is of the opinion that the application for increased lot coverage satisfies the Planning Act. The same part of the application 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. However, the proposed accessory building height of 6 m does not share the same qualities in the opinion of Planning staff.

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 decided as follows:

Section 7.7 Requirements for buildings and structures accessory to dwellings

a)	Maximum Lot Coverage	4.3 %	Approve
d)	Maximum Height	6 m	Refuse
	<i>{If amended to}</i>	<i>5 m</i>	<i>Approve</i>

THAT the applicant

- At the time of building permit, provide redesigned garage *Elevation Plans* (at the approved height) that contribute positively to the public and private realm through the use of window openings symmetrically proportionate to the building's mass to the satisfaction of the Director of Community Planning & Development.
- 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



Memorandum

Public Works Department - Engineering

DATE: January 16, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Corey Sciarra, Engineering Technologist
RE: File A22/2019P
250 Canboro Road

Public Works has completed a review of the minor variance application A22/2019P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.7 (a) – “Maximum Lot Coverage (Accessory)” – to permit a maximum lot coverage of an accessory building of 2.7% whereas the by-law permits 1%.
- Section 7.7 (d) – “Maximum Accessory Building Height” – to permit a maximum accessory building height of 5m whereas the by-law permits 3.7m.

Public Works has the following comments:

- That the applicant submits a drainage plan addressing how the runoff from the new addition will be addressed to ensure that drainage does not negatively impact neighbouring properties.

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development

Date: January 14, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 28, 2020 hearing. **File A22/2019P**

Comment:

- Building permits will be required for the existing storage shed at the rear of the property, along with the proposed garage addition to the existing detached garage.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Via Email Only

July 29, 2019

Re: Minor Variance Application (Proposed Garage Addition)

Location: 250 Canboro Road, Town of Pelham

Town File: A22/2019P

Regional File: **MV-19-045**

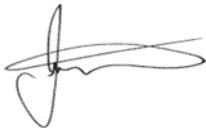
Private Sewage System Review

Niagara Region Development Services Private Sewage System staff has reviewed the Minor Variance Application for the above-mentioned property, concerning the construction of a proposed attached garage addition, on the north side of the existing detached garage.

According to our records, a permit for double in-ground filter bed was issued by Niagara Region Public Works Department in 2009. The existing bed and tanks are located south of the existing dwelling. The proposed garage addition meets with the minimum setback requirements.

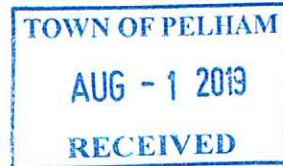
Therefore, we have no objections to the application as submitted, provided the garage addition will not contain any bedrooms, plumbing or living space.

Respectfully,



Justin Noort, Private Sewage System Inspector

Cc: Taylor Boyle, Development Approvals Technician, Planning and Development Services
Phill Lambert, P.Eng., Director, Infrastructure Planning & Development Engineering



Ms. Nancy Bozzato
Town Clerk / Secretary-Treasurer
Town of Pelham
20 Pelham Town Square,
Fonthill, Ontario
L0S1E0

Re: File A22 / 2019P – 250 Canboro Rd., Pelham (Part Lot 4, Concession 8)
Application For Variance

Notice of Objection

Dear Ms. Bozzato,

Please accept this document as my Notice of Objection to the variance sought by the Applicant in the above matter with respect to the maximum lot coverage and maximum height of accessory buildings as set out in Pelham Zoning By-law 1136 S. 7.7(a) and 7.7 (d).

I only received notification of this application by mail on Friday July 26, 2019 and note that submissions are due by Thursday August 1, 2019. This provided me with a minimal amount of time to prepare this submission, which was done without the benefit or assistance of a planning specialist. Please note that I intend to engage the services of a planning specialist to represent my interests in this matter, and will make further submissions in writing or orally at the hearing scheduled for August 13, 2019 at 4:00 P.M.

I would like to start by saying that for the last 7 years, my family and I have enjoyed a friendly and amicable relationship with the Applicant and his family, and I am disheartened that this application was made by him without any notice or discussion with me, considering the significant impact it will have on my home. My fear is that my opposition to this application will have a negative and long-lasting effect on our previously excellent relationship as neighbours, and for that, I am truly sorry. I have always tried to be a good neighbor wherever I have lived and I really don't want to be "that guy", however I do have multiple concerns with this proposal that I will outline only briefly at this time.

Size – This proposed structure is an "addition" to an existing detached garage in name only. This is a very large, new-build garage capable of holding an estimated 9+ cars, which is located in the front yard of the existing residence. The proposed new building is 36 ft. wide by 71 ft. 6" long and is 20 ft. high. The "addition" is actually separated from the original detached garage by a 22 ft. 8" wide by 43 ft. 5 3/4" long expanse of concrete pad between the two structures, which are only joined together by a new carport type roof covering this area, which is open to the front and rear (directly adjacent to my residence).

Setback and Location – Although this new garage could have been constructed smaller in depth and 22' 8" closer to the original detached garage (and therefore further rearward on the property) by eliminating the concrete pad, the entire proposed garage structure will now sit forward of the front of my residence at [REDACTED] Canboro Rd. In other words, when I walk out my front door and look east, or when anyone enters onto my property via my driveway, we will now be facing the entirety of a proposed 20 ft. high, 36 ft. wide and 71 ft. 6" long "warehouse" structure due to the angle that the proposed new building will be placed on the lot. I anticipate that this will seriously impact both the aesthetic and resale value of my home and property.

The proposed new structure has also been located at the absolute minimum setback of 3 metres from the mutual property line, leaving minimal room on the Applicant's property for additional foliage to potentially camouflage the appearance of this massive structure. The existing tall pine trees on the Applicant's property, which have a high needle canopy, provide almost no ground level screening and the two small "mulberry bushes" identified on the Applicant's drawing are no match for the imposing size of this structure. Because the existing foliage is already setback from the property line, the location of the proposed structure will likely preclude new plantings and construction may impact on the existing plantings resulting in their removal.

Purpose of the Proposed Structure – In a brief advisory phone call received from the Applicant on July 24, 2019 notifying me of his intention to build a "little garage and breezeway" next to his existing detached garage, the Applicant indicated that a letter would arrive shortly (received on July 26). When I jokingly asked why he needed more garage space (beyond his current 6-7 spaces) because "you can only drive one car at a time", the Applicant indicated, "to work on cars". Given that the Applicant is involved in the automotive salvage industry, I am concerned that he will potentially engage in a noisy car repair or spin-off automotive commercial venture in a large garage / display area located less than 30-40 ft. from the east side of my home.

Subsequent to receiving the notification letter from the Town, I texted the Applicant to ask to meet with him in person on Monday July 29 to discuss the setback and positioning of the proposed structure (as it was difficult for me to discern the layout and dimensions on the Town letter). Although he agreed to let me know when he was home and meet with me later that day, the Applicant has not contacted me since that time. Although my concerns regarding the purpose of this large structure are speculation, my attempt to seek information, discussion and reassurance from the Applicant was unsuccessful, in spite of our amicable relationship.

Roof Drainage and Water Flow – The new garage and carport will add 3,556 square feet of roof to collect rainwater. As noted in the Applicant's own drawings, the grade slopes toward my property. In fact, the entire front half of the Applicant's property drains toward my property, and in some places is up to 4 ft. higher. The

downspouts of the existing detached garage empty off the back of that structure directly toward my property, and there is an additional drain that surfaces from the ground at the rear of this garage bringing water from an unknown location.

Previously the volume of water draining from the Applicant's and my property combined resulted in a torrent of water draining downhill along the east side of my residence, across my back yard and entering onto the property to the west, resulting in complaints from that neighbor. This resulted in me installing swales along the east side of my residence (abutting the Applicant's property), and across my backyard, excavating a French drain along my west perimeter and also installing an armour stone water retention barrier, solely at my expense, to attempt to control the volume of water heading west which was impacting my neighbour.

These actions by me have corrected the issue, however the addition of 3,556 square feet of roof dumping untold thousands of gallons of water onto my property during heavy rains will undoubtedly overwhelm my efforts and will likely result in flooding of my property and that of the neighbor to the west.

Noise / Light Pollution – The Applicant's current detached garage beside my residence is minimally utilized, has no lighting to the rear and causes no impact with respect to light / noise. Although the specific design of lighting to be installed on the new structure is unknown, I anticipate that at a minimum, the proposed carport area, which is "open concept" and immediately adjacent to my kitchen window, will be illuminated in some fashion.

The Applicant has proposed a very large garage door on the front of the structure, as well as a second apparently even larger / wider door on the south side, exiting onto the carport concrete slab between the garages and directly facing my house / rear deck. As vehicles exit via this south door, the headlights will shine directly toward my rear deck and the noise of work being performed in the garage or vehicles running will be funneled by the side wall of the new garage, carport roof, and the back of the existing detached garage directly toward my home and deck approximately 30-40 ft. away. I anticipate that anytime this large proposed door is open, any noise will be magnified and will be directed toward my home.

The Applicant has greatly overstated the presence of "conifers" (white pines) in his drawings of this area. Currently there are 5 on his property, and I anticipate 3 will need to be removed to facilitate the proposed construction. Regardless, they will do nothing to diminish sound and their wispy branches will provide minimal reduction of light.

Undeclared Accessory Building Lot Coverage - The Applicant constructed another new detached garage last year, estimated to be approximately 24 ft. by 40 ft., in the southwest corner of his property. This accessory structure has not been identified or included in the Applicant's calculations regarding current accessory building lot coverage.

Suitable Alternate Location - The Applicant has a suitable location for additional garage space to the east of his attached garage / residence. A garage at this location could take advantage of his existing concrete pad for his attached garage, would provide alternate drainage to the south away from my property, and would have no impact on surrounding neighbours with regard to light or sound as the residence of the neighbour on the east side is located hundreds of feet to the north.

If this proposed garage is truly for the personal use and enjoyment of the Applicant, this location would be more appropriate than a location that is more than an estimated 175 ft. from his own residence but in very close proximity to my residence, with the associated significant impact it would have on my property.

Interim Conclusion

In closing, I would like to reiterate that I believe the Applicant's exceptionally large proposed "addition" to his detached garage and its location will impose a number of significant impacts affecting the use and enjoyment of my home, and that the Applicant is seeking a "major variance" as opposed to a minor variance to the governing by-law..

To be clear, I am not opposed to the Applicant constructing an appropriately sized and thoughtfully located garage on his property that does not impact the use and enjoyment of my residence, however I object to this particular proposal for the reasons mentioned.

As previously indicated, this submission has been prepared in a minimal amount of time and without the assistance of a planning specialist, and I reserve the right to make additional submissions both in writing and orally at the hearing scheduled for August 13, 2019, and to have a planning specialist attend with me to make further representations on my behalf.

Respectfully Submitted,



Michael Woods (Owner)

████ Canboro Rd.,
Ridgeville ON.
████

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]

January 28, 2020

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

Re: Minor Variance Application A3/2020P
Part 5 on RP 59R-16105, Pelham (Summersides Mews)
Part of Block 4, 59M-432
Roll No. Unknown

The subject parcel is located on the northeast corner of Summersides Boulevard and Wellspring Way, legally described above, in the Town of Pelham.

The subject land is zoned 'East Fonthill – Mixed Use 3' (EF-MU3) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- i. **By-law No. 3543 (2014) Section 2. (c)(i) "Maximum Street Setback"** seeking a maximum street setback of 3.6 m for units 11, 15, 21 & 23 of 'Block D', whereas 3 m is required.
- ii. **By-law No. 3543 (2014) Section 2. (c)(v) "Minimum Parking Lot Setback"** seeking a minimum parking lot setback of 1.3 m, whereas 3 m is required.
- iii. **By-law No. 3543 (2014) Section 2. (c)(vi) "Minimum Distance Separation between Townhouses"** seeking a minimum setback of 2.3 m, whereas 3 m is required.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate compact form,

while avoiding or mitigating risks to public health and safety.

The proposed minor variance application has been submitted to seek relief from certain site-specific zoning provisions in order to facilitate the applicant's preferred site design layout.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential, therefore an Assessment and Ministry Clearance was previously completed as part of the Village of East Fonthill Subdivision which created this block of developable land and the streets flanking it.

The proposed development seeks to increase the residential housing supply within the *Urban Settlement Area* boundary of Fonthill, and more specifically in the East Fonthill Secondary Plan limits on designated *Greenfield* lands. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form while meeting *greenfield* density targets, providing diversity in housing in an effort to accommodate a broader range of income levels and enhancing the urban character of the community.

Growth Plan for the Greater Golden Horseshoe (2019)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is a *designated greenfield area* and is located within a 'Settlement Area' according to the Growth Plan. *Designated greenfield areas* are required to accommodate forecasted growth to this Plan's horizon. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of complete communities.

Complete Communities are defined as mixed-use neighbourhoods or other areas within a Town that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and *public service facilities*. *Complete communities* may take different shapes and forms appropriate for their contexts.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;

- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

Ground-oriented residential dwellings are the predominant housing type being proposed. However, the variety in built form is much more unique than what comes to mind in this area when ground-oriented dwellings are considered. The proposed dwelling units are all permitted uses under the Zoning By-law and the variety is considered desirable from a planning perspective and contribute to providing housing choice. This Secondary Plan area yields a higher planned density threshold than the balance of built-up urban land throughout Pelham. Dwelling unit types in this mixed-use area range from traditional townhomes, contemporary British inspired mews, detached second dwelling units (rentals) and apartments.

The subject lands are located around 1km from Downtown Fonthill, and less than 0.5km from grocery stores and various other service commercial uses along Highway 20 east. This places it within the realm of the desirable '10-minute' walking-shed neighbourhood. Two local elementary schools are also located nearby and the site is adjacent to the Meridian Community Centre.

The proposed variances will help facilitate the construction of 41 residential dwelling units in a variety of housing types in a compact, walkable form that helps support the existing municipal infrastructure within the East Fonthill community. The proposal will also help contribute towards the municipal property tax base which helps towards maintaining linear infrastructure and *public service facilities*. Existing stormwater facilities, water and sanitary sewer mains extend along the lot's frontages.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Designated Greenfield Area' within the Urban Area Boundary.

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.C.5 states *Designated Greenfield Areas* will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses.
- b) Where limited by scale or configuration, making a significant contribution to the growth of the respective *Urban Area*.
- c) Providing opportunities for integrated, mixed land uses.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

Town Planning staff are of the opinion the development makes effective use of the vacant lands situated in an evolving mixed-use neighbourhood by providing compact ground-oriented residential dwellings with a diverse range of housing types and tenures.

Policy 4.J.4 states the Region encourages private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential construction that:

- c) Emphasizes the entrance.
- d) Is accessible to all persons.
- g) Provides an attractive, active transportation friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

The proposed development's site design positively reinforces the Summersides Boulevard and Wellspring Way streetscape using compact, front-facing built form with principle entrances at the sidewalk providing *eyes-on-the-street*. The active front façades enhance the pedestrian experience and comfort levels along both public streets, while the rear lane vehicle access otherwise eliminates multiple conflict points from vehicle driveways along the frontages. Therefore, Town Planning staff is of the opinion the development conforms to Regional policy and agrees with Regional staff's comments (see appendix).

Regional staff did not object, nor request to be circulated the proposed minor variance application as the development aligns with Provincial and Regional policies and they've been continuously involved throughout the Site Plan Control process.

Pelham Official Plan (2014) & East Fonthill Site Master Plan

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features. The East Fonthill Site Master Plan was implemented as a result of the Official Plan's Secondary Plan policies for East Fonthill. This subsidiary Master Plan applies to the Commercial / Employment Centre lands which are generally bounded by Highway 20 (north), Rice Road (east), Summersides Blvd (south) and (west).

The local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as EF – Mixed Use within the Commercial/Employment Centre. Policy B1.7.8.3 outlines the permitted uses and intentions of this designation. Permitted uses include apartments, townhouses, secondary suites, live-work units among many other uses.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No *key natural heritage features* (i.e. *Significant Woodlands, Provincially Significant Wetlands or valleylands* etc.) are located near the subject lands.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage residential development applications occurring in the *urban areas* where full municipal water services and sanitary sewers are available, to provide for affordable housing and diversity in housing in an effort to accommodate a broad range of income levels among other things.

The subject lands are situated around 1 km from Downtown Fonthill, (2) public elementary schools and even closer to various other service / neighbourhood commercial uses which positions it well within walking distance of many daily amenities, including the Community Centre and various local shopping opportunities.

Policy A2.3.2 Urban Character – stated objectives of this Plan include (among others):

- To enhance the *urban areas* as diverse, livable, safe, accessible and attractive communities.
- To ensure that new development areas are integrated into the fabric of the existing community in conformity with approved Secondary Plans.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance would facilitate the construction of various ground-oriented residential dwellings in proximity to commercial, institutional and recreational uses. At this point, the neighbourhood character is undergoing significant transformation as its role as a vacant *designated* greenfield area is evolving rapidly. Many neighbouring development applications are active and seeking to shape the future built form. The neighbourhood is envisioned as a walkable, mixed-use community according to the East Fonthill Secondary Plan and East Fonthill Site Master Plan.

The Summersides Mews development will help buffer the unsightly surface parking lot associated with the Meridian Community Centre and it will also enhance the vehicle driveway entrances to the community centre parking lot.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy A2.7.2 Cultural Heritage – states it is the Plan’s objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

The Summersides Mews development, seeks to create a new urban appeal, or character, which is appropriate given its land use policy standards but also one that respects and enhances the Village of Fonthill’s cultural landscape through the use of sensitive gradient building massing, consistent building alignments that reinforce the public realm and streetscape, as well as a congruent use of high quality exterior cladding material such as brick veneer, front porches and proportional window openings.

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry of Tourism, Culture & Sport has been receipted as part of the previous draft plan of subdivision known as the *Village of East Fonthill* (file # 26T19-010-14).

Policy B1.7.3.1 (East Fonthill) Development Objectives – states that the following private (and public) development objectives will be implemented by the mechanisms in the Official Plan, the implementing Zoning and Site Plan Approvals. The East Fonthill development objectives (that relate to this development) are:

- a) To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction;
- b) To ensure a well-designed, attractive, pedestrian-and bicycle-friendly community that includes an appropriate mixture of housing types, as well as locally focused retail/commercial uses and places of worship;
- c) To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
 - ✓ The Commercial / Employment Centre of East Fonthill is still in its early days and is in the midst of establishing character.
- d) To create a complete community with a safe, healthy and functional environment that can accommodate between 6,500 and 7,500 new residents and jobs combined;
- e) To require that both the intensification and *greenfield* components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
 - ✓ Town staff have calculated the projected density of the subject lands at 83 residents & jobs / hectare and 58 dwelling units / hectare and note that these metrics both exceed the required *greenfield* density target.
- f) To provide a land use and community structure that supports the existing historic downtown and associated Town Centre of Fonthill;
 - ✓ The subject land is within close proximity of Downtown Fonthill and the additional housing units will help support local business vitality.
- j) To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces, capable of performing a supporting role to the open space network;

- ✓ The internal laneway is narrow and designed purposefully at a human-scale with careful urban design consideration to ensure an attractive streetscape internally and along Wellspring Way and Summersides Boulevard.
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
 - ✓ The development provides several sidewalk connections to improve pedestrian mobility and (though not relevant to this application), layby parking which further helps calm traffic speed and improve the pedestrian experience along the public sidewalks by providing an additional buffer between moving traffic and walkers.
- l) To provide a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel and that reflects and responds to the natural features of the community;
- m) To ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities, as well as adequate utility networks.


It is noted that the minor variance applications seek numeric relief from three (3) site-specific provisions to facilitate a preferred site design and layout. The proposed minor variances conform with the Pelham Official Plan as it supports additional housing, a variety of housing forms, types & tenures, good land use planning, compact built form, enhances the grid network of transportation and is a compatible form of residential development in a walkable area.

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

The subject land is zoned 'East Fonthill – Mixed Use 3' (EF-MU3) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Under the site-specific Zoning By-law Amendment No. 3543 (2014), the minor variance application requests relief from Section 2. (c):

- i. **"Maximum Street Setback"** seeking a maximum street setback of 3.6 m for units 11, 15, 21 & 23 of 'Block D', whereas 3 m is required.
- v. **"Minimum Parking Lot Setback"** seeking a minimum parking lot setback of 1.3 m, whereas 3 m is required.
- vi. **"Minimum Distance Separation between Townhouses"** seeking a minimum setback of 2.3 m, whereas 3 m is required.

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.	<p>The requested front yard setback is minor in nature as the increased front yard is minimal, will maintain a relatively consistent building alignment as originally intended but also help distinguish the architectural character of Block D.</p> <p>Reducing the minimum parking lot setback is minor overall because it will be landscaped, integrate fencing materials that are shared with the adjacent apartment building's balconies (Figure 1) and help leave space for the internal community mailbox and waste collection area.</p> <p><i>Figure 1: Parking lot rendering viewed from Wellspring Way</i></p> 

	<p>Reducing the setback between townhouses from 3m to 2.3m is minor overall because it still complies with the <i>Ontario Building Code</i> and adequate spatial setback is maintained for a pedestrian walkway, privacy and access for maintenance purposes.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>Increasing the maximum front yard setback for the Block D end units along Wellspring Way is desirable for the land because it will help provide subtle architectural charm to the block but yet be minimal enough such that the consistent building setback is otherwise indistinguishable in its efforts to help <i>frame</i> the public street with building wall(s).</p> <p>Reducing the minimum parking lot setback is desirable for the lands because it will provide space for the apartment's waste collection area, the communal mailbox, required parking stalls all while not harming the public realm by exposing what are generally considered undesirable from an urban design perspective. The parking lot will be architecturally integrated to the adjacent buildings through similar fencing material and landscaping.</p> <p>Reducing the setback between townhouses is desirable for the lands because it will limit privacy issues between neighbours due to more restricted building openings under the <i>Ontario Building Code</i>, and facilitate a more compact built form while increasing housing supply through the provision of additional units and / or unit sizes.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>All three (3) requested variances maintain the general intent of the Official Plan because they collectively seek to facilitate a site layout which is designed in a way to accommodate a large variety of housing types, enhancing the urban design of the neighbourhood and establishing an East Fonthill character (Policy A2.3.2) that is consistent with the Site Master Plan / Urban Design Guidelines. Further, the parking lot and townhouse setback variances help to make more efficient use of the parcel while satisfactorily accommodating essential services such as waste collection, mail delivery, and emergency service vehicles.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>All three (3) requested variances maintain the general intent of the Zoning By-law because they utilize the East Fonthill's '<i>form-based code</i>' to its highest potential with minimal refinements requested to help execute the development's vision which is grounded on a human-scaled, walkable, urban character that enhances its surrounding environment.</p> <p>The variances do not compromise the ability to comply with the <i>Ontario Building Code</i>, parking requirements, manage stormwater runoff, avoid future privacy concerns, support essential services and provide adequate amenity areas for residents.</p> <p>Furthermore, the proposed uses and permitted under the EF-MU3 zone and the required number of parking stalls are compliant.</p>

Agency & Public Comments

On December 12, 2019 a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Department (Jan 14, 2020)
 - No comments.
- Public Works Department (Jan 16, 2020)
 - No comments.

No public comments were received at the time of this writing.

Planning Staff Comments

It is noted that a concurrent Site Plan Application (SP-03-19) is being processed by Town Staff and will be presented to Council for approval in the coming weeks. A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on December 20, 2018 to discuss various development applications.

The subject lands are located on the northeast corner of the roundabout intersection of Summersides Boulevard and Wellspring Way. The lands are surrounded by the Meridian Community Centre to the north, vacant land to the east & south, and an open space stormwater management pond to the west.

The proposed minor variance application seeks zoning relief from three (3) site-specific zoning regulations. Though all of which, are needed to facilitate the proposed development as shown on the Site Plan, these variances are technically preferred for design, architectural, and functional reasons. None of the variances are required to effect the nature of the proposed development, that is with respect to the type of, number of & density of dwelling units, the arrangement of the buildings on the subject lands, or the amount of parking provided, all of which comply with the Zoning By-law and Official Plan.

If the development were to proceed without the requested variances, the Site Plan would still be able to proceed and look very similar albeit Block D will share a shorter front yard setback, the townhouse footprints may be slightly smaller, (or taller to accommodate similar floor areas), and the parking lot would be shifted towards the east requiring the mailbox and refuse area to be relocated. As mentioned above, these variances are merely desired for site layout and urban design purposes, not necessarily as a requirement for Site Plan Approval.

Planning staff have reviewed the *Planning Justification Report* submitted by Better Neighbourhoods Development Consultants dated 2019-11-22, and agree with its commentary.

Planning staff visit the area frequently and understand the local context well. At present, this quadrant of the East Fonthill Secondary Plan neighbourhood is not in the midst of any active construction projects, save for the River Estates Phase 1-2 subdivisions. However, there are several imminent developments looming. Two (2) of which have received Site Plan Approval and are building permit ready, particularly, one is opposite Summersides Boulevard where three (3) mid-rise apartment buildings are now ready for construction. The lands to the north and east are currently vacant but will be subject to future *Planning Act* development applications for which the details are unknown at this time.

In addition to the Site Plan, Landscape Plan and Building Elevation Plans, the applicant also supplied a conceptual rendering of the proposed parking lot from the Wellspring Way perspective. This parking lot

configuration is the subject of one minor variance request to reduce its setback from Wellspring Way. The illustration depicts landscaping integrated with a fence that is intended to echo the balconies of the adjacent apartment building to the south. The variances associated with the setbacks have minimal impact on the site or the public at-large. The policy intent of the East Fonthill Secondary Plan and East Fonthill Site Master Plan continue to be conformed with as well as compliance to the *Ontario Building Code*.

Again, Town of Pelham Council approval is required for the concurrent Site Plan Control application (SP-03-19) which is anticipated to be considered shortly after the minor variance process concludes.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate *greenfield* development, making efficient use of the designated urban area lands, where suitable to do so. The proposed minor variance should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff.

In Planning staff's opinion, the application is considered an innovative form of compact, walkable, urban development, is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Planning staff recommend that minor variance file A3/2020P **be approved**.

Prepared by,

A handwritten signature in black ink, reading "Curtis Thompson".

Curtis Thompson, B.URPI
Planner

Approved by,

A handwritten signature in blue ink, reading "Barb Wiens".

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

Memorandum

Public Works Department - Engineering

DATE: January 16, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File A3/2020P
Part of Block 4 Plan 59M-0275

Public Works has completed a review of the minor variance application A2/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- By-law No. 3543 (2014) "Section 2 (c) (i) Maximum Street Setback – to permit a maximum street setback of 3.6 meters for units 11, 15, 21, and 23 of Block D whereas the by-law requires 3 meters;
- By-law No. 3543 (2014) "Section 2 (c) (v) Minimum Parking Lot Setback – to permit a minimum parking lot setback of 1.3 meters whereas the by-law required 3 meters; and
- By-law No. 3543 (2014) "Section 2 (c) (vi) Minimum Distance Separation between Townhouses – to permit a minimum distance separation between Townhouses of 2.3 meters whereas the by-law requires 3 meters.

Public Works has no comments.

To: Nancy Bozzato, Holly Willford

Cc: Curtis Thompson, Sarah Leach

From: Belinda Menard, Building Intake/Plans Examiner
Community Planning & Development

Date: January 14, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – January 28, 2020 hearing. **File A3/2020P**

Comment:

- Building department offers no comment at this time.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Summersides Mews

EAST FONTHILL | TOWN OF PELHAM

Proposed Site Plan



Proposed Minor Variances

- 1 Reduce minimum landscape buffer where a parking lot abuts a street from 3.0 m to 1.5 m
- 2 Reduce minimum separation distance between townhouse buildings from 3.0 m to 2.3 m
- 3 Increase the maximum front yard setback from 3.0 m to 3.6 m









