

Committee of Adjustment**Minutes**

Meeting #: 03-2024
Date: Monday, March 4, 2024
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Don Rodbard
Isaiah Banach
John Cappa

Members Absent Brenda Stan
Colin McCann

Staff Present Sarah Leach
Andrew Edwards
Jodi Legros
Gimuel Ledesma

1. Attendance

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Banach 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. Land Recognition Statement

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

4. Approval of Agenda

Moved By John Cappa
Seconded By Don Rodbard

THAT the agenda for the March 04, 2024, Committee of Adjustment meeting be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

6. Requests for Withdrawal or Adjournment

Ms. Leach stated no requests for withdrawal or adjournment have been made.

7. Applications for Minor Variance

7.1 A2-2024P - 801 Canboro Road and 1126 Maple Street

Purpose of the Application

Application for relief is made, to facilitate an addition on the north side of the building to the existing structure in the southwest corner of the parcel. The Owner has initiated the process to merge 801 Canboro Road with 1126 Maple Street through a Deeming By-law. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 8.1.3 “Minimum Rear Yard Setback” – to permit a minimum rear yard setback of 2.8 metres whereas a minimum 6.0 metre setback is required; Section 8.1.3 “Maximum Side Yard Setback” – to permit a maximum side yard setback of 15.3 metres whereas a maximum 1.2 metre maximum side yard is permitted; Section 4.3.1 “Short-term Bicycle Parking” – to permit 0 spaces whereas a minimum of 4 spaces is required; and Section 4.3.1 “Long-term Bicycle Parking” – to permit 0 spaces whereas a minimum of 1 long-term space is required.

Representation

The Agent, Joel Rypstra was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

None.

Public Comments

None.

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:09 pm and confirmed no e-mails had 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 John Cappa

Seconded By Isaiah Banach

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair stated the proposal was a logical extension of the existing building and satisfied the four minor variance tests.

Moved By John Cappa

Seconded By Don Rodbard

Application for relief of Section 8.1.3 “Minimum Rear Yard Setback” – to permit a minimum rear yard setback of 2.8 metres whereas a minimum 6.0 metre setback is required, is hereby: GRANTED;

The above decision is based on the following reasons:

1. **The variance is minor in nature given the orientation of the site, and is not anticipated to impact the streetscape, or neighbouring properties, in a significant way.**

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 and/or use of the land because it will permit the natural extension of the existing repair garage.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. 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.

Application for relief of Section 8.1.3 “Maximum Side Yard Setback” – to permit a maximum side yard setback of 15.3 metres whereas a maximum 1.2 metre maximum side yard is permitted, is hereby: GRANTED;

The above decision is based on the following reasons:

1. The variance is minor in nature as the side yard functions as a rear yard, and as such, the impact of the increased setback is minimal. The scale of the proposed addition will not affect the original intent of the building design, and the streetscape along Canboro Road will remain consistent.
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 and/or use of the land because it will permit an appropriate addition to the existing business.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. 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.

Application for relief of Section 4.3.1 “Short-term Bicycle Parking” – to permit 0 spaces whereas a minimum of 4 spaces is required, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it is not anticipated to detract from the ability of the site to accommodate bicycle parking for customers.**
- 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 and/or use of the land because an existing bicycle rack along the Canboro Road frontage of the site remains.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. 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.**

Application for relief of Section 4.3.1 “Long-term Bicycle Parking” – to permit 0 spaces whereas a minimum of 1 long-term space is required, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it is not anticipated to detract from the ability of the site to accommodate bicycle parking for customers.**
- 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 and/or use of the land because an existing bicycle rack along the Canboro Road frontage of the site remains.**

5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **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.**

The above decisions are subject to the following conditions:

1. **That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.**

Prior to Building Permit:

1. **To the Satisfaction of the Director of Community Planning and Development**
 1. **Enter into a site plan agreement with the Town to the satisfaction of the Director of Community Planning and Development.**

Carried

7.2 A3-2024P 27 Milburn Drive

Purpose of the Application

Application for relief is made, to facilitate the construction of an accessory building/pool area. The applicant seeks relief from the following section(s) of the Zoning By-law: Section 3.1(c) "Accessory Uses, Buildings and Structures" – requesting an accessory building be permitted a front yard setback of 2.18m, whereas accessory structures are not to be located in any front yard; and Section 3.33(b) "Swimming Pools" – to permit a setback of 2.53m to a front lot line for pool circulating equipment in an enclosed building, whereas circulating equipment is not permitted closer to any street than the required yard for the main building or structure.

Representation

The Applicants, Blake and Joanna Dolce were present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Applicants Comments

None.

Public Comments

None.

Ms. Leach, Secretary-Treasurer indicated she checked the clerks@pelham.ca email address at 4:18 pm and confirmed no e-mails have 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 Don Rodbard

Seconded By John Cappa

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Chair stated the proposal was a logical use of the property and satisfied the four minor variance tests. The Chair asked if a pool permit was considered a building permit. Andrew Edwards, Town Planner, responded that a pool permit was separate, and issued through the By-law Division. The Chair requested a formal amendment to the conditions of approval.

Moved By Isaiah Banach

Seconded By John Cappa

THAT the following condition of approval be added:

That the Applicant obtain a pool permit through the By-law Division.

Carried

Moved By Isaiah Banach
Seconded By John Cappa

Application for relief of Section 3.1(c) “Accessory Uses, Buildings and Structures” – requesting an accessory building be permitted a front yard setback of 2.18m, whereas accessory structures are not to be located in any front yard, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as it is not anticipated to impact the streetscape in a significant way. The design/placement of the structure utilizes the existing amenity area while maintaining a compatible built form with the surrounding neighbourhood.**
- 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 and/or use of the land because it will facilitate the construction of an accessory building on an irregular, triangular-shaped lot.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. 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.**

Application for relief of Section 3.33(b) “Swimming Pools” – to permit a setback of 3.33m to a front lot line for pool circulating equipment in an enclosed building, whereas circulating equipment is not permitted closer to any street than the required yard for the main building or structure, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The variance is minor in nature as no adverse impact on the streetscape is 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 and/or use of the land because it will maintain adequate outdoor amenity area for the property owners. Locating the circulating equipment in the accessory structure will provide a visual and noise-attenuating buffer for the machinery.**
5. **This application is granted without prejudice to any other application in the Town of Pelham.**
6. **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.**

The above decisions are subject to the following conditions:

1. **That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.**
2. **That the Applicant obtain a pool permit, through the By-law Division.**

Prior to Building Permit:

1. **To the Satisfaction of the Director of Community Planning and Development**
 1. **Obtain approval for a fence variance.**
2. **To the Satisfaction of the Director of Public Works**
 1. **The Applicant must submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighboring properties, and that all drainage will be contained within the respective lot.**

Carried

8. Applications for Consent

None.

9. Minutes for Approval

Moved By John Cappa

Seconded By Isaiah Banach

THAT the Committee of Adjustment minutes dated February 5, 2024, be approved.

Carried

10. Adjournment

The hearing was adjourned at 4:23 pm.

Moved By John Cappa

Seconded By Isaiah Banach

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for April 2, 2024, at 4:00 p.m.

Carried

Isaiah Banach, Chair

Sarah Leach, Secretary-Treasurer