

**Committee of Adjustment****Minutes**

**Meeting #:** CofA 10/2020  
**Date:** Tuesday, October 6, 2020  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** John Klassen  
Sandra Marsh  
Bernie Law

**Staff Present** Nancy Bozzato  
Holly Willford  
Sarah Leach  
Curtis Thomspon  
Tolga Aydin  
Jason Marr (part-time)

**1. Attendance**

Applicant, 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 Klassen 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**

Ms. Holly Willford, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

#### **5. Applications for Consent**

##### **5.1 B7/2020P - 1150 Line Avenue (Part 1)**

##### **Purpose of Application**

Applications B7/2020P and B8/2020P were heard concurrently.

Application B7/2020P for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling.

Application B8/2020P for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling.

##### **Representation**

The applicants Agents, Mr. Matt Kernahan from Upper Canada Consultants and Mr. Patrick Maloney from Sullivan Mahoney LLP were electronically present.

##### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Hydro One
5. Bell Canada

##### **Public Comments:**

1. Jason Lovejoy
2. Ann Harrison & Michael Hrycusko
3. William McRae
4. Petition
5. Allan and Edward Steers
6. Gordon Hetherington
7. Steve Talosi

8. Susan Smyth
9. Beverly Lovejoy & William King
10. Peter Scott & Nicola Jones
11. Alice & Ron Hrcak
12. Andrea and Francois Lacasse
13. Teresa Boucher
14. Keith Robins

### **Applicant's Comments**

Mr. Maloney stated he would speak to both the consent and minor variance applications. Mr. Maloney provided the Committee with an overview of the applications before the Committee for consideration, being the creation of two lots on Parts 1 and 2 and associated minor variances. Mr. Maloney stressed there are no applications before the Committee with respect to Part 3 on the sketch, being the remnant lands. He stated those lands are for future development and there presently are no applications before the Committee with respect to Part 3 on the sketch. Mr. Maloney stated the majority of public comments received are primarily in opposition of the development of Part 3.

Mr. Kernahan provided the Committee with a presentation providing an overview of the application. A copy of said presentation is available through the Clerk.

Mr. Maloney stated expert evidence presented by the Town's Planning Department and Mr. Kernahan support the consent applications. Mr. Maloney stated the suggested conditions from the Town's Planning Department are intended to address any potential impact upon the properties abutting Part 1 on the sketch. Mr. Maloney reviewed the suggested conditions and stated how the conditions would address the public's concerns. Mr. Maloney respectfully requested the Committee grant the applications, subject to conditions, as presented.

A Member asked the Agents if they have considered flooding as a potential consequence to the development of the lots. Mr. Maloney stated a proposed condition to the consent applications is the requirement for an overall lot grading and drainage plan. He further stated the future development on Part 3 will require a lot grading and drainage plan. Mr. Maloney stated this would address any drainage issues.

A Member asked if the condition relating to the 6 foot fence would be constructed prior to or after construction. The Member also asked if the three large trees to be planted would all be planted on Part 1 or will there be a tree planted on each Part of the sketch. In response, Mr. Maloney stated the fence would be installed before the lot is created. He stated the trees are to be planted on the Towns boulevard between Parts 1, 2 and 3.

A Member asked if the trees along Steflar Street will be removed and what type of fence will be installed. In response, Mr. Maloney stated the fence would be a solid wood board fence. He further stated there is a condition for a tree savings plan and therefore, there will be an effort to preserve as many trees as possible. Mr. Maloney stated it is his clients intention to preserve as many trees as possible.

A Member stated he is concerned with drainage. In response, Mr. Maloney stated a lot grading and drainage plan will be required as a condition of the consent, and therefore water will flow to the street. The Member stated this street does not have storm water sewers and stated he is concerned with flooding on the streets. In response, Mr. Jason Marr, Director of Public Works stated engineering staff will be reviewing a lot grading and drainage plan to ensure the drainage from this property will not negatively affect other properties.

A Member asked Mr. Curtis Thompson for the definition of 'land locked'. In response, Mr. Thompson, Town Planner, stated a parcel is land locked when it does not have frontage onto a public street. He stated any amount of frontage means the lands are not land locked.

A Member asked if the two consent applications are granted will the Committee be creating a third parcel (Part 3) with zoning deficiencies with respect to frontage. In response, Mr. Thompson stated the Committee would be conditionally approving three parcels, however he stated one of the proposed conditions is that the frontage of Part 3 is rectified.

The Member asked Mr. Thompson to explain how future development would be dealt with in the future with respect to Part 3. In response, Mr. Thompson explained the public process for a zoning by-law amendment if the applicant should submit such application. In addition, Mr. Thompson discussed when a subdivision plan is required in comparison to consent applications.

## **Public Comments**

Mr. Peter Scott thanked staff for the detailed report and for keeping lines of communication opened. He further thanked the Committee for asking detailed questions of the applicant. Mr. Scott stated his house will likely be most impacted by this proposed development and thanked the neighbours for their support.

Mr. Scott stated he is in opposition of the four applications before the Committee as he believes they are not minor, does not fit in with the character of the neighbourhood and are incomplete. Mr. Scott stated he is concerned with privacy and is worried the applicant may build a two-story home which would look into his yard. He requested a condition be placed on the application to ensure only a one-story home could be built. In response, Mr. Maloney stated it is the applicant's intention to build an attractive bungalow. In addition, Mr. Maloney stated there are conditions uploaded with the applications with respect to windows being installed to ensure privacy.

Mr. Scott stated he would like to ensure all conditions are in writing. Chair Klassen confirmed all conditions upon the application would be in writing.

Ms. Ann Harrison and Mr. Michael Hrycusko stated they own a property west of the subject lands. Ms. Harrison stated she and Mr. Hrycusko respectfully disagree with planning staff and stated she does not believe the application aligns with the Town's Official Plan. Ms. Harrison stated she would specifically speak to the special policy, which speaks to Lot 177 in Fonthill. She stated she understands change is inevitable and have seen thoughtful and intentional development throughout Niagara, which adheres to the character of the community and is compatible with the existing neighbourhood. Ms. Harrison stated she is concerned that within Fonthill there have been several instances in which large properties are being severed in established neighborhoods into small lots, which are incompatible and inconsistent with the area. Chair Klassen advised Ms. Harrison this type of development is common as there are provincial requirements for infill development.

Ms. Harrison agreed this type of application is being seen more frequently, however stated the Committee of Adjustment has denied some of these requests. She stated she is concerned this application is an attempt to 'shoe horn' in some homes in a piecemeal fashion. Ms. Harrison stated this area is not an area identified for intensification. She further stated she believes a plan of subdivision should be required and should go before

Council. Ms. Harrison referenced the language within the Town's Official Plan and indicated she believes if the consents are approved, there will be awkward shaped lots and there would be a property with deficient lot frontages. Ms. Harrison stated it is her opinion the proposed lots are not coherent, compatible, orderly or complimentary and therefore do not align with the Town's Official Plan or Special Policy 177.

The Chair asked Mr. Thompson to confirm a minor variance would be required to rectify the deficient lot frontage for Part 3. In response, Mr. Thompson indicated there is a condition associated with the applications to receive zoning relief with respect to the frontage on Part 3.

Mr. Steve Talosi thanked the Committee Members for having previously summarized the concerns of the residence. He stated the proposed lots are smaller than other lots within the area and stated he did not think they are similar to other lots within the area. Mr. Talosi indicated he did not think the applications would support a positive streetscape.

Mr. Talosi stated his biggest concern is that Part 3 of the submitted sketch is not to be discussed. He stated he would like to see the full plans and started it would provide for smarter planning.

Mr. Talosi stated he did not think the established subdivision should have multi-family dwelling stuck in the middle of it. He further stated the subject area has not been identified as an area for high intensification. In addition, he stated he was concerned about drainage.

Ms. Susan Smyth stated she lives around the corner from the subject lands. Ms. Smyth requested information with respect to the technical analysis that was completed to demonstrate the proposed lots meet the intent of the Official Plan particularly with respect to the character of the existing development, and the compatibility of the proposed development in terms of scale and density. In response, Mr. Thompson referenced his Planning Recommendation Report, which outlined his analysis with respect to the application. Further discussion ensued with respect to current planning policies and standards as compared to when the existing development was created. Ms. Smyth requested a complete plan for the entire development, including Part 3 of the sketch.

The Chair asked Mr. Maloney why the applicant has not come forth with an entire plan for the development, which includes Part 3. In response, Mr. Maloney stated there are different options to bring forth development. He stated the consent process is normally a quicker

process to allow for development of a site. Mr. Maloney stated it is within his clients rights to bring the consent applications forward and deal with the retained lands at a later date. Ms. Nancy Bozzato, Secretary Treasurer, provided an overview of some development application processes available to a developer.

Ms. Willford advised the Committee Mr. Gordon Hetherington had pre-registered to speak to the Committee, however has since indicated he no longer wished to do so. Ms. Willford further advised Mr. and Mrs. McRae who pre-registered to speak have left the meeting.

Ms. Melodee Foster stated she lives on the south side of the subject lands. Ms. Foster stated she would like to address issues pertaining to Part 3, rather than Part 1 and 2. In response, the Chair advised the Committee cannot discuss Part 3 on the sketch.

Ms. Foster indicated she is concerned with respect to the location of her home and driveway to any new development, particularly with respect to lighting, how lighting may affect her backyard, increased traffic, and stated there are a variety of unknowns, which concerns her. She stated she would feel better if the plans were placed delayed or placed on hold.

The Chair asked Mr. Thompson if he could address the residents' concerns. In response, Mr. Thompson stated from the perspective of the municipality we are unable to address concerns with respect to Part 3. He started an application for Part 3 is not before the Committee. Mr. Thompson stated if there is an application for Part 3 in future, there would be standards and conditions placed on the application, which could speak to lighting or traffic. He further stated there can only be one house on Part 3 until such time as the applicant receives zoning approvals at a future date. Mr. Kernahan further stated the reason why the applicant hasn't provided details with respect to lighting and design because development plans for this property have not been finalized. He stated once the plans have been finalized they will be submitted to the Planning Department along with appropriate planning applications. Mr. Kernahan stated there would be another public meeting process in front of Council.

Ms. Foster suggested the applications for Part 1 and Part 2 be placed on hold. She stated she is very concerned about the potential development and how it will affect her home and her privacy.

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:24 pm and confirmed no e-mails

has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member thanked the town staff and the agents for the applicant for all of their comments and detailed reports. The Member stated she is prepared to make a motion for both B7/200P and B8/2020P to grant the consents. The Member stated her reasons and the proposed conditions.

A Member asked for clarification with respect to the vote regarding the consent applications and the minor variance applications. Ms. Bozzato advised the motion currently on the floor is with respect to the consent applications and that minor variance applications will be heard following the decision on the consent applications.

A Member stated he is not in favour of the consent applications.

A Member stated he believes the consent applications are premature. He stated the surrounding neighbourhood have a good argument. The Member stated it is not that he is against the consent, and would like to place the applications on hold. The Member stated he is not against the consent but is against voting for it now.

Ms. Bozzato stated there is a motion on the floor to approve the applications. Ms. Bozzato stated if the motion fails the Committee must provide reasons for refusal. She stated the only way to not vote on the matter is if the application requests an adjournment.

The Chair called the vote and all members voted to carry the motion for approval.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application for B7/2020P is made for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling. 4,067 square metres of land; is hereby GRANTED**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**



- 1. Ensure all lots are serviced with, at a minimum, 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 confirming no existing or proposed 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. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The driveway entrance shall be located on the north side of the proposed lot. The applicant shall bear all costs associated with these works.**
- 4. Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.**

**To the Satisfaction of the Director of Community Planning and Development**

- 1. That final approval of all necessary zoning approvals be obtained for Part 1 (Minimum Lot Frontage and Minimum Lot Area)**
- 2. Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall**

take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

3. **Provide front dwelling Elevation Plan(s) that positively contribute 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. Said Elevation Plans shall be substantially unaltered from those at the time of building permit.**
4. **In consultation with the Town's By-law Officer, install a 1.8 m (6') tall solid wood board fence along the north side lot line, but not extending into the front yard of Part 1, in compliance with the Town's current Fence By-law, to the satisfaction of the Director of Community Planning & Development.**
5. **In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, to the satisfaction of the Director of Community Planning & Development.**
6. **Submit a Tree Savings Plan for Part 1, illustrating the anticipated building envelope(s) with a concerted effort to preserve as many trees as practical along the north lot line, to the satisfaction of the Director of Community Planning & Development. Existing trees that would be situated in the front and rear yards of the future dwelling are expected to be preserved in a healthy state. This Plan may be integrated with the Lot Grading Plan.**
7. **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 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.

**This 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.

**Carried**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application for B8/2020P is made for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling; is hereby GRANTED**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

1. Ensure all lots are serviced with, at a minimum, 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 confirming no existing or proposed 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. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The driveway entrance shall be located on the north side of the proposed lot. The applicant shall bear all costs associated with these works.**
- 4. Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.**

**To the Satisfaction of the Director of Community Planning and Development**

- 1. That final approval of all necessary zoning approvals be obtained for Part 2 (Minimum Lot Frontage and Minimum Lot Area)**
- 2. That final approval of all necessary zoning approvals be obtained for Part 3 (Minimum Lot Frontage)**
- 3. Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.**

4. **Provide front dwelling Elevation Plan(s) that positively contribute 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. Said Elevation Plans shall be substantially unaltered from those at the time of building permit.**
5. **In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, 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 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.**

**This 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.**

**Carried**

**5.2 B8/2020P - 1150 Line Avenue (Part 2)**

Applications B7/2020P and B8/2020P were heard concurrently.

**6. Applications for Minor Variance**

**6.1 A25/2020P - 1150 Line Avenue (Part 1)**

**Purpose of Application**

Applications A25/2020P and A26/2020P were heard concurrently.

Application A25/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters.

Application A26/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, relief of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters.

**Representation**

The applicants Agents, Mr. Matt Kernahan from Upper Canada Consultants and Mr. Patrick Maloney from Sullivan Mahoney LLP were electronically present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Hydro One
5. Bell Canada

### **Public Comments:**

1. Jason Lovejoy
2. Ann Harrison & Michael Hrycusko
3. William McRae
4. Petition
5. Allan and Edward Steers
6. Gordon Hetherington
7. Steve Talosi
8. Susan Smyth
9. Beverly Lovejoy & William King
10. Peter Scott & Nicola Jones
11. Alice & Ron Hrcak
12. Andrea and Francois Lacasse
13. Teresa Boucher
14. Keith Robins

### **Applicant's Comments**

Mr. Matt Kernaham stated he appreciated the detailed report from Planning Staff. Mr. Kernaham stated the proposal balances the old zoning with current development standards. Mr. Kernaham stated all requested minor variances meet the four tests under the Planning Act.

Mr. Maloney stated this Committee has authority to make a decision pursuant to Section 45 of the Planning Act and that the focus is on those minor variances being requested. He stated the Committee has heard

evidence from both Mr. Kernahan and Mr. Thompson in support of the minor variances.

Mr. Maloney stated a concern raised by neighbours is questioning if the lot is too small for the area. He stated the lot size and frontage requested is a rather large lot. Mr. Maloney stated the lots are compatible and indicated that does not mean they have to be the same as, rather they are capable of living in harmony. He stressed these are large lots. Mr. Maloney stated the rest of the variances requested are being request for design preference. He stated the applicant's intention is to build a bungalow. Mr. Maloney stated the variances requested are to facilitate a bungalow style house.

Mr. Maloney provided an overview of the conditions which will be attached to the applications, should they be approved. He stated elevation drawings in particular are required and that this will contribute to satisfying the concern regarding the streetscape. He stated there is also a condition with respect to the windows to be installed to ensure privacy.

Mr. Maloney respectfully requested the applications be approved as presented.

The Chair requested clarification from staff as to how the Committee can proceed. In response, Ms. Willford indicated the applicant requested a 7m setback and a 55% lot coverage, whereas Planning staff recommend 50% lot coverage. She indicated it is to the Committee's discretion what to grant. The Chair indicated it is his preference to follow Planning staff's recommendation.

Ms. Bozzato further advised the Committee has the authority to approve a minor variance, which is closer to the Zoning By-Law than what was requested. Further discussion ensued regarding the requested minor variance and the recommendations from Planning staff.

A Member asked if the application would accept a reduced lot area of 50%. In response, Mr. Maloney stated the optimal design would be as applied for. He stated with respect to the lot coverage would be more easily to accommodate than the reduction of the garage setback. He stated it is the Committee's decision.

### **Public Comments**

Ms. Ann Harrison stated she is concerned the Town's Zoning By-laws have been referred to as antiquated and that other properties around



Ontario are smaller. She stated these are the by-laws and requested they be upheld. She indicated she did not think the requests are minor. Ms. Harrison asked if a condition can be added to ensure more space will be made between the houses.

Mr. Steve Talosi requested the definition for a major variance in planning terms. In response, Mr. Thompson stated there is not a definition for minor variance. He stated Committee of Adjustments have to make these tough decisions all the time. Further discussion ensued with respect to the need of a minor variance.

Mr. Talosi stated minor is a misnomer and that this is difficult for the public to understand. He stated he does not believe the requests are minor. Mr. Talosi stated he thinks the request is disrespectful of the current property owners. He stated he is frustrated by the process.

Mr. Peter Scott stated he was concerned that two members of the Committee stated they did not support the consents, however voted for them. In response, the Chair stated he said he believed the consents were slightly premature however he wants to respect the rules and regulations. The Chair indicated he understood he voted for the consents.

Mr. Scott requested confirmation a bungalow will be built and that the conditions attached to the applications will be fulfilled. Mr. Scott stated his preference for trees to be planted and their location, the type and timing of the fence to be installed and the windows to be used on the proposed home. He furthermore requested all conditions are written. The Chair indicated the conditions for the consents are written and are required to be fulfilled. Mr. Maloney stated confirmed the required conditions will be fulfilled and would have to be fulfilled prior to the lot being created.

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 7:40 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member stated he was concerned with the proposed minor variances.

Mr. Thompson stated for clarification each minor variance being requested. Mr. Thompson stated the lot frontage and lot area are required

to rectify the zoning deficiencies of the consents. He stated the other requested variances are for design preferences.

The Members voted on each minor variance requested individually and all members voted to carry the motions for approval.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application A25/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters, is hereby: GRANTED**

The above decision is based on the following reasons:

1. The variance is minor in nature given the surrounding area and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, smaller lot sizes are increasingly becoming common, given modern civil design and infrastructure standards, as it will provide an opportunity to enhance the public realm and streetscape and the reduced parcel size can still comfortably accommodate a new dwelling.
2. The general purpose and intent of the Zoning By-Law is maintained.
  1. 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 large, underutilized open space within the delineated built boundary of the Fonthill urban settlement area and land as it will help facilitate a wider range of 1-storey (bungalow) house designs and help facilitate a more comparable building alignment along Line Avenue .

1. This application is granted without prejudice to any other application in the Town of Pelham.
2. 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.
2. That the approval of the minor variance is subject to Consent Files B7/2020P and B8/2020P obtaining final approval.

Prior to the issuance of the Building Permit:

1. To the satisfaction of the Director of Community Development and Planning that:
  1. Provide dwelling Elevation Plans that positively contribute 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., and if windows are proposed on the north façade, they shall be of clerestory style or similar, as applicable, to the satisfaction of the Director of Community Planning & Development

Carried

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application for relief of Section 13.2 (a) "Minimum Lot Area" – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, relief of Section 13.2 (c) "Maximum Lot Coverage" – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) "Minimum Front Yard" – to permit a minimum front yard of 6 meters whereas**

**the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the surrounding area and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, smaller lot sizes are increasingly becoming common, given modern civil design and infrastructure standards, as it will provide an opportunity to enhance the public realm and streetscape and the reduced parcel size can still comfortably accommodate a new dwelling.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
  - 1. 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 large, underutilized open space within the delineated built boundary of the Fonthill urban settlement area and land as it will help facilitate a wider range of 1-storey (bungalow) house designs and help facilitate a more comparable building alignment along Line Avenue .**
  - 1. This application is granted without prejudice to any other application in the Town of Pelham.**
  - 2. 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.**
- 2. That the approval of the minor variance is subject to Consent Files B7/2020P and B8/2020P obtaining final approval.**

**Prior to the issuance of the Building Permit:**

- 1. To the satisfaction of the Director of Community Development and Planning that:**
  - 1. Provide dwelling Elevation Plans that positively contribute 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., and if windows are proposed on the north façade, they shall be of clerestory style or similar, as applicable, to the satisfaction of the Director of Community Planning & Development**

**Carried**

**6.2 A26/2020P - 1150 Line Avenue (Part 2)**

Applications A25/2020P and A26/2020P were heard concurrently.

**7. Minutes for Approval**

**8. Adjournment**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting.**

**Carried**

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John Klassen, Chair

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Secretary-Treasurer, Nancy J. Bozzato