

Committee of Adjustment
Minutes

Meeting #: Special CofA 4/2020
Date: Tuesday, June 30, 2020
Time: 4:00 pm
Location: Zoom Webinar – Electronic Meeting

Members Present Donald Cook
 John Klassen
 Sandra Marsh

Members Absent Bill Sheldon
 Bernie Law

Staff Present Nancy Bozzato
 Holly Willford
 Sarah Leach
 Curtis Thompson
 Derek Young

Others Present Applicants, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

1. Attendance

Applicants, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming

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 3:58 pm. The Chair read the opening remarks to inform those present (electronically) 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

None.

5. Applications for Minor Variance

5.1 A9/2020P - 7 John Street

Purpose of Application

Application for relief, in order to construct a residential dwelling, pursuant to Section 13.2 (c) "Maximum Lot Coverage" to permit a maximum lot coverage of 36% whereas the by-law permits 30% and Section 13.2 (d) "Minimum Front Yard" to permit a minimum front yard of 6.0m whereas the by-law requires 7.7m.

Representation

The Agent and Applicant were electronically 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 provided a short presentation further explaining the application. A copy of the said presentation is on record with the Town Clerk.

Public Comments

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 4:15 pm and confirmed no e-mails had been received with regard to the subject application. Ms. Willford closed the public comment portion of the application.

Members Comments

A Member asked if the existing Bell Canada easement had been considered in the proposal. In response, the Agent indicated the Bell

Canada easement would not be affected and the easement was considered in previous Committee of Adjustment application.

Moved By Sandra Marsh

Seconded By John Klassen

Application for relief , in order to construct a residential dwelling, pursuant to Section 13.2 (c) “Maximum Lot Coverage” to permit a maximum lot coverage of 36% whereas the by-law permits 30% and Section 13.2 (d) “Minimum Front Yard” to permit a minimum front yard of 6.0m whereas the by-law requires 7.7m is required, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it will improve the streetscape along John Street by providing more street edge enclosure with the house situated closer to the street.**
- 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 more design flexibility for the future residential dwelling with a larger ground floor area.**
- 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. At the time of building permit, provide a south (front) Elevation Plan that positively contributes to the public street through the use of a front porch, windows symmetrically proportionate to the building’s mass, and a congruent use of exterior cladding etc., to**

the satisfaction of the Director of Community Planning & Development.

- 2. That all necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official.**

Carried

5.2 A11/2020P - 875 River Road

Purpose of Application

Application for relief, in order to construct a garage, pursuant Section 7.7 (a) "Maximum (Accessory) Lot Coverage" to permit a maximum (accessory) lot overage of 4.0% whereas the by-law permits 1% and Section 7.7 (d) "Maximum (Accessory) Building Height" to permit a maximum building height of 5.2m whereas the by-law permits 3.7m.

Representation

The Applicant was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Planning Department - Additional Memo
3. Town of Pelham Public Works
4. Town of Pelham Building Department
5. Niagara Region

Applicant's Comments

The Applicant had no further comments.

Public Comments

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 4:26 pm and confirmed no e-mails had been received with regard to the subject application. Ms. Willford closed the public comment portion of the application.

Members Comments

A Member asked what the purpose of the additional requested height will be used for. In response, the Applicant indicated the additional height is for storage, parking vehicles and the height will best match the current home.

A Member asked if there would be any plumbing or living space within the garage. In response, the Applicant indicated there would not be any plumbing or living space.

A Member asked if the pitch of the garage would be compatible with the surrounding homes. In response, the Applicant indicated the pitch would be compatible with the surrounding homes and that the neighbor's home is taller than his home.

The Committee acknowledged the Planning Departments memo indicating the originally requested Stage 1-2 Archaeological Assessment and Ministry Clearance is no longer being requested by the Town Planning Department, therefore would not be a requested condition.

Moved By John Klassen

Seconded By Sandra Marsh

Application for relief, in order to construct a garage, pursuant Section 7.7 (a) "Maximum (Accessory) Lot Coverage" to permit a maximum (accessory) lot coverage of 4.0% whereas the by-law permits 1% and Section 7.7 (d) "Maximum (Accessory) Building Height" to permit a maximum building height of 5.2m whereas the by-law permits 3.7m, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature overall assuming there are no cultural heritage impacts associated with deeply buried archaeological resources, and adequate land area remains available to handle stormwater runoff.**
- 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.**

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 all necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official, and shall not be approved for living accommodations or plumbing within the accessory building.**

Carried

5.3 A12/2020P - 42-48 Summersides Blvd.

Please note, applications A12/2020P-A14/2020P were heard concurrently.

Purpose of Application

Application for relief, to construct townhouse units with rear yard garages:

A12/2020P – 42-48 Summersides Blvd. pursuant to By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit the removal of the required shared masonry firewall between garage units and to allow for an alternative firewall to be used which is approved by the Ontario Building Code, for units 42 and 44 Summersides Blvd. and units 46 and 48 Summersides Blvd, By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit a reduced side yard setback for a detached garage to 1.5m whereas the by-law requires 2.4m for units 44 and 46 Summersides Blvd. and By-Law 1136(1987) Section 6.1 (d) “Garage Coverage” to permit a garage coverage of 13% whereas the by-law permits 10% for units 44 and 46 Summersides Blvd.

A13/2020P – 50-56 Summersides Blvd. pursuant to By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit the removal of the required shared masonry firewall between garage units and to allow for an alternative firewall to be used which is approved by the Ontario Building Code, for units 50 and 52 Summersides Blvd. and units 54 and 56 Summersides Blvd, By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit a reduced side yard setback for a detached garage to 1.5m whereas the by-law requires 2.4m for units 52 and 54 Summersides Blvd and By-Law 1136(1987) Section 6.1 (d) “Garage Coverage” to permit a garage coverage of 13% whereas the by-law permits 10% for units 52 and 54 Summersides Blvd

A14/2020P – 58-64 50-56 Summersides Blvd pursuant to By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit the removal of the required shared masonry firewall between garage units and to allow for an alternative firewall to be used which is approved by the Ontario Building Code, for units 58 and 60 Summersides Blvd. and units 62 and 64 Summersides Blvd, By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit a reduced side yard setback for a detached garage to 1.5m whereas the by-law requires 2.4m for units 60 and 62 Summersides Blvd and By-Law 1136(1987) Section 6.1 (d) “Garage Coverage” to permit a garage coverage of 13% whereas the by-law permits 10% for units 60 and 62 Summersides Blvd

Representation

The Agent was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Mountainview Presentation - Blocks 44-46 (A12-A14/2020P)

Applicant's Comments

The Agent provided a short presentation to further explain the subject applications. A copy of the said presentation is on record with the Town Clerk.

Public Comments

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 4:46 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford closed the public comment portion of the application.

Members Comments

A Member asked if the proposed homes would be condominium or freehold. In response, the Agent indicated the homes would be freehold.

A Member asked for clarification as to why the Agent would not like concrete block as the firewall material. In response, the Agent indicated the Ontario Building Code allows for different types of firewall protections, and in the Agents opinion, the use of the 'concrete wall' was built into the Town's Zoning By-Law to ensure a fire resistant material was used. The Agent further stated the Town's Fire Chief has reviewed the application and made no comment.

Discussion among the Members and the Agent arose regarding the laneway width, visitor parking and parking on the laneway. The Agent emphasized the proposed homes have double car garages and double parking within the driveway to alleviate on street parking.

The Committee discussed revising the suggested condition from Public Works, for this and all related applications, to indicate the applicant is to submit a comprehensive overall Lot Grading Plan for all blocks to the satisfaction of the Director of Public Works. The Agent agreed this could be done.

Moved By Sandra Marsh

Seconded By John Klassen

Application for relief, to construct townhouse units with rear yard garages:

A12/2020P – 42-48 Summersides Blvd. pursuant to By-Law 4041(2018) RM1-287 Section 2 (c) "Garage – Interior Side Yard

Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit the removal of the required shared masonry firewall between garage units and to allow for an alternative firewall to be used which is approved by the Ontario Building Code, for units 42 and 44 Summersides Blvd. and units 46 and 48 Summersides Blvd, By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit a reduced side yard setback for a detached garage to 1.5m whereas the by-law requires 2.4m for units 44 and 46 Summersides Blvd. and By-Law 1136(1987) Section 6.1 (d) “Garage Coverage” to permit a garage coverage of 13% whereas the by-law permits 10% for units 44 and 46 Summersides Blvd.

A13/2020P – 50-56 Summersides Blvd. pursuant to By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit the removal of the required shared masonry firewall between garage units and to allow for an alternative firewall to be used which is approved by the Ontario Building Code, for units 50 and 52 Summersides Blvd. and units 54 and 56 Summersides Blvd, By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit a reduced side yard setback for a detached garage to 1.5m whereas the by-law requires 2.4m for units 52 and 54 Summersides Blvd and By-Law 1136(1987) Section 6.1 (d) “Garage Coverage” to permit a garage coverage of 13% whereas the by-law permits 10% for units 52 and 54 Summersides Blvd

A14/2020P – 58-64 50-56 Summersides Blvd pursuant to By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit the removal of the required shared masonry firewall between garage units and to allow for an alternative firewall to be used which is approved by the Ontario Building Code, for units 58 and 60 Summersides Blvd. and units 62 and 64 Summersides Blvd, By-Law 4041(2018) RM1-287 Section 2 (c) “Garage – Interior Side Yard Setback with Shared Masonry Wall and Minimum Interior Side Yard Setback” to permit a reduced side yard setback for a detached garage to 1.5m whereas the by-law requires 2.4m for units 60 and 62 Summersides Blvd and By-Law 1136(1987) Section 6.1 (d) “Garage Coverage” to permit a garage coverage of 13% whereas the

by-law permits 10% for units 60 and 62 Summersides Blvd, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the Ontario Building Code (OBC) best regulates these matters, as these lands have been designed to sheet flow southbound towards Tokar Lane into the storm sewer system and as adequate land area remains available for rear yard amenity space and open space is available for stormwater management purposes.**
- 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 more construction design flexibility for the builder / market.**
- 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. Prior to the issuance of a building permit, submit a comprehensive overall Lot Grading Plan of Blocks 39-42 and 44-46, Plan 59M-471 for approval, to the satisfaction of the Director of Public Works.**

Carried

5.4 A13/2020P - 50-56 Summersides Blvd.

Please note, applications A12/2020P-A14/2020P were heard concurrently.

5.5 A14/2020P - 58-64 Summersides Blvd.

Please note, applications A12/2020P-A14/2020P were heard concurrently.

5.6 A15/2020P - 78-80 Summersides Blvd.

Purpose of Application

Application for relief, to construct a semi-detached dwelling with attached, rear, single-car garages, pursuant to By-Law 1136(1987) Section 5.54 (i) Definition of "Street Townhouse Dwelling" to permit a semi-detached dwelling (2 units) as a similar use as a 3 unit street townhouse of dwelling on Block 41, whereas the by-law defines a 'Street Townhouse Dwelling' to mean a group of not less than 3 but not more than 8 dwelling units, By-Law 1136(1987) Section 16.3 (g) "Minimum Rear Yard" to permit a minimum rear yard of 6.0m whereas the by-law requires 7.5m and By-Law 4041(2018) RM1-287 Section 2 (d) "Minimum Front Yard" to permit a minimum front yard of 3.0m (unenclosed porches shall continue to be permitted encroachments) whereas the by-law requires 4.5m

Representation

The Agent was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Mountainview Presentation - Blocks 39-42 (A15-A17/2020P)

Applicant's Comments

The Agent provided a short presentation to further explain the subject applications. A copy of the said presentation is on record with the Town Clerk.

Public Comments

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 5:09 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford closed the public comment portion of the application.

Members Comments

No comments.

Moved By John Klassen

Seconded By Sandra Marsh

Application for relief, to construct a semi-detached dwelling with attached, rear, single-car garages, pursuant to By-Law 1136(1987) Section 5.54 (i) Definition of “Street Townhouse Dwelling” to permit a semi-detached dwelling (2 units) as a similar use as a 3 unit street townhouse of dwelling on Block 41, whereas the by-law defines a ‘Street Townhouse Dwelling’ to mean a group of not less than 3 but not more than 8 dwelling units, By-Law 1136(1987) Section 16.3 (g) “Minimum Rear Yard” to permit a minimum rear yard of 6.0m whereas the by-law requires 7.5m and By-Law 4041(2018) RM1-287 Section 2 (d) “Minimum Front Yard” to permit a minimum front yard of 3.0m (unenclosed porches shall continue to be permitted encroachments) whereas the by-law requires 4.5m, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the subdivision plan had already conceptually illustrated a 2-unit lot fabric, as it will improve the streetscape along Summersides Boulevard and increase comfort for pedestrians.**
- 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 more design flexibility for 1-storey dwellings with larger gross floor areas but also maintaining adequate rear yard amenity areas.**
- 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. Prior to the issuance of a building permit, submit a comprehensive overall Lot Grading Plan of Blocks 39-42 and 44-46, Plan 59M-471 for approval, to the satisfaction of the Director of Public Works.**

Carried

5.7 A16/2020P - 84-90 Summersides Blvd.

Please note, applications A16/2020P-A17/2020P were heard concurrently.

Purpose of Application

Application for relief, to construct street townhouse units with attached, rear, single-car garages:

A16/2020P – 84-90 Summersides Blvd., pursuant to By-Law 1136(1987) Section 16.3 (g) “Minimum Rear Yard” to permit a minimum rear yard of 6.0m whereas the by-law requires 7.5m and By-Law 4041(2018) RM1-287 Section 2 (d) “Minimum Front Yard” to permit a minimum front yard of 3.0m (unenclosed porches shall continue to be permitted encroachments) whereas the by-law requires 4.5m.

A17/2020P – 94-100 Summersides Blvd. pursuant to By-Law 1136(1987) Section 16.3 (g) “Minimum Rear Yard” to permit a minimum rear yard of 6.0m whereas the by-law requires 7.5m and By-Law 4041(2018) RM1-287 Section 2 (d) “Minimum Front Yard” to permit a minimum front yard of 3.0m (unenclosed porches shall continue to be permitted encroachments) whereas the by-law requires 4.5m.

Representation

The Agent was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Mountainview Presentation - Blocks 39-42 (A15-A17/2020P)

Applicant's Comments

The Agent provided a short presentation to further explain the subject applications. A copy of the said presentation is on record with the Town Clerk.

Public Comments

There were no pre-registered members of the public to speak concerning this application. Ms. Holly Willford, Assistant Secretary Treasurer checked the clerks@pelham.ca email address at 5:20 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford closed the public comment portion of the application.

Members Comments

No comments.

Moved By Sandra Marsh

Seconded By John Klassen

Application for relief, to construct street townhouse units with attached, rear, single-car garages:

A16/2020P – 84-90 Summersides Blvd., pursuant to By-Law 1136(1987) Section 16.3 (g) “Minimum Rear Yard” to permit a minimum rear yard of 6.0m whereas the by-law requires 7.5m and By-Law 4041(2018) RM1-287 Section 2 (d) “Minimum Front Yard” to permit a minimum front yard of 3.0m (unenclosed porches shall continue to be permitted encroachments) whereas the by-law requires 4.5m; and

A17/2020P – 94-100 Summersides Blvd. pursuant to By-Law 1136(1987) Section 16.3 (g) “Minimum Rear Yard” to permit a minimum rear yard of 6.0m whereas the by-law requires 7.5m and By-Law 4041(2018) RM1-287 Section 2 (d) “Minimum Front Yard” to permit a minimum front yard of 3.0m (unenclosed porches shall

continue to be permitted encroachments) whereas the by-law requires 4.5m.

The above decision is based on the following reasons:

1. The variance is minor in nature as will improve the streetscape along Summersides Boulevard, increase comfort for pedestrians and will allow for a usable rear yard amenity area.
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 more design flexibility with larger gross floor areas.
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. Prior to the issuance of a building permit, submit a comprehensive overall Lot Grading Plan of Blocks 39-42 and 44-46, Plan 59M-471 for approval, to the satisfaction of the Director of Public Works.

Carried

5.8 A17/2020P - 94-100 Summersides Blvd.

Please note, applications A16/2020P-A17/2020P were heard concurrently.

6. Applications for Consent

None.

7. Minutes for Approval

None.

8. Adjournment

Moved By John Klassen

Seconded By Sandra Marsh

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for July 14, 2020 at 4:00 pm.

Carried

Don Cook, Chair

Secretary-Treasurer, Nancy J. Bozzato