



**Community Planning and Development Department  
Committee of Adjustment**

Wednesday, January 11, 2023

**Minor Variance Application: A1-2023P**

**Municipal Address: 79 Canboro Road**

**Legal Description: Part of Lot 85 on Plan 717**

**Roll number: 2732 020 001 00400**

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**Nature and Extent of Relief/ Permission Applied for:**

The subject land is located on the north side of Canboro Road, lying south of Highway 20 West, legally described above, and known locally as 79 Canboro Road in the Town of Pelham. The parcel is approximately 619.8 m<sup>2</sup> in area and currently supports a single detached dwelling and detached garage on full municipal services.

The subject land is zoned Residential One (R1) in accordance with Pelham Zoning By-law 1136(1987), as amended. Application is made to construct an attached garage and outdoor covered patio. The application seeks for relief from:

- a) Section 13.2 (c) seeking a maximum lot coverage of 35% whereas 30% is required;
- b) Section 13.2 (d) seeking a minimum front yard setback of 6.0m whereas 7.7m is required; and,
- c) Section 13.2 (e) seeking a minimum interior side yard setback of 1.2m whereas 1.8m is required.

**Applicable Planning Policies:**

**Planning Act, R.S.O. 1990, c.P.13**

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 (the "Four Tests").

**Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. The PPS provides for

suitable development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Staff are of the opinion that the proposed variance is consistent with the Provincial Policy Statement.

### **Greenbelt Plan (2017)**

The lands are located outside of the Greenbelt Plan and thus the policies of the Greenbelt Plan do not apply.

### **Growth Plan for the Greater Golden Horseshoe (2020)**

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform to this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject lands are located within the Delineated Built Boundary.

The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Staff are of the opinion that the proposed variance conforms with the Growth Plan.

### **Regional Official Plan (2022)**

The subject lands are located in an urban settlement area according to the Regional Official Plan. The subject lands are designated as built-up area. Built-up areas are to be the focus of development and are to have a mix of land uses.

Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan (Note Pelham's intensification target is 25%);
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.

Staff are of the opinion that the proposed variance conforms with the Regional Official Plan.

### **Town of Pelham Official Plan (2014)**

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect natural heritage features.

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary.' Section B1.1.2 outlines the permitted uses and intentions of this designation, which are supportive of the development of lower density residential uses as part of a complete community.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem. No key natural heritage features (i.e. Significant Woodlands, Provincially Significant Wetlands or valleylands etc.) are located near the subject lands.

The proposed minor variances should not compromise drainage, privacy or sensitive natural heritage features and are generally in keeping with the residential character of the neighbourhood.

Staff are of the opinion that the proposed variance conforms with the Town of Pelham Official Plan.

### **Town of Pelham Zoning By-law No. 1136 (1987), as amended**

The subject lands are zoned Residential One (R1) according to Town of Pelham Zoning By-law No. 1136. Under the regulations of the Zoning By-law, the minor variance application requests relief from:

- a) Section 13.2 (c) seeking a maximum lot coverage of 35% whereas 30% is required.

- b) Section 13.2 (d) seeking a minimum front yard setback of 6.0m whereas 7.7m is required.
- c) Section 13.2 (e) seeking a minimum interior side yard setback of 1.2m whereas 1.8m is required.

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
The variance is minor in nature.	<p>Yes. The requested variances are considered to be minor in nature.</p> <p>The increased lot coverage is minimal given the lot and surrounding context. The increased coverage amounts to approximately 5%. Given the surrounding urban context, the increased lot coverage is considered minor in nature.</p> <p>The front yard is proposed to be reduced by 1.7 metres, representing a reduction of approximately 22%. The proposed attached garage will maintain a front yard setback of 6.0 metres. The surrounding neighbourhood is characterized by dwellings of similar frontages and setbacks. It is noted that the proposed garage addition will be setback behind the dwelling to the west.</p> <p>The interior side is proposed to be reduced by 0.6 metres, representing a reduction of approximately 33%. An interior side yard setback of 1.2 metres will be maintained. It is noted that the existing board fence along the west property line will be maintained.</p> <p>The variances are considered minor as they do not change the use of the site, nor do they substantially alter the functionality of the amenity space of the parcel. Also, the outdoor living structure and garage addition are of a height and mass that would not adversely impact abutting properties.</p> <p>Staff are of the opinion that the proposed variances are minor in nature.</p>
The variance is desirable for the development or use of the land.	Yes. The requested variances are considered to be desirable for the appropriate development or use of the land.

	<p>The requested variances are not anticipated to have negative impacts on the streetscape or adjacent properties. The increase in lot coverage is desirable as it will permit design flexibility for an attached garage addition and outdoor living structure that while covered is open on two sides and maintains adequate rear yard amenity area. The proposed development is compatible with the existing dwelling and the built form of the area. As a condition of minor variance the applicant will be required to obtain a building permit to ensure its construction meets Ontario Building Code.</p> <p>The requested variances are appropriate and desirable as it will not result in shadowing on adjacent properties, will allow for the continued use of the rear yard as private amenity space, will not alter the function of the subject property, and are not anticipated to alter the streetscape in a significant way.</p> <p>Staff is of the opinion the requested variance is desirable for the development or use of the land.</p>
<p>The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>Yes. The requested variances are considered to maintain the general intent and purpose of the Zoning By-law. The property is zoned Residential 1 (R1) according to By-law 1136 (1987), as amended.</p> <p>The intent of the maximum lot coverage provision of the By-law is to maintain adequate space for landscaping, leisure, drainage, and to maintain neighbourhood streetscapes and compatibility. The increased coverage is not anticipated to have a significant visual impact and there remains adequate rear yard amenity space to service the dwelling.</p> <p>The intent of the minimum front yard is to ensure adequate separation from the street and to ensure compatibility with adjacent land uses. The decreased front yard setback is not anticipated to have a significant impact on the streetscape and parking will continue to be provided.</p> <p>The interior side yard setback is intended to maintain access to side yards, provide adequate distance between dwellings, and provide to provide adequate room for drainage. There is an existing detached garage and driveway on the east side of the property, which provides for separation from the adjacent parcel and access to the</p>

	<p>rear yard. The attached garage is proposed on the west side of the property. The variance is necessary to provide adequate space for the addition.</p> <p>The requested setbacks are considered to provide sufficient space which ensures an aesthetic and functional design for the front and side yards and still maintain drainage along the side yard.</p> <p>Staff are of the opinion the proposed variance maintains the general intent and purpose of the Zoning By-law.</p>
The variance maintains the general intent and purpose of the Official Plan.	<p>Yes. The requested variances are considered to maintain the general intent and purpose of the Official Plan.</p> <p>The surrounding neighbourhood is generally characterized by one to two storey single detached dwellings. The Official Plan states that development and redevelopment shall maintain and enhance the character and stability of existing and well-established residential neighbourhoods with regards to scale and density.</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. The proposed attached garage and outdoor living structure is compatible with and generally in keeping with the low-density residential character of the neighbourhood.</p> <p>The proposal is generally consistent in built form, scale, and massing with existing development and the character of the area.</p> <p>Staff is of the opinion that the variance maintains the general intent and purpose of the Official Plan.</p>

### Agency and Public Comments:

On December 14, 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
  - This will require two building permits. One for the proposed covered sitting area and one for the proposed attached garage.

- If the proposed rear deck is higher than 600mm (23 5/8"), it will require a building permit that will be included in the garage permit.
- Public Works Department
  - Public Works does not support the increase in maximum coverage and the reduction in the interior side yard setback due to the existing/proposed grades and notes the drainage plan does not mitigate potential surface water runoff from impacting adjacent properties. Public Works staff have requested that as a condition of minor variance approval, an overall lot grading and drainage plan demonstrating no adverse impact on adjacent properties be submitted for review and approval.

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

### **Planning Staff Comments:**

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 subject to the submission and approval of an overall lot grading and drainage plan.

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 Recommendation:**

Planning staff recommend that minor variance file A1/2023P **be approved** subject to the following condition(s):

**THAT** the applicant:

- Apply for and receive a building permit for both the attached garage addition and outdoor living structure.
- Town of Pelham Public Works Staff require that the applicant submit an overall lot grading and drainage plan demonstrating no adverse impact on adjacent properties be submitted for review and approval to the satisfaction of the Director of Public Works.

### **Prepared and Submitted by:**

Andrew Edwards, BES  
Planner

**Recommended by:**

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