

Committee of Adjustment**Minutes**

Meeting #: CofA 11/2021
Date: Tuesday, November 2, 2021
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
John Klassen
Sandra Marsh

Members Absent Bernie Law
Brenda Stan

Staff Present Holly Willford
Sarah Leach
Jacquie Miller
Kenny Ng

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

Ms. Sarah Leach, Assistant Secretary-Treasurer, recited the land recognition statement.

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

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

5. Applications for Minor Variance

5.1 A37/2021P - 105 Highway 20 East

Purpose of Application

Application is made for relief of By-Law 3867(2017) 275. GC-275 - Section 20.2(f) "Maximum Density for Apartments" – to permit a maximum density of 155 units per hectare whereas the by-law allows 120 units per hectare.

Representation

The Agent, Mr. Jared Marcus and the Applicant, Mr. Tony Azzi were electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region

Applicants Comments

The Agent, Mr. Marcus, provided a short presentation to further explain the application. A copy is available through the Clerk.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre-registered members of the public. Ms. Leach checked the clerks@pelham.ca email address at 4:27 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By Sandra Marsh
Seconded By John Klassen

THAT the public portion of the meeting is closed.

Carried

Member Comments

A Member asked what clientele the development is being marketed too. The Applicant, Mr. Azzi responded primarily Pelham residents, secondarily Niagara residents and lastly, residents of the Greater Toronto Area. Mr. Azzi indicated a need for more affordable condominiums within Niagara, noting that the smaller unit size allows for a more competitive price point. A Member suggested that the proposed condominium size is not conducive to a family exceeding one child. Mr. Azzi stated that he anticipates that purchasers will include people downsizing and young professionals looking to enter the housing market. The Member further asked if the development may become a University residence. Mr. Azzi stated no.

A Member stated that the development as a whole was based on a site-specific zoning by-law. The Member suggested that what is being asked of the Committee of Adjustment should be presented to Council as an amendment to the site-specific zoning by-law. The Member expressed that in their opinion, the increase in density is excessive in relation to the surrounding neighborhood which is comprised largely of single family dwellings. The Member indicated that they could not support the variance for this reason.

A Member asked for clarity with respect to the number of two bedroom and single bedroom units within the condominium. The Member expressed concern regarding the number of illegal left hand turns westbound on Highway 20. The Member indicated that a similar situation may occur at the entrance to the development from eastbound traffic on Highway 20. The Member stated his concern that safety is being compromised and the increased density will worsen the situation. The Member reaffirmed their position as not being in support of the variance as they believe a zoning by-law amendment is warranted.

In response to an earlier inquiry, Mr. Marcus indicated that eight two bedroom and 98 single bedroom units are proposed. A Member echoed the safety concern with respect to the entrance on Highway 20. In response, Mr. Marcus stated that the site entrance was approved at that location. He indicated that due to approval, the entrance was deemed a sufficient location with sufficient distance.

A Member asked for confirmation that an entrance permit for Highway 20 was issued by the Niagara Region. Mr. Azzi confirmed that an entrance permit had issued. Mr. Azzi further indicated that a traffic study was also submitted to the Niagara Region which supported and justified the entranceway off Highway 20. Mr. Azzi indicated that the decrease in commercial space will result in reduced traffic flow.

With regard to parking stall requirements, a Member asked if a restaurant would be included within the commercial property. Mr. Azzi confirmed that no restaurant is proposed.

Moved By John Klassen

Seconded By Sandra Marsh

Application for relief of By-Law 3867(2017) 275. GC-275 - Section 20.2(f) "Maximum Density for Apartments" – to permit a maximum density of 155 units per hectare whereas the by-law allows 120 units per hectare is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the exterior of the building and built form remains relatively unchanged from the original design and 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 as it will increase residential intensification and help facilitate additional units which can potentially improve the affordability of this mixed-use development project.**
- 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.**
8. **The Applicant is aware that a Site Plan Amendment Application is required.**

The above decision is subject to the following conditions:

1. To the satisfaction of the Director of Planning and Development, prior to the issuance of a building permit:

1. **Submit and receive approval of a Site Plan Amendment Application addressing the following:**
 1. **Submission and approval of a Landscape Plan detailing landscape treatments and features, plant materials and landscape specification, landscaped buffer area, tree planting list and elevation, and any other additional information necessary for clarity.**
 2. **Submission and approval of a Site Plan providing locations for bike storage which avoid conflicts with pedestrian movement and site circulation. Adequate landscape buffer which can screen parking elements from public view, sidewalk and adjacent properties without obstructing pedestrian view.**

Carried

6. Applications for Consent

7. Minutes for Approval

Moved By Sandra Marsh

Seconded By John Klassen

THAT the minutes of the October 5, 2021 Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

Moved By Sandra Marsh

Seconded By John Klassen

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for December 7, 2021 at 4:00 pm.

Carried

A handwritten signature in black ink, appearing to read "Don Cook".

Don Cook, Chair

A handwritten signature in black ink, appearing to read "Sarah Leach".

Assistant Secretary-Treasurer, Sarah Leach