

December 5, 2017

Mrs. Nancy J. Bozzato, Secretary Treasurer
Committee of Adjustment
Town of Pelham
Fonthill, ON L0S 1E0

Re: Minor Variance Application A35/2017P (Matthews)
281 Canboro Road, Pelham
Part of Lot 5, Concession 8
Roll No. 2732 020 010 14000

The subject land is located on the north side of Canboro Road, lying east of Effingham Street, being Part of Lot 5, Concession 8 and known municipally as 281 Canboro Road in the Town of Pelham.

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 7.4 (c) "Maximum Lot Coverage"** seeking 12.5% whereas 10% is required.
- **Section 7.4 (d) "Minimum Front Yard"** seeking 6.9m whereas 13m is required.
- **Section 7.4 (f) "Minimum Side Yard"** seeking 3m whereas 9m is required.
- **Section 7.7 (a) "Maximum Accessory Lot Coverage"** seeking 4% whereas 1% is required.

Proposal is to construct a detached accessory building, an attached covered front porch and attached garage.

Applicable Planning Policies

Provincial Policy Statement (PPS), 2014

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. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Greenbelt Plan, 2017

The subject parcel is designated as a 'Hamlet' within the *Protected Countryside*.

Section 3.4.4 states that Hamlets are subject to the policies of the Growth Plan and continue to be governed by official plans and are not subject to the policies of this Plan, save for the policies of sections,

- 3.1.5 – Agri-food Network
- 3.2.3 – Water Resource System Policies

- 3.2.6 – External Connections
- 3.3 – Parkland, Open Space and Trail Policies
- 3.4.2 – General Settlement Area Policies

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Unique Agricultural Area' as part of the Protected Countryside lands in the Greenbelt Plan.

Pelham Official Plan, 2014

The Town Official Plan designates the subject parcel as 'Specialty Agricultural'. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Town of Pelham Zoning By-law Number 1136 (1987)

Section 7.4 Regulations for dwellings permitted in the A zone

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|-------------------------|-----|-----------------|
| c) Maximum Lot Coverage | 10% | Request = 12.5% |
| d) Minimum Front Yard | 13m | Request = 6.9m |
| e) Minimum Side Yard | 9m | Request = 3m |

Section 7.7 Regulations for buildings accessory to dwellings permitted in the A zone

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|-----------------------------------|----|--------------|
| a) Maximum Accessory Lot Coverage | 1% | Request = 4% |
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The Committee of Adjustment, in 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	Explanation
1. Is the variance minor in nature?	<p>c) The increase of maximum overall lot coverage is minor in nature because adequate open space remains available for drainage, recreation and a reserve septic system location.</p> <p>d) The reduction of the front yard setback is minor overall (subject to conditions) because the building mass is consistent with the neighbourhood and positively contributes to the streetscape regarding urban design.</p> <p>e) The reduction of the easterly side yard setback is minor overall given the neighbourhood context, consistency with the Ontario Building Code and no adverse impacts are anticipated</p> <p>a) The proposed accessory lot coverage of 4% is a response to the challenge of meeting the 1% requirement in 'Agricultural' zones for smaller rural residential lots. Despite the small parcel size, the variance can be accommodated with minimal impact and no adverse impacts are anticipated.</p>
2. Is the variance desirable for the development or use of	c) Increasing the maximum overall lot coverage to 12.5% is desirable for the land given the smaller rural residential lot size which otherwise acts as a major constraint.

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& Development**

the land?	<p>d) Reducing the front yard setback and bringing the building footprint closer to the street will be desirable for the property as it will facilitate the construction of a garage which currently does not exist.</p> <p>e) The reduction of the easterly side yard is desirable for the property because it allows for more design flexibility while helping to preserve rear yard open space for recreational purposes, drainage and septic area.</p> <p>a) The proposed accessory lot coverage of 4% is desirable for the use of the land given the small size of the rural lot which makes siting a detached accessory building challenging with rigid specifications, the relief will offer some flexibility in terms of property usage and thus, desirability.</p>
3. Does the variance maintain the general intent and purpose of the Official Plan?	<p>c) The variance to increase overall lot coverage maintains the intent of the Official Plan because the purpose of the Specialty Agricultural designation is to implement the Greenbelt Plan and protect and advance the interests of Agriculture. The variances will not detract from the agricultural viability of the area as this property is an existing rural residential use.</p> <p>d) The variance to reduce the front yard setback (subject to conditions) maintains the intent of the Official Plan because the neighbourhood character of the area is not compromised by inappropriate building orientation and siting.</p> <p>e) The reduction of the easterly side yard setback does not compromise the general intent of the Official Plan because the community character is maintained, the use is permitted, and no adverse impacts will be felt by neighbours.</p> <p>a) The proposed accessory lot coverage maintains the general intent of the Official Plan in that no negative impacts will be created for any natural heritage feature or neighbouring properties.</p> <p>The variances are appropriate given the site's rural residential context and meet the general intent of the Official Plan policies.</p>
4. Does the variance maintain the general intent and purpose of the Zoning By-law?	<p>c) Increasing the overall lot coverage by the requested amount does not compromise the general intent of the Zoning By-law as there is adequate landscaped open space reserved.</p> <p>d) Reducing the front yard setback maintains the intent of the Zoning By-law because one (1) parking space is required either in a private garage or carport under Section 6.16. Currently no garage exists on the property and the variance will actually provide compliance in this respect.</p>

	<p>e) The variance of the easterly side yard setback maintains the intent of the Zoning By-law because the deviation leaves adequate spatial separation for drainage purposes, maintenance of the exterior walls and privacy buffer.</p> <p>a) Increasing the maximum accessory building lot coverage maintains the general intent of the Zoning By-law in that adequate open space remains and will not bother the existing septic field and storm water runoff will be required to be contained on the property as per Town standards.</p>
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On November 3rd 2017, a notice was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Building, etc.) and all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Public Works Department (November 17, 2017)
 - See conditions.
- Building Department (November 22, 2017)
 - All necessary permits are required prior to construction commencing.
- Niagara Region Planning and Development Services (November 23, 2017)
 - {See appendix}
 - The septic tank was not exposed upon our inspection and there is no record available for the existing sewage system. Given lack of information, the Region cannot confirm the proposed structures will meet the Ontario Building Code setback requirements.
 - More details are required.
 - Cannot approve of the application at this time.

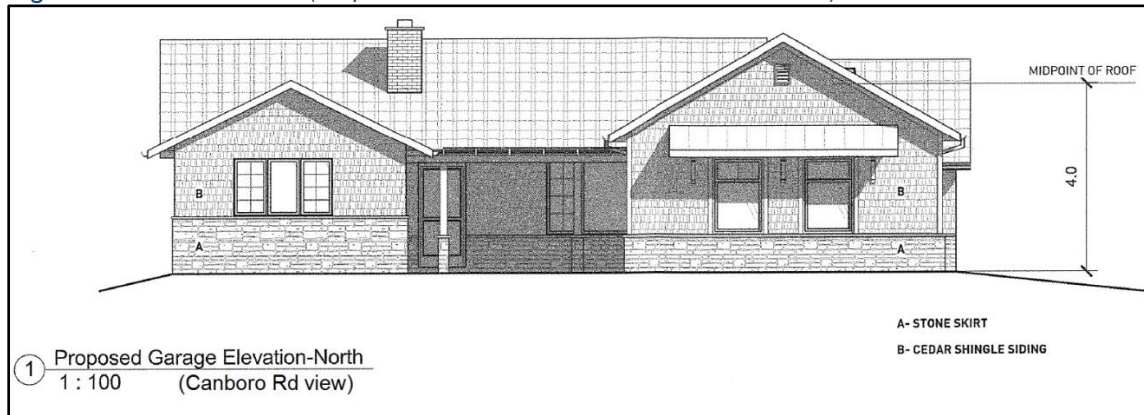
No comments from the public were received.

Planning Comments

The subject land is located on the north side of Canboro Road lying east of Effingham Street in Ridgeville. The property is surrounded by the following:

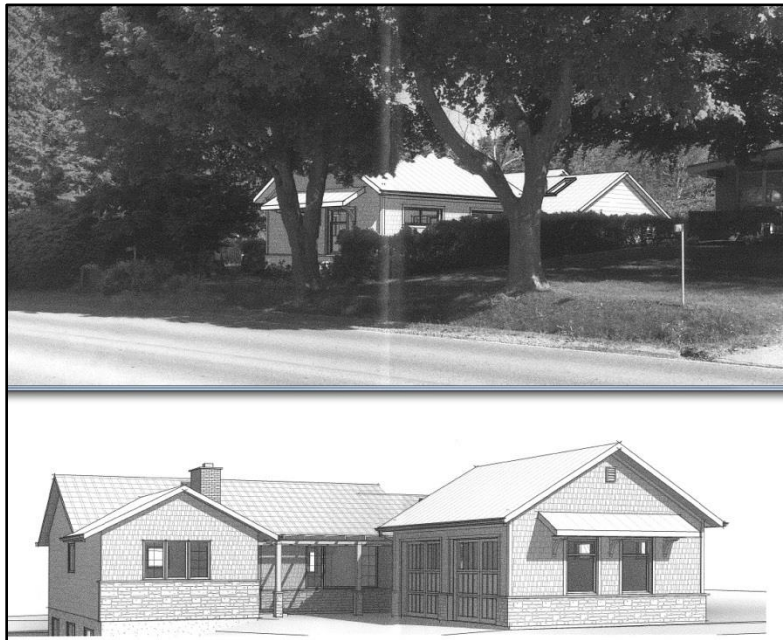
- North – Agricultural
- East – Rural residential
- South – Auto, truck & industrial repair business
- West – Rural residential

Figure 1: 281 Canboro Rd (Proposed elevation as seen from Canboro Road)



Regarding the proposed reduction to the easterly side yard setback, adequate spatial separation is maintained between the neighbour for storm water runoff and maintenance access. The elevations also include two slender windows which help to improve the view from the east without compromising ground level privacy.

Figure 2: 281 Canboro Rd – Perspective Renderings from Canboro Rd



Regarding the proposed reduction to the front yard setback, Planning staff is prepared to recommend approval of this variance only if the building permit issuance honours the appropriate exterior design treatments illustrated on the submitted plans for the attached garage. Given the increased building exposure onto the public realm, positively reinforcing the streetscape by means of an active building façade is important. The Elevation Plan and various perspective renderings submitted with the application (Figure 2) depicts an attached garage addition with two bay doors facing west, two windows plus a canopy facing south and two slender

windows facing east. It should be noted that the proposed front yard building footprint is consistent with the Ridgeville neighbourhood.

Therefore, reducing the front and easterly side yard setbacks will not negatively affect the neighbourhood as adequate spatial separation is maintained and if subject to appropriate urban design treatments on the south façade, the development will enhance the streetscape.

Regarding the proposed increase of overall & accessory building lot coverages, the impact is

foreseen to be minimal given the remaining open space available to serve drainage needs, amenity area and future septic system demands. It is noted that the Region of Niagara was not able to inspect the septic system. Therefore, Planning staff recommend that as a condition of approval, the applicant obtain approval from the Region regarding septic system compliance prior to building permit approval.

Planning Staff is of the opinion that the application meets the four minor variance tests laid out by the *Planning Act*. The application is consistent with Provincial policies, the Regional Official Plan, and conforms to the general intent of the Pelham Official Plan and Zoning By-law.

The authorization of the minor variance is not expected to generate negative impacts for adjacent uses or the community at large. Consequently, Planning Staff recommend that Application File Number A35/2017P **be approved**, subject to the following conditions:

THAT the applicant

- Obtain approval from the Niagara Region Private Sewage Systems division for septic system compliance prior to building permit application.
- Submit and obtain all appropriate building permits in accordance with the plans submitted herein, particularly with respect to the Canboro Road (south) elevation, to the satisfaction of the Director of Community Planning & Development.
- Obtain a Temporary Works Permit for the review and approval of the proposed second driveway access. Please note that curb stops cannot be located in or underneath a driveway.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP

Director/ Community Planning & Development