

Committee of the Whole Meeting

Minutes

Meeting #: PCOW-04/2021 – Public Meeting Under the Planning Act
Date: Monday, June 14, 2021
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

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

Staff Present: Barbara Wiens, Holly Willford, Sarah Leach, Tara
O'Toole, Kenny Ng

1. Call to Order and Declaration of Quorum

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

Ms. Holly Willford, Town Clerk read opening remarks regarding the Zoom Webinar meeting and procedures for public participation.

2. Adoption of Agenda

Moved By Councillor Wayne Olson

THAT the agenda for the June 14th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment:

Moved By Councillor Wayne Olson

THAT the agenda be amended to include the addendum items, being the addition of item number 4.2.1;

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Main Motion as Amended:

Moved By Councillor Wayne Olson

THAT the agenda for the June 14th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Planning Act Application: Second Dwelling Units File Nos. AM-04-2020 & OP-AM-01-2020

The Town Clerk read into the record the Notice Requirements regarding this application.

4.1 Planning Report

Ms. Tara O'Toole, Town Policy Planner provided a presentation of an overview of the proposed official plan and zoning by-law amendments. A copy is available through the Clerk.

4.1.1 Information Report - Second Public Meeting SDU, 2021-0100-Planning

4.2 Public Input

Public Comments

1. Carolyn Botari

Pre-Registered Members of the Public

Mr. Tim Nohara stated that price increases make it difficult to afford to live in Pelham. Mr. Nohara acknowledged the importance of the work conducted on second dwelling units, emphasizing the importance to those with children and/or aging parents. With regard to Section 7(f) of the proposed zoning by-law amendment, Mr. Nohara stated that the requirement of the SDU being within 40 metres of the main dwelling would be difficult to meet for those within the Agricultural zone, given the diversity of agricultural properties.

Mr. Nohara asked the Town to consider either removing the 40 metre requirement, increasing the maximum distance or changing the reference point from the closest portion of the dwelling to the nearest structure.

In response, Ms. O'Toole, Policy Planner, indicated that the 40 metre maximum distance was proposed to ensure the second dwelling is maintained within a cluster of the principle dwelling. In addition, Ms. O'Toole explained that the maximum distance of 40 metres is a mechanism to control the removal of agricultural land that could be farmed. Ms. O'Toole indicated that the Town is working with the Niagara Region to explore if existing septic systems could service the second dwelling unit, therefore reducing the impact on agricultural land. Ms. O'Toole indicated that if the second dwelling unit is a conversion of an existing structure, the 40 metre maximum distance does not come into effect. She stated that in this circumstance, additional factors would be considered.

Ms. Barb Wiens, Director of Community Planning and Development supported Ms. O'Toole statements. Ms. Wiens indicated that in a circumstance that warrants a change, the homeowner may apply to the Committee of Adjustment to seek a minor variance.

Mr. Nohara indicated that he appreciates the objectives of the proposed zoning by-law and official plan amendments, but would like to see greater flexibility within the restrictions.

Mr. John Cappa expressed gratitude toward the work conducted on second dwelling units, noting that he is happy to see suggestions incorporated from the first public meeting. Mr. Cappa stated there is need for affordability in Fonthill. He stated that he too has children and seniors within his family, which presents the need for financial stability. Mr. Cappa stated that second dwelling units provide financial assistance, which would otherwise not be available. He emphasized the need to welcome people and grow as a community while providing the current residents an opportunity to remain in Pelham.

Mr. Cappa asked for clarification regarding the timeline of approval. Ms. O'Toole responded that depending on the outcome of the meeting, she stated the goal is to bring a recommendation report for adoption to Council in August.

Mr. Patrick Maloney from Sullivan Mahoney LLP indicated he was appearing before Council on behalf of two clients. Mr. Maloney stated that it is the opinion of his clients that limiting the total floor area of a second dwelling unit to 700 square feet is not necessary as long as the second unit is less than 50% of the dwelling size. He stated that the zoning should be more general and provide flexibility. Mr. Maloney provided three arguments against the restriction. Firstly, he stated that this restriction would not make sense in a large home. Mr. Maloney stated that the alternative of applying for a minor variance is both unnecessary and expensive. Mr. Maloney further stated that within an existing home, a functional area greater than 700 square feet may exist that is ideal for a second dwelling unit. Lastly, Mr. Maloney indicated that the 700 square foot restriction would limit who can live in the second dwelling unit, noting that it would not be suitable for a small family or two adults.

Mr. Maloney asked that the Town consider removing the specific maximum floor area and include a requirement that a second unit be something less than half of the dwelling to provide for greater flexibility.

Ms. Willford, Town Clerk checked the clerks@pelham.ca email address at 6:07pm and confirmed that no emails had been received and the public portion of the meeting was officially closed.

4.3 Committee Input

A Member of Council asked if neighboring properties would be notified of a permitted second dwelling unit. Ms. Wiens confirmed that no planning application is required therefore, public notification is not required as it is not included in the building permit process. Ms. Wiens indicated that if the applicant sought a minor variance through the Committee of Adjustment, notification would be provided to surrounding properties.

A Member asked if the property owner was required to reside onsite. Ms. Wiens confirmed that the owner of the property is not required to reside on the property. Ms. Wiens further indicated that the Town could not impose this requirement upon the property owner. She confirmed that the property owner would still be responsible for construction and property maintenance.

A Member sought clarity as to whether a second dwelling unit would count toward both density and intensification targets for the Town. The Member stated that the Ministry of Municipal Affairs identified that second dwelling units assist municipalities in meeting affordable housing, intensification and density targets. Ms. Wiens confirmed that the draft official plan amendment was amended to apply second dwelling units to intensification targets. Ms. Wiens explained that density would have to be calculated on a theoretical basis, as it is based on plans of subdivision, whereas intensification is tracked through building permit. The Member asked that staff include density targets in addition to intensification.

A Member supported the planning department recommendation regarding the size of a second dwelling unit, suggesting that any larger would not accommodate the one parking space requirement. Another Member indicated that the one parking space requirement is satisfactory; referencing a report from the Canada Mortgage and Housing Corporation.

A Member sought clarity if second dwelling units would qualify for a Renovate Niagara grant. Ms. Wiens indicated that she would look into the program and respond to the Member. The Member stated that a grant or loan supporting a second unit for the purpose of a rental property is a great attraction.

With regard to the Town of Fort Erie's provision for maximum height for an accessory structure containing a second unit, a Member expressed concern that a second dwelling unit higher than the principle dwelling would detract from the look of the neighborhood. The Member stated that they do not support something massive in the back yard. Ms. Wiens indicated that the proposed zoning by-law amendment contains a maximum height for a residential accessory building or structure of 7.2 metres. Ms. Wiens further indicated that a second dwelling unit on a garage would be located within the roof structure as

opposed to sitting as an additional full storey. A Member sought clarification as to whether the maximum height of 7.2 metres is applicable to separate detached accessory buildings. Ms. Wiens confirmed that 7.2 metres is applicable and that the planning department would reevaluate the language within the by-law to provide clarity. A Member agreed that a 7.2 metre maximum height would detract from the look and feel of the communities in Pelham.

A Member stated concern regarding the requirement of one parking stall per second dwelling unit. The Member asked if second dwelling units would be considered in the Town's parking study as it is likely for on-street parking to increase. Ms. Wiens responded that under the regulations of the *Planning Act* the Town can only apply one parking stall per second dwelling unit. With regard to the parking study, Ms. Wiens confirmed that she would address the concern of increased on-street parking with the consultant responsible for the study.

A Member stated concern regarding second dwelling units within townhouses where yard space and parking is already limited. The Member asked if it was possible for a homeowner to apply to the Committee of Adjustment to widen a driveway and create an additional stall. Ms. Wiens responded that the homeowner would have the ability to apply to the Committee of Adjustment, however, they would be required to demonstrate how the use meets the intent and purpose of the zoning by-law as well as the hardship involved with the current configuration. Ms. Wiens stated that checks and balances have been deliberately imposed to reduce the impact of parking on the community.

A Member asked the opinion of Ms. Wiens with regard to the City of London's parking success. In response, Ms. Wiens referenced a variety of supporting factors such as the public transit system and ample on-street parking. Ms. Wiens indicated that planning staff's projection of Pelham households to install a second dwelling unit is between 2 and 3 percent.

Two Member's supported the earlier suggestion of imposing a maximum building height under the existing roof level. Ms. Wiens indicated that planning staff would explore imposing two standards; one for standalone accessory buildings containing a second unit and one for a second unit built on an existing garage.

A Member suggested that a maximum unit size calculated on percentage may be more appropriate within the rural area where lots tend to be larger. Ms. Wiens clarified that the maximum unit size within a rural is 1,000 square feet, compared to 700 square feet within the urban area. Another Member suggested that the maximum unit size in the rural area should be larger than 1,000 square feet, recommending a maximum size of 1,250 or 1,500 square feet. In response, Ms. Wiens stated that larger dwellings will create a greater impact on agricultural land as well as impact

the ability to service existing septic systems. Ms. Wiens indicated that 1,000 square feet was appropriate as it provides for and meets the objective of affordable housing. She further indicated that it is important to ensure that we do not create land use impacts such as drawing non-farm residential people into the agricultural area that may not be familiar with the noise and odour associated with farming. A Member identified the intent of a second dwelling unit being secondary to the main dwelling. The Member stated that not every house in the agricultural area is big house, which could allow for the second unit to become the primary dwelling. Ms. Wiens confirmed that a second dwelling unit of 1,000 square feet could also have a basement.

4.4 Presentation of Resolutions

Moved By Councillor John Wink

THAT Council receive Report 2021-0100 as it pertains to Second Dwelling Units Policies and Regulations (OP-AM-01-2020 and AM-04-2020);

AND THAT Committee directs Planning staff to prepare the Recommendation Report regarding the Second Dwelling Unit Official Plan and Zoning By-law amendments for Council's consideration.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Moved By Councillor Ron Kore

THAT Committee receive the written correspondence as listed on the agenda;

AND THAT Committee receive the verbal presentations made by the public listed on the Agenda;

AND THAT Committee receive any e-mail comments received during the public portion of the meeting at the clerks@pelham.ca e-mail address.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

5. Adjournment

Moved By Councillor Lisa Haun

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

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford