

**Committee of Adjustment
Minutes**

Meeting #: CofA 2/2020
Date: Tuesday, February 4, 2020
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
 Bill Sheldon
 Bernie Law

Members Absent John Klassen
 Sandra Marsh

Staff Present Nancy Bozzato
 Holly Willford
 Curtis Thompson

1. Attendance

Applicants, Agents and Interested Citizens.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Cook called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

The Assistant Secretary-Treasurer indicated there have been no requests for withdraw or adjournment.

Chair Cook suggested the Committee hear the applications in the following order: A5/2019P, A7/2019P, B1/2020P, B2/2020P, A1/2020P, A2/2020P and A4/2020P. Through consensus, the Committee agreed to hear the applications in the order suggested by the Chair.

5. Applications for Minor Variance

5.1 A5/2020P - 1121 Effingham Street

Purpose of Application

Application for relief, pursuant to Section 7.7 (a) "Maximum Accessory Lot Coverage" to allow a maximum accessory lot coverage of 2.1% whereas the by-law permits 1%, is required and Section 7.7 (d) "Maximum Accessory Building Height" to allow a maximum accessory building height of 6m whereas the by-law permits 3.7m, is required.

Representation

The Applicant was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region
5. NPCA
6. Melody Burnham Comments

Applicant's Comments

The Applicant indicated the Town had advised him the requirement of an archeological assessment may be waived due to the heavy disturbance of the lands. In response, Town Planner, Mr. Curtis Thompson indicated the Town suggested the requirement might be waived depending on the location of the proposed building. In addition, Mr. Thompson indicated the Niagara Region requested the archeological assessment as a condition.

Public Comments

There were no verbal comments received from the public.

Members Comments

The Committee Members indicated in addition to the requested conditions the following shall be added: “shall not be approved for any living accommodations or plumbing within the accessory building” to the Building Permit condition.

Moved By Bill Sheldon

Seconded By Bernie Law

Application for relief of Section 7.7 (a) “Maximum Accessory Lot Coverage” to allow a maximum accessory lot coverage of 2.1% whereas the by-law permits 1%, is required and Section 7.7 (d) “Maximum Accessory Building Height” to allow a maximum accessory building height of 6m whereas the by-law permits 3.7m, is required, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature overall as adequate land area remains available to handle stormwater runoff, the septic system and preserve a rear yard amenity area and no negative impacts are anticipated.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for enhanced use of the rural residential property and it allows for enhanced storage and use of the facility.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

1. **That the applicant conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture prior to the issuance of a building permit.**
2. **That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official and shall not be approved for any living accommodations or plumbing within the accessory building.**
3. **Obtain approval for a Driveway Entrance & Culvert Permit prior to the issuance of a building permit to the satisfaction of the Director of Public Works.**

Carried

5.2 A7/2020P - 6 Brucewood Street

Purpose of Application

Application for relief, pursuant to Section 13.2 (c) "Maximum Lot Coverage" to permit a lot coverage of 32.6 %, whereas 30 % is required.

Representation

The Applicant was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Onalee J Gaje Comments
5. Alix and Rich Morgan Comments
6. Barbara Lemieux and Robert McIlveen Comments

Applicant's Comments

The Applicant indicated no additional trees are to be removed and requested the condition regarding a Tree Savings Plan be removed. The Committee requested Mr. Thompson to respond. Mr. Thompson indicated

the decision would lay with the Committee, however stated if no trees are to be removed the condition would be easy to satisfy. The Member's agreed and indicated the condition would remain.

Public Comments

There were no verbal comments received from the public.

Members Comments

A Member asked if the Applicant would retain his current driveway. In response the Applicant indicated he will be maintaining the existing driveway, however may build a circular driveway. The Member's discussed the potential modification to the existing driveway and requested an additional condition be added that the applicant obtain approval for a Driveway Entrance and Culvert Permit prior to the issuance of a building permit to the satisfaction of the Director of Public Works.

Moved By Bernie Law

Seconded By Bill Sheldon

Application for relief of Section 13.2 (c) "Maximum Lot Coverage" to permit a lot coverage of 32.6 %, whereas 30 % is required, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature overall as the deviation from the Zoning By-law is marginal considering the size of the subject lands.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will provide a net increase of the residential dwelling which is comparable to the subdivision which currently supports large gross floor area housing.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis**

and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

- 1. Obtain all necessary demolition and building permits to the satisfaction of the Chief Building Official;**
- 2. Prior to the issuance of a building permit, prepare a Tree Saving Plan demonstrating the impact on all existing trees and indicating where new plantings will occur, to the satisfaction of the Director of Community Planning & Development; and**
- 3. Obtain approval for a Driveway Entrance & Culvert Permit prior to the issuance of a building permit to the satisfaction of the Director of Public Works.**

Carried

6. Applications for Consent

6.1 B1/2020P - 695 Quaker Road

Purpose of Application

Application is made for consent to partial discharge of mortgage and to convey 765.47 square metres of land (Part 2), to be added to the abutting property to the west (Part 3, 4 and 5 on 59R-15976), for future development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 695 Quaker Road

Representation

The authorized agent was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department

Applicant's Comments

The Agent, Mr. Stephen Fraser he had no additional comments and agrees with the requested conditions.

Public Comments

There were no comments received from the public.

Members Comments

A Member requested further information on the totality of the proposed land assembly. In response, the Agent indicated he would not be able to answer any question with regard to the land assembly as he acts for the owner transferring the lands.

Moved By Bernie Law

Seconded By Bill Sheldon

Application is made for consent to partial discharge of mortgage and to convey 765.47 square metres of land (Part 2), to be added to the abutting property to the west (Part 3, 4 and 5 on 59R-15976), for future development. Part 1 is to be retained for continued residential use of the dwelling known municipally as 695 Quaker Road, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

The above decision is subject to the following conditions:

- 1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall**

apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the west (Parts 3, 4 and 5 on 59R-15976), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

2. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Carried

6.2 B2/2019P - 813 Foss Road

Purpose of Application

Application is made for consent to partial discharge of mortgage and consent to convey 689.9 square metres of land (Part 1) for construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 813 Foss Road.

Representation

The Applicant's lawyer was present.

Correspondence Received

1. Town of Pelham Planning Department

2. Town of Pelham Public Works
3. Town of Pelham Building Department

Applicant's Comments

The Applicant's lawyer, Patrick Maloney stated he and his clients agree with the Town's report, however indicated he believed there was confusion around the condition stating the applicant is to provide a parking stall and obtain a permit for the construction of a carport or garage on Part 2, or to receive zoning relief and requested the condition be removed. In response, Mr. Thompson indicated this condition is based upon the requirements within the Town's current Zoning By-Law. The applicant's lawyer indicated if this is a requirement of the zoning by-law his client will comply. It was determined by the Committee the condition would remain.

Public Comments

There were no comments received from the public.

Members Comments

A Member indicated he has concerns regarding the sewage capacity and the ability for the Town's infrastructure to absorb the requirements of the proposed dwelling. In response, Mr. Thompson indicated the Town's Public Works department was circulated the application and Public Works did not identify any issues. Furthermore, Mr. Maloney stated he believes the Town Public Works department have not identified any issues and therefore the capacity should not be a concern.

A Member asked Mr. Thompson if he would be able to advise how many building permits have been granted and are waiting to be connected to the Town's infrastructure and if Planning keeps a record of each upcoming development. In response, Mr. Thompson indicated he would not be able to answer the question, however stated for larger developments the town would require servicing reports and would undergo more intensive scrutiny as opposed to a one dwelling application. Mr. Maloney further stated the addition of one dwelling would not cause an issue for the Town's infrastructure.

The Members indicated he wished to ensure the consent would be conditional on the basis that the minor variance files A1/2020P and A2/2020P are granted and receive final approval.

Moved By Bill Sheldon
Seconded By Bernie Law

Application is made for consent to partial discharge of mortgage and consent to convey 689.9 square metres of land (Part 1) for construction of a single detached dwelling. Part 2 is to be retained for continued residential use of the dwelling known municipally as 813 Foss Road, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. Ensure both lots are serviced with an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine their condition is satisfactory prior to connection. The applicant shall bear all costs associated with these works.**
- 2. Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots to confirm no existing service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards are required after the installation of new services.**

3. **Submit a comprehensive overall Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies upon, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works.**
4. **Obtain approval for a Driveway Entrance & Culvert Permit for both lots, as applicable, issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.**

To the Satisfaction of the Director of Community Planning & Development

1. **That final approval for all necessary Zoning By-law amendments be obtained from the Town of Pelham, to the satisfaction of the Director of Community Planning and Development, Town of Pelham.**
2. **Conduct an archaeological assessment and receive clearance from the Ministry of Tourism, Culture, Heritage and Sport.**
3. **Provide one (1) required parking stall in accordance with Section 6.16 of the Zoning By-law by obtaining and completing a building permit for the construction of a carport or garage on Part 2. Or, the applicant shall obtain zoning relief to amend this parking provision for the required carport / garage.**
4. **Demonstrate through a detailed Elevation Plan or Cross-Section, that the existing deck off the west wall, complies with Section 6.35 c) of the Zoning By-law. In the event the deck does not comply, zoning relief or its removal will be required, to the satisfaction of the Director of Community Planning & Development.**
5. **In consultation with the Town's Arborist, plant at least one (1) appropriately sized street tree from the Town's approved Street Tree Planting Schedule along the Part 1 frontage, to the satisfaction of the Director of Community Planning & Development.**

6. **Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

To the Satisfaction of the Chief Building Official

1. **Obtain and close a demolition permit for the existing detached garage on Part 1. If being relocated to Part 2, a demolition permit is still required, and to the satisfaction of the Director of Community Planning & Development.**

To the Satisfaction of the Secretary-Treasurer

1. **That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
2. **That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**
3. **That final approval for all necessary Zoning By-Law amendments be obtained.**

Carried

6.3 A1/2020P - 813 Foss Road (Part 1)

Purpose of Application

Application for relief of Section 9.2 (a) "Minimum Lot Area" to permit a lot area of 689 m², whereas 836 m² is required and Section 9.2 (b) "Minimum Lot Frontage" to permit a lot frontage of 13.72 m, whereas 18 m is required.

Representation

The Applicant's lawyer was present.

Correspondence Received

1. Town of Pelham Planning Department

2. Town of Pelham Public Works
3. Town of Pelham Building Department

Applicant's Comments

The Applicant's lawyer, Patrick Maloney stated the proposal will be consistent with respect to the character of the neighbourhood and will be compatible. He further advised he and his client consider all minor variances being sought to be minor.

Public Comments

There were no verbal comments received from the public.

Members Comments

The Members made no comments. It was suggested that A1/2020P and A2/2020P be granted concurrently.

Moved By Bernie Law

Seconded By Bill Sheldon

Application for relief of Section 9.2 (a) "Minimum Lot Area" to permit a lot area of 689 m², whereas 836 m² is required and Section 9.2 (b) "Minimum Lot Frontage" to permit a lot frontage of 13.72 m, whereas 18 m is required, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the surrounding area and as no adverse impacts are anticipated**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will allow for the creation of an additional residential building lot on a fairly large, underutilized open space**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**

7. **The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

1. **That a demolition permit of the existing garage to be removed is obtained**

Carried

6.4 A2/2020P - 813 Foss Road (Part 2)

Purpose of Application

Application for relief of Section 9.2 (b) "Minimum Lot Frontage" to permit a lot frontage of 16.76m, whereas 18 m is required.

Representation

The Applicant's lawyer was present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department

Applicant's Comments

Please see minutes from A1/2020P as the application was granted concurrently.

Public Comments

There were no verbal comments received from the public.

Members Comments

The Members made no comments. It was moved that A1/2020P and A2/2020P be granted concurrently.

Moved By Bernie Law

Seconded By Bill Sheldon

Application for relief of Section 9.2 (b) “Minimum Lot Frontage” to permit a lot frontage of 16.76m, whereas 18 m is required, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature given the surrounding area and as no adverse impacts are anticipated**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it will allow for the creation of an additional residential building lot on a fairly large, underutilized open space**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

The above decision is subject to the following conditions:

- 1. None.**

Carried

6.5 A4/2020P - 795 Canboro Road

Purpose of Application

Application for relief, pursuant to Section 6.16 (a) “Minimum Parking Requirement” to permit a reduction in parking wherein the by-law requires 3 stalls for 8 hotel suites and the proposal is for 0 stalls, Section 20.2 (c) “Maximum Lot Coverage” to permit a maximum lot coverage of 57% whereas the by-law permits 40%, Section 20.2 (d) “Maximum Gross Floor

Area” to permit a gross floor area of 191% whereas the by-law permits 50%, Section 20.2 (e) “Minimum Front Yard” to permit a minimum front yard of 1.83m whereas the by-law requires 6m and Section 20.2 (f) iii “Minimum Side Yard” to permit a minimum side yard of 0.06m for the corner entrance and 1.83m for the west wall whereas the by-law requires 3m.

Representation

The Applicant and his authorized representatives were present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Brian Prins Comments
5. Mark Bay Comments
6. Terri and Barry Robins Comments
7. Niagara Catholic District School Board
8. Joanne Catena Comments

Applicant's Comments

The Applicant was present along with his consultants Mr. Mark Shoalts and Danielle Greenwood. The Applicant stated a lot of care has been put into this project to respect the Town and to create a business which would be good for the Town. The applicant stated he has looked at the urban design guidelines, official plan and the project is consistent with what the Town is requesting through policy.

Public Comments

Mike Young stated the proposal is great for Fenwick and will allow accommodations for people to stay in Town as opposed to staying in St. Catharines, Niagara Falls or Welland. Mr. Young further stated many people come to Town for dinner however have no place to stay.

Mark Bay commended the applicant on the project, however stated he has several concerns. Mr. Bay indicated he has a concern with the minor variance regarding parking and if the proposal is considered a hotel vs.

motel. Mr. Bay also referenced short-term rentals within the Town. He further questioned some of the calculations on the submitted drawings. In response, Curtis Thompson, Town Planner indicated the matrix is provided on drawings for convenience, however the applicant would be bound by the request of the application and what, if anything, the Committee grants. Further explanation regarding the difference between hotel and motel within the Town of Pelham Zoning By-law was provided.

The applicant indicated his proposal may reduce the amount of short term rentals within the Town. He further advised the proposal is not a full service hotel, there would be no staff on site, except a cleaning person. He further advised he would expect averagely a 50% occupancy.

Mr. Bay stated he is concerned about parking in Fenwick and fears this proposal will 'chock out' parking for other business. He further indicated he was concerned about possible errors within the application drawings. Mr. Thompson and the applicant indicated the applicant would be bound to the application and requests in front of the Committee. Mr. Thompson read into the record excerpts of the Planning Report regarding parking. Mr. Shoalts, the applicant's consultant stated it is important to remember the current building is non-conforming and requires minor variance to be brought into a legal non-conforming status.

Jim Jeffs indicated he is concerned about parking. He further indicated the Town's Council passed a resolution the previous night to look to purchase additional parking in Fenwick. He indicated the taxpayer will be paying for parking when the business should be.

Barry Robins indicated he is concerned about parking and stated there is a by-law forbidding parking on the road. He further stated he was concerned the proposed patio would block the walkway. In response, the applicant indicated the patio is on private property only. Nancy Bozzato, Secretary-Treasurer to the Committee of Adjustment stated the Town has a parking by-law with certain restrictions on streets and no parking during winter maintenance.

Mr. Robins also stated he has concerns regarding the sewage systems. In response, the Chair indicated the Town has cited a potential capacity issue and the application, if approved, would be subject to relevant conditions. In addition, Mr. Thompson indicated if the required studies were not satisfactory, the proposal would not be approved. The Chair asked Mr. Thompson if there is a registry kept at the Town regarding habitable dwellings and how many developments are in que for going

online. In response, Mr. Thompson indicated a database to that effect does not exist. Mr. Thompson indicated Council had recently approved a Policy Planner position and this would be one of the items the individual would be working on.

Sherry Rusin indicated she has concerns regarding safety and indicated she fears someone will get hit by a car. She also stated she is concerned when the proposal is under construction Fenwick will lose parking spaces. In response, the applicant indicated during construction no parking spaces would be lost.

David Horton questioned if anyone has considered the location of the bus stop. Mr. Horton further stated although the planning report describes the proposal as conforming with modern, walkable, urban development he feels his home in Fenwick is not like Toronto and he is required to drive most places. He stated he believes parking is a major concern. Mr. Horton stated he would like to see an accurate artist representation from the sidewalk of Canboro Road. In response, Mr. Shoalts, the applicant's consultant stated there will be no encroachment on any public property and everything proposed is on private property.

Otto Heinrich stated he believes you are unable to park on any road within the Town of Pelham. Mr. Heinrich further stated due to redevelopment parking has been lost within Fenwick and suggested staff be directed to review parking needs. In response, the Chair spoke about the Town's parking by-law and restrictions on certain streets.

David Shatford stated he believes the proposed building is terrific and is in support of promoting the charm of Fenwick, however stated he is concerned with parking. Mr. Shatford asked if the applicant has looked into purchasing land for parking. In response, the applicant indicated he has not looked into purchasing land for parking at this point.

Martha Flagg asked if alcohol would be served at the hotel and indicated she is concerned about noise travelling. In response, the applicant indicated there would be no hotel staff and if someone wished to bring wine to their room, they would be able; however, no staff will be serving alcohol.

Joanna Catena stated she agrees the proposed building is beautiful however stated she believes it does not fit into the small village of Fenwick. She indicated she has concerns regarding retail space and delivery trucks, etc. and fears for the safety of seniors and children. In

response, the Chair stated currently the Committee is concerned with the requested minor variance.

Mike Young stated he believes part of the parking issue in Fenwick is the business owners parking in the public parking lot rather than parking at their business.

Jason Thompson discussed the difference between the Town's by-law regarding parking spaces of a hotel vs motel and indicated he believes the proposal is more suited to a motel use and should have the motel parking requirements.

Members Comments

A Member stated he is concerned that this development may be the catalyst other developers have been waiting for to redevelop Fenwick. The Member indicated he feels staff should not allow the downtown of Fenwick to be developed by a per application basis. The Member indicated he has not reviewed the parking study and the proposed parking is a major concern. Furthermore, the Member discussed in his opinion the need for a 'cash in lieu' of parking by-law and a secondary plan for downtown Fenwick. The Member asked the applicant if he would consider contributing to a cash in lieu program. In response, the applicant indicated he would consider it.

A Member stated the Town has a Downtown Master Plan and asked Mr. Thompson if this is the same as a Secondary Plan. In response, Mr. Thompson advised that a Downtown Master Plan and a Secondary Plan are not the same. Mr. Thompson stated a Downtown Master Plan has a large urban design component whereas a Secondary Plan is focused on land use designations. He stated a Downtown Master Plan is more artistic in nature.

The Member asked how he might implement the applicant partaking in a 'cash in lieu' program. In response, Ms. Bozzato stated the applicant has stated for the record he is willing to participate cash in lieu program. Ms. Bozzato further indicated this could potentially be a condition at site plan stage.

The Member asked if it would be prudent to postpone the application until the Town and Region could review the sewage and wastewater capacity and parking issue. In response, Ms. Bozzato indicated the conditions suggested by the Town's Public Works Department, such as a functional servicing report, will confirm capacity. She stated if the report does not

demonstrate sufficient capacity the permit will not be issued. In addition, Mr. Thompson stated these items will be conditions at site plan stage and would therefore be redundant. The Committee discussed the possibility of asking the applicant to prepare a larger study to determine overall capacity. In response, Ms. Bozzato indicated the Committee cannot request the applicant to prepare a study outside of the proposed application and the proposed conditions must apply to the minor variances being sought.

A Member stated the parking is an issue and referenced the parking study. In response, the applicant stated the parking study was completed July 4, 2019 and reviewed the days of June 7, 8 and 9 and certain hours.

A Member questioned if the parking study was conducted for an appropriate amount of time. He stated the parking in Fenwick would no longer be short-term parking, rather long-term parking. He stated he has no difficulty in supporting all minor variance requests except for the parking.

A Member asked if there is any service entrance or truck bay. In response, the applicant indicated no one in Fenwick has a separate service entrance.

A Member suggested the application be deferred in order to find out more information on parking and to receive a report regarding service capacity. The Committee discussed the suggestion and a motion was put forward and carried.

Moved By Bernie Law

Seconded By Bill Sheldon

THAT Application A4/2020P be deferred to allow Town staff and the applicant to meet and consider the overall parking issue (more than this property for downtown Fenwick); and

THAT the Committee receive an Engineering Report, including schedules, from Regional / Town Engineering regarding the Foss Road sanitary sewer improvements.

Carried

7. Minutes for Approval

None.

8. Adjournment

Moved By Bill Sheldon

Seconded By Bernie Law

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for March 3, 2020 at 4:00 pm.

Carried

Don Cook, Chair

Secretary-Treasurer, Nancy J. Bozzato