

Jan. 16, 2022

Committee of Adjustment
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S 1E0

RE: File Number A2/2022P

Committee of Adjustment Members,

We object to the granting of minor variances from Section 7.4(c) "Maximum Lot Coverage", Section 7.4(f) "Minimum Side Yard" and Section 6.16(d)(iv) "Ingress and Egress – Minimum Distance Between Driveway Measured Along the Street Line" requested for 368 Canboro Road under File Number A2/2022P.

If these variances are granted, it would allow the construction of a dwelling that will overlook our backyard and the backyards of at least 4 homes to the east of the property. (See Photograph A). There are no other dwellings in our immediate area that are located this far from the road. At 2 storeys tall, it would loom over our backyards and would result in a major loss of privacy for all of the homeowners. The small size of the lot and reduction of minimum side yards to only 1.2 m will not allow any space for landscaping to screen it from view.

The "look at me" outdoor lighting that all new homes seem to have will light up our backyard all night, every night. We would no longer be able to go out, away from the streetlights, and see the stars, or watch meteor showers or fireflies on warm summer nights.

The noise from their air conditioner will be an additional annoyance, intruding on the quiet of the only area of our backyard that is free from the noise of traffic on Canboro Road.

According to the Site Plan, if the "Minimum Side Yard" reduction is allowed, we will have a 2-storey-high wall over 10 metres (33 feet) long only 1.2 m (4 ft.) from our property line. It will destroy the feeling of openness and space that we now enjoy. Over-digging and construction of the foundation is very likely to cause damage to our garden, and the building will permanently cast shade on our garden and yard, as shown in Photographs B and C.

This loss of privacy, unwanted lighting and noise, and loss of openness will negatively affect the rural character of the neighbourhood and will vastly reduce our enjoyment of our property.

Our concerns are not minor. The variances requested cannot be considered as "minor".

We are opposed to the granting of "Maximum Lot Coverage" and "Minimum Side Yard" variances because we believe that the construction of the proposed dwelling would lead to drainage problems. The land on this side of Canboro Rd slopes down from the roadway to a low-lying area behind the homes, as shown in Photograph A. The Ontario Building Code states (9.14.6.1) "The building shall be located or the building site graded so that water will not accumulate at or near the building and will not adversely affect adjacent properties". As the building would be located in this low area, the site would require extensive grading in order to comply. With increased "Maximum Lot Coverage" and minimum

side yards of only 1.2m, there is not enough room on the remaining property for this to be accomplished without directing the surface drainage, as well as water from the building's downspouts, onto adjacent properties.

The surface drainage in this area can be significant. There have been several instances in past winters where a large snowfall has been followed by a sudden increase in temperature. This caused the snow on the hills to the north of Canboro Rd to melt very rapidly and the water to pour down across the roadway, overwhelming the catch basins. On one occasion, water was also gushing up out of the grate and flowing like a river down the side of the existing dwelling at 368 Canboro to the lower land behind it.

We also object to the request to permit a "Maximum Lot Coverage" increase to 15% because it may not leave enough land for the septic system. The Town of Pelham Official Plan states under Section D1.3, Water and Sewer Servicing for the Rural Area, that "Full municipal water and sewage services are not permitted outside of the urban service boundaries of Fonthill and Fenwick". The Class 4 leaching bed septic system, consisting of a treatment unit and distribution piping, is commonly used in rural areas. The Ontario Building Code mandates clearances of 1.5m from a structure and 3m from the property line for the treatment unit, and 5m from a structure and 3m from the property line for the distribution piping. After the construction of this large 2 storey dwelling and attached 2-car garage, there is not much space left on the lot when the required clearances and grading are considered. The 1.2m side yards would also restrict access to the area behind the dwelling for maintenance of the septic system.

According to the Ontario Building Code, the only alternative to the Class 4 leaching bed septic system is the Class 5 system, which involves a holding tank that is pumped out and the sewage hauled away by an approved sewage hauling service. The circumstances under which this class of system can be approved are limited and are unlikely to apply to this property.

We object to the granting of minor variance Section 6.16(d)(iv) "Ingress and Egress – Minimum Distance Between Driveway Measured Along the Street Line" to permit a reduction to 1.5m from the western property line. Digging involved in preparing a base for a driveway this close to our property line may damage the roots of our large mature trees. (See Photograph D). Additional digging to allow for installation of gas, water and hydro would cause further damage. This would lead to their decline and eventual death, adversely affecting our enjoyment of our home. These trees form a visual boundary and privacy screen between yards. They shade our home from the hot sun in summer and shield it from the cold winds in winter, which reduces our energy consumption. In addition, removal of the dead trees would be our financial responsibility.

We are opposed to the granting of these variances because they do not conform to the general intent of the Official Plan, which states that one objective under "Growth and Settlement" (A2.2.2) is to "encourage diversity in housing in an effort to accommodate the broadest range of income levels". The proposed 2 storey dwelling with attached 2-car garage, with a building area of 276.43 square metres (2,975.5 sq. feet) would replace a much smaller home, and another opportunity for an affordable home would be lost.

These variances are not appropriate for the desirable development of the lot in an area zoned Agricultural 'A'. The proposed large dwelling, garage, and the required septic system would occupy most of the property. The Ontario Building Code prohibits the septic leaching bed from being subject to compaction or pressure that could damage the distribution pipes, which would leave very little usable space on the lot for amenities. The long driveway also takes up much of the open space, and the area alongside it would be required for the location of buried utilities. There would be little room for vegetable and flower gardens, or a patio or deck with the outdoor living spaces that are very desirable at present, and in keeping with the rural character of our neighbourhood. Large houses crammed onto small lots without any thought to natural features are not.

In conclusion, the problems of loss of privacy, reduced enjoyment of our property, drainage and

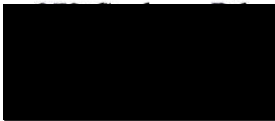
septic system issues that would be created by allowing these variances show that they are not "minor" in nature. They do not conform to the general intent of the Official Plan, nor are they appropriate for the desirable development of the lot in an area zoned Agricultural 'A'.

We respectfully urge the Committee to deny these applications.

Thank you for the opportunity to comment on this matter,

Yvon Audette *Wendy Audette*

Yvon and Wendy Audette



VIEW FROM THE SOUTH EAST CORNER OF 372 CANBORO RD
SHOWING BACKYARDS OF NEIGHBOURING HOMES AND DOWNWARD
SLOPE OF LAND



← WEST

— SURVEYOR'S MARKING FOR PROPERTY LINE
BETWEEN #372 AND #368

* NOTE THAT THE LAND SLOPES DOWN TOWARDS
THE PROPOSED BUILDING SITE.

— APPROXIMATE LOCATION OF
PROPOSED DWELLING

← EAST

PHOTOGRAPH 12



VIEW OF 368 CANBORO FROM
REAR YARD OF 372 CANBORO RD.

— APPROXIMATE LOCATION OF
PROPOSED DWELLING

LINE OF 372 CANBORO RD. AND ADJACENT 368 CANBORO RD
SHOWING SURVEY AND GROUND FROM PHOTOGRAPH B

PHOTOGRAPH C



EAST
↓
SURVEYOR'S MARKING STAKE
FROM PHOTOGRAPH B

WEST →

PHOTOGRAPH 12



WEST
→
#372
CAMPUS
RD.