

June 16, 2022

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

**Re: Minor Variance Application A30/2021P**  
**350 Canboro Road, Pelham**  
Part of Lot 6, Concession 8  
**Roll No. 2732 020 013 05600**

---

The subject land is located on the south side of Canboro Road, lying west of Effingham Street, legally described above, and known locally as 350 Canboro Road in the Town of Pelham.

The subject land is zoned site-specific Agricultural-09 "A-09" in accordance with Pelham Zoning By-law 1136(1987), as amended. Application is made to construct an attached two car garage, and seeks for relief from:

- i. **Section 7.7(a) "Maximum (Accessory) Lot Coverage"** – to permit a maximum accessory lot coverage of 2% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%.

### **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.

#### Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) designates the subject land within the 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan also identifies this area as having composite archaeological resource potential. Given the anticipated significant ground disturbance resulting from the proposed building, the applicant must conduct a Stage 1-2 Archaeological Assessment and receive Clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries as a condition of approval.

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Protected Countryside' and 'Unique Agricultural Area' according to Schedules A and B, respectively.

Policy 5.B.6 states that single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

Pelham Official Plan (2014)

The Town local Official Plan designates the subject land as 'Specialty Agricultural' as per Schedule 'A'.

Policy B2.2.2 states that among other uses, one single detached dwelling is permitted on existing lots of record.

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

The subject land is zoned site-specific Agricultural-09 "A-09" in accordance with Pelham Zoning By-law 1136(1987), as amended, which permits one single detached dwelling and accessory uses, buildings and structures. Under the regulations of the Zoning By-law, the minor variance application requests relief from:

- i. **Section 7.7(a) "Maximum (Accessory) Lot Coverage"** – to permit a maximum accessory lot coverage of 2% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%.

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 of maximum lot coverage is not anticipated to have significant impacts on the overall massing and the streetscape as a result. The proposed building is located near the rear of the property where it will have minimal impact on adjacent lands. The building is quite significantly setback from street view and from the nearest adjacent building, resulting in minimal disruption on adjoining lands privacy, sunlight and openness. The proposed building complies with the yard setback and height requirement of the by-law, while the scale and massing have been designed to retain its use and status as secondary/incremental to the primary residential building.
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 detached garage to accommodate for the homeowner's storage and recreational use. The requested increase in maximum lot coverage will have minimal impacts to the existing neighbourhood and abutting properties. The requested variance is not anticipated to have negative impacts on the streetscape give the placement of the building and significant on-site vegetation which serve to provide visual screen from neighbouring property and public 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 "Agricultural-09" according to By-law 1136(1987), as amended.  The variance relates to a requested increase of maximum lot coverage of 1 %. The intent of the by-law is to ensure that the built form and size

	purpose of the Zoning By-law.	<p>of buildings are appropriate to avoid overbuilding and that sufficient open space remains available. The increase is not anticipated to have a significant visual impact and adequate space remains.</p> <p>Staff are of the opinion that the proposed maximum lot coverage is appropriate and in keeping with the character of the surrounding area and compatible with adjacent residential, agricultural and rural uses.</p>
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.	<p>The subject land is designated "Specialty Agricultural" in the Official Plan.</p> <p>The surrounding neighbourhood is generally characterized by one to two storey single detached dwellings. The proposed accessory building is a permitted use in the 'Specialty Agricultural' designation of the Official Plan and uses which are compatible with agriculture are permitted. The requested lot coverage should have no impact on the agricultural viability of the surrounding area and will not compromise the objectives of the Official Plan, with respect to land use compatibility, storm water runoff and private sewage system servicing capabilities.</p> <p>Staff are of the opinion that the requested variance is not considered to have significant impacts within the context of the Official Plan policies and will facilitate the development of an accessory building that is generally compatible with and in keeping with the rural village character of the neighbourhood.</p>

## Agency & Public Comments

On May 25, 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 (May 5, 2022)
  - A building permit is required for the proposed accessory structure.
- Public Works Department (May 18, 2022)
  - No comments.
- Niagara Region Development Services Division (May 24, 2022)
  - No objections to the proposal provided there is no additional living space or fixture units located in the garage.

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

## Planning Staff Comments

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

The subject property, municipally known as 350 Canboro Road, is on the south side of Canboro Road, lying west of Effingham Street. The property has a frontage of approximately 33.81 m on Canboro Road and a lot area of approximately 8230.96 m<sup>2</sup>. The surrounding area can be characterized as a rural village residential neighbourhood comprised of generally one and two storey single detached dwellings, along with small scale agricultural farming operation. The subject property currently contains a two storey dwelling with an attached garage and has an approximate gross floor area of 202.67 m<sup>2</sup>. The applicant is proposing to construct a 2 car, detached garage with the loft storey dedicated to studio and storage use. The area of the garage addition is approximately 59.6 m<sup>2</sup> and the height of the addition is approximately 6.71 m with a mid roof point height of 5.36 m.

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.

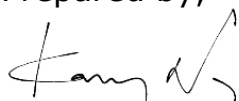
The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Planning staff recommend that minor variance file A30/2021P **be approved** subject to the following condition:

**THAT** the applicant

- Conduct a Stage 1-2 Archaeological Assessment and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries.
- Apply for and receive a building permit for the proposed accessory building prior to construction. No living accommodations or plumbing within the accessory building shall be permitted.

Prepared by,



Kenny Ng, B.ES  
Planner

Approved by,



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