

Committee of the Whole Meeting
Minutes

Meeting #: PCOW-02/2020
Date: Monday, March 9, 2020
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin, Mike Ciolfi, Lisa Haun, Bob Hildebrandt,
Ron Kore, Marianne Stewart, John Wink

Staff Present: Nancy Bozzato, Barbara Wiens, Shannon Larocque

Media: Rick and Del Leney
Interested Citizens

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 p.m.

2. Adoption of Agenda

Moved By Councillor Marianne Stewart

THAT the agenda for the March 9th, 2020 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Planning Act Application: AM-01-20 1084 Quaker Road

The Mayor read into the record the Notice Requirements regarding this application.

4.1 Planning Report

Senior Planner S. Larocque presented information relating to the zoning by-law amendment application relating to 1084 Quaker Road.

4.1.1 Information Report - Application for Zoning By-law Amendment - 1084 Quaker Road, 2020-0035-Planning

Moved By Councillor John Wink

THAT Committee receive Report #2020-35 for information as it pertains to 1084 Quaker Road (File no. AM-01-20) and recommend to Council:

THAT Council direct Planning staff to prepare the Recommendation Report on this application for consideration.

Carried

4.2 Applicant's Presentation

Del Leney, applicant, informed Council that those in opposition may not realize the reason for this application, having been requested as part of a permit application for accessibility needs. She explained the insurance proposals regarding the health of Mr. Leney and his need for installation of various equipment installations in their home. She indicated that their main focus at this time is to permit accessibility. She also noted that the property next door, 1086 Quaker Road, is a triplex that was grandfathered about thirty years ago.

Ms. Wiens informed Council that the applicants submitted a building permit application to allow for the installation of measures for accessibility purposes. In order to obtain a building permit, the property must be in compliance with the zoning by-law, which zones this property for a single detached dwelling. The zoning amendment is needed in order to allow for recognition of two separate and distinct dwelling units. She clarified that it is not an accessibility permit that is being sought, but rather a building permit to allow for renovations to make the dwelling accessible.

Mrs. Leney suggested to the Council that accessibility is a human right and as such, this should not be denied.

It was noted that the second unit is a basement unit and it was asked if this were removed would a permit be issued. Ms. Wiens advised that the applicants are not willing to take this step as they want to maintain the second dwelling unit.

Mrs. Leney advised that this is not something she wants to do because she does not want to evict her tenants with no other affordable housing available. She suggested that this type of living accommodation should have been allowed years ago by the Town. That stated, she indicated that in order to get the building permit to provide for her husband's needs, they would give up the basement unit.

Ms. Wiens advised that there would be no building additions or new structures if this amendment is approved. Mrs. Leney advised that they are not planning any new construction, noting the additional dwelling units have existed for some twenty years.

Moved By Councillor John Wink

THAT Committee Receive the applicants presentation for information.

Carried

4.3 Public Input

Nigel Shelton, neighbouring property owner, sought clarification on the application as it appears that if the apartment is not present, the accessibility measures cannot be undertaken. Ms. Wiens provided clarification that the apartment has been in existence for some time, but was constructed without the issuance of building permits, so it does not exist legally. The zoning needs to be changed so as to permit the second unit, known as a duplex. Because the applicants want to make renovations to the home to install a lift for accessibility from the main floor to the second floor and lower units, as well as other issues such as widening the hallways, doors, etc., the structural changes require a building permit. A permit cannot be issued because the property, as it exists today, is not legal given the second dwelling unit constructed without a permit.

In response to an additional query, Ms. Wiens advised that there would be no ability to subdivide the property to allow for the two distinct units to be sold separately, as this situation is a contained apartment within the house that is under one ownership.

Richard Leney, son of the applicant, informed that the basement unit was originally built for his grandmother, and was initially a granny suite. It was originally attached to the rest of the dwelling with a common entrance. After his grandmother was no longer living in this unit, he moved in to that area and closed it off, making it a separate unit. He was there for two or three years and after he moved out, his parents brought in a college student. He indicated that one of this was done in bad faith, nor was it done to try to avoid obtaining permits

In response to a question by Council, Ms. Wiens advised that zoning does not zone "people", but rather, zones property so allowing this situation to remain while owned by Mr. and Mrs. Leney would not be permitted. The only ways to obtain a building permit would be to convert the residence back to a single, or to obtain a zoning amendment. In response to a question about the property previously being described as a triplex, Ms. Wiens noted that there is one additional granny flat that is integrated as part of the main floor and does not have a separate entrance.

If this application is approved, there are restrictions for lot coverage in terms of accessory buildings and the main structure. If those specific requirements are met, an addition could be constructed but a second dwelling building would not be permitted.

Moved By Councillor Lisa Haun

THAT Committee receive the written correspondence from:

- 1. Norm Mailhot**
- 2. Nigel and Pamela Shelton**
- 3. James Shannon**

AND THAT Committee receive any verbal presentations made by the public.

Carried

4.4 Committee Input

All Committee questions were answered during the previous discussions.

5. Adjournment

Moved By Councillor Mike Cioffi

THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

Carried

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato