

February 23, 2022

Ms. Holly Willford, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Minor Variance Application A3/2022P
16 Swan Avenue, Pelham
Lot 4 on Plan 59M-476
Roll No. 2732 030 020 07109

The subject land is located on the west side of Swan Avenue, lying south of Acacia Road, legally described above, and known locally as 16 Swan Avenue in the Town of Pelham.

The subject land is zoned a site-specific Residential 2-266 (R2-266) in accordance with Pelham Zoning By-law 1136(1987), as amended. The minor variance application requests relief from:

- i. **Section 14.2 (c) “Maximum Lot Coverage”** – to permit a maximum lot coverage of 57.6% whereas the by-law permits 50%.

The proposal seeks to construct a one-storey single detached dwelling and covered porch.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as ‘Built-up Area’ within the Urban Area Boundary.

Pelham Official Plan (2014)

The Town of Pelham Official Plan designates the subject land as ‘Secondary Plan Area’ within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as ‘EF – Low Density Residential’.

Pelham Zoning By-law No. 1136 (1987), as amended

The subject land is zoned a site-specific Residential 2-266 “R2-266” in accordance with Pelham Zoning By-law 1136(1987), as amended. Under the regulations of the Zoning By-law, the minor variance application requests relief from:

- i. **Section 14.2 (c) “Maximum Lot Coverage”** – to permit a maximum lot coverage of 57.6% whereas the by-law permits 50%.

The Committee of Adjustment, in accordance with Section 45 (1) of the Planning Act, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

Minor Variance Test	Test Response	Explanation
1. The variance is minor in nature.	Yes. The requested variance is considered to be minor in nature.	The requested increase in lot coverage is not anticipated to have significant impacts on the massing of the dwelling and to the surrounding streetscape or drainage capability provided no side yard walkways are proposed.
2. The variance is desirable for the development or use of the land.	Yes. The requested variance is considered to be desirable for the appropriate development or use of the land.	The variance is requested to facilitate a proposed conversion of the planned building design, changing from a two-storey dwelling to a one-storey bungalow, which is more suited for the homeowner’s needs. The requested increase in lot coverage is not anticipated to create negative massing concerns, and will be largely unnoticeable from the street view.
3. The variance maintains the general intent and purpose of the Zoning By-law.	Yes. The requested variance is considered to maintain the general intent and	The property is zoned “Residential 2-266” according to By-law 1136(1987), as amended. The variance relates to a requested increase in lot coverage of 7.6% from the

	purpose of the Zoning By-law.	permitted 50%. This slight increase in coverage results from the inclusion of a rear covered deck, as well as an increase in the interior floor space. The intent of the by-law in regulating maximum lot coverage is to ensure that the size of the dwelling is appropriate for the lot size and the adjacent neighbourhood. The increase in coverage is not anticipated to have a noticeable visual impact on the dwelling and adequate rear yard amenity space remains.
4. The variance maintains the general intent and purpose of the Official Plan.	Yes. The requested variance is considered to maintain the general intent and purpose of the Official Plan.	The subject property is designated "Secondary Plan Area" in the Official Plan and "EF – Low Density Residential" in the East Fonthill Secondary Plan. The proposed single detached dwelling is a permitted use in the designation and the requested variance is not considered to have significant impacts within the context of the Official Plan policies.

Agency & Public Comments

On January 19, 2022, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Building Division (February 15, 2022)
 - A building permit is required for the proposed dwelling.
- Public Works Department (February 16, 2022)
 - Public works has the follow conditions:
 - The driveway location is to remain in accordance with the Subdivision Servicing Plan to avoid the existing water service. Any driveway widening will require approval from the Public Works Department.
 - In order to avoid negative impact to drainage swales, no side yard walkways will be permitted.

No public comments were received at the time of this writing.

Planning Staff Comments

The proposed minor variance application was circulated to Town Planning, Building and Public Works staff for pre-application review and comments prior to submission.

The subject land is located on the west side of Swan Avenue, lying south of Acacia Road and is situated within a recently established residential neighbourhood consist of mostly low to medium density residential dwellings. A stormwater management pond and watercourse are situated to the east and north of the site.

Based on the analysis given in above sections, staff is of the opinion the proposal:

- makes efficient use of the land,
- will not result in overbuilding of the property,
- will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and
- should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff.

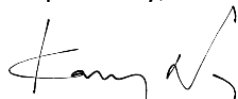
The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Planning staff recommend that minor variance file A3/2022P **be approved** subject to the following condition:

THAT the applicant

- Apply for and receive a building permit for the proposed dwelling prior to construction. The driveway location is to remain unaltered from the Subdivision Servicing Plan and no side yard walkways will be permitted.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,



Barbara Wiens, MCIP, RPP
Director of Community Planning and
Development

