

Committee of Adjustment AGENDA

CofA-05/2018

May 1, 2018

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. Attendance
2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff
3. Disclosure of Pecuniary Interest and General Nature Thereof
4. Requests for Withdrawal or Adjournment
5. Applications for Minor Variance
 - 5.1 File A7/2018P - Marco & Carol Magazzeni 1
 1. Town of Pelham Planning Department
 2. Town of Pelham Building Department
 3. Town of Pelham Public Works Department
 4. Town of Pelham Fire Department
 5. Bell Canada
6. Applications for Consent

None received.

7. Minutes for Approval

Committee of Adjustment Hearing Minutes, March 6, 2018

Committee of Adjustment Hearing Minutes, April 10, 2018

8. Adjournment

May 1, 2018

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

Re: Minor Variance Application A7/2018P (Magazzeni)
596 Chantler Road, Pelham
Concession 13, Part of Lot 11
Roll No. 2732 030 017 12600

The subject land is located on the southeast corner of Chantler Road and Cream Street, being Concession 13, Part of Lot 11 and known municipally as 596 Chantler Road in the Town of Pelham.

The subject land is zoned 'Agricultural-25' (A-25) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 6.35 c) "Yard Encroaches Permitted – Unenclosed Porches, Balconies Steps & Patios"** seeking a 2.03m encroachment whereas 1.5m is permitted. The variance will facilitate the construction of a front yard porch.

Policy Overview

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).

Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Good General Agricultural Area'.

Policy 5.B.6 states 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 local Official Plan designates the subject parcel as 'Good General Agricultural'. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Pelham Zoning By-law Number 1136 (1987)

The Town Zoning By-law identifies the subject parcel as 'Agricultural-25' (A-25). The special exception restricts the height of agricultural buildings to 10.5m as a result of proximity to the nearby airport.

Section 6.35 Yard Encroachments Permitted

c) Unenclosed porches, balconies, steps & patios 1.5m Request = 2.03m

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. The variance is minor in nature.	The proposed porch encroachment into the required front yard maintains a safe distance from the intersection and will not pose any sightline concerns or other adverse impacts.
2. The variance is desirable for the development or use of the land.	The variance is desirable because the wrap-around porch will enhance the resident's livability on the property by way of improved amenity space.
3. The variance maintains the general intent and purpose of the Official Plan.	The porch encroachment does not compromise the general intent of the Official Plan because no safety concerns arise as a result and the porch will enhance the character of the existing residential dwelling.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The general intent of the Zoning By-law is maintained because adequate front yard setback is upheld between the road and structure. No adverse impacts are presented as a result of the variance.

Comments

On April 6th 2018, 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 (April 25, 2018)
 - No comments.
- Building Department (April 23, 2018)
 - All necessary permits are required (if not applied for in the original application) prior to any further construction commencing.
- Fire & By-law Services (April 16, 2018)
 - No comments.

Planning Comments

Planning staff note that the property is 0.82ha (2.02ac) in land area, contains a rural residential dwelling and the lot is partially farmed.

The subject land is surrounded by:

- North – Agricultural and one rural residential house
- East – Agricultural
- South – Agricultural
- West – Agricultural

The nearest residential neighbours are (1) ± 60m opposite Chantler Road and (2) ± 170m southeast. No comments were received from any members of the public. Increasing the allowable front yard encroachment for a wrap-around porch will not negatively affect any neighbouring properties as significant distance buffers these uses and no adverse impacts are anticipated.

The southern limits of the property fall within the regulation and screening areas of the NPCA, though the agency provided no comments to the variance.

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 Town's 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 **A7/2018P** be **approved**, subject to the following conditions:

THAT

- All necessary building permits be obtained prior to any further construction commencing.

Submitted by,



Curtis Thompson
Planner, B.URPI

Reviewed by,

Barb Wiens, MCIP, RPP
Director/ Community Planning & Development

File: A7/2018P

April 23, 2018

Address: 596 Chantler Road, Pelham

Owner: Marco and Carol Magazzeni

Nancy Bozzato
Town Clerk/Secretary-Treasurer

The Building Department offers the following comment,

- All necessary permits are required (if not applied for in the original application) prior to any further construction continuing.

Belinda Menard
Building Intake/Plans Examiner
Community Planning & Development

Judy Sheppard

From: Matthew Sferrazza
Sent: Wednesday, April 25, 2018 3:14 PM
To: Curtis Thompson
Cc: Derek Young; Judy Sheppard
Subject: A7/2018P - 596 Chantler Road

Hey Curtis,

Please note that Public Works' has no comments for the above stated Minor Various application. Please let me know if you require anything else.

Thanks,
Matt



Matt Sferrazza
Engineering Technologist
Public Works

e: msferrazza@pelham.ca
p: 905.892.2607 x342
pelham.ca

20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0



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Judy Sheppard

From: William Underwood
Sent: Monday, April 16, 2018 9:04 AM
To: Nancy Bozzato
Cc: Sarah Leach; Judy Sheppard
Subject: File A7/2018P

Hi Nancy,

Fire has no comments with respect to the 596 Chantler Road variance.

Regards,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
pelham.ca

177 Highway 20 West
P.O. Box 323
Fonthill, ON L0S 1E0



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www.Facebook.com/Pelhamfire

Judy Sheppard

From: Hall, Charleyne <charleyne.hall@bell.ca>
Sent: Tuesday, April 24, 2018 11:12 AM
To: Judy Sheppard
Subject: RE: Town of Pelham - Minor Variance Application File A7/2018P - 596 Chantler Road

Good morning Judy,

Bell Canada has no concerns with the above noted minor variance application.

Thank you,

Char Hall
External Liaison
Bell Canada Right of Way
P: 705-722-2264
F: 705-726-4600
1-888-646-4817
charleyne.hall@bell.ca

Bell

140 Bayfield St. Floor 2
Barrie Ontario
L4M 3B1

From: Judy Sheppard <JSheppard@pelham.ca>
Sent: April-24-18 9:41 AM
To: ROWCC <rowcentre@bell.ca>
Subject: FW: Town of Pelham - Minor Variance Application File A7/2018P - 596 Chantler Road

Hello,

As a follow up to the email below, please advise if you have any comments regarding the attached Minor Variance



Judy Sheppard
Deputy Clerk
Administration Services

e: jsheppard@pelham.ca
p: 905.892.2607 x320
pelham.ca

20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Application.
Thank you.
Judy Sheppard



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From: Judy Sheppard

Sent: Friday, April 06, 2018 4:04 PM

To: 'rowcentre@bell.ca'

Subject: Town of Pelham - Minor Variance Application File A7/2018P - 596 Chantler Road



Judy Sheppard
Deputy Clerk
Administration Services

e: jsheppard@pelham.ca
p: 905.892.2607 x320
pelham.ca

20 Pelham Town Square
P.O. Box 400
Fonthill, ON LOS 1E0

Good afternoon,
Please refer to the attached.

Regards,
Judy Sheppard



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Meeting #:	CofA-03/2018
Date:	Tuesday, March 6, 2018
Time:	4:00 pm
Location:	Town of Pelham Municipal Office - Council Chambers 20 Pelham Town Square, Fonthill
Members Present	Wayne Lockey Donald Cook James Federico
Members Absent	Brian DiMartile John Klassen
Staff Present	Nancy Bozzato Judy Sheppard

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

Noting that a quorum was present, Chair Lockey 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. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

There were no requests received for withdrawal or adjournment.

5. Applications for Minor Variance

5.1 File A4/2018P - 1957922 Ontario Ltd.

Purpose of Application

Application is made to seek relief from Section 7.4(f) "Minimum Side Yard" - seeking a reduction of 6.8 metres to the north whereas 9 metres is required; and Section 7.4(f) "Minimum Side Yard" - seeking a reduction of 6.8 metres to the south whereas 9 metres is required, to facilitate construction of single detached dwelling.

Representation

Franka Pinque, registered owner, appeared on behalf of this application.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. NPCA Comments
5. Bell Canada

Applicant's Comments

Ms. Pingue had no comment.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments from any of the members present.

Moved By James Federico

Seconded By Donald Cook

Application for relief from Section 7.4(f) - "Minimum Side Yard" - seeking a reduction of 6.8 metres to the north whereas 9 metres is required, to facilitate construction of a single detached dwelling, is hereby: GRANTED.

Application for relief from Section 7.4(f) - "Minimum Side Yard" - seeking a reduction of 6.8 metres to the south whereas 9 metres is required, to facilitate construction of a single detached dwelling, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that storm water runoff will still be managed on-site and adequate separation between dwelling units is maintained and no adverse impacts are anticipated.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that sufficient amounts of open space, amenity area remain on the property including spatial separation between neighbouring dwellings and adequate area for side yard swales.**
- 3. The intent of the Official Plan is maintained in that it will not detract from the primary role of the Good General Agricultural area**

to protect land suitable for agricultural production.

4. The proposal is desirable for the appropriate development and/or use of the land in that it offers some more degree of design flexibility but maintains an acceptable building setback.

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

6. No objections were received from commenting agencies or abutting property owners.

7. 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 decision is subject to the following conditions:

1. That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

5.2 File A5/2018P - Joyce Sonneveld

Purpose of Application

Application is made to seek relief from Section 7.4(c) "Maximum lot coverage" - to permit an overall lot coverage of 12% whereas 10% is permitted to facilitate construction of a portion of a covered rear yard deck.

Representation

Joyce Sonneveld, applicant and Timothy Sonneveld, authorized agent, appeared on behalf of this application.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Region Comments
5. NPCA Comments
6. Bell Canada

Applicant's Comments

Ms. Sonneveld had no comment.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments from any of the members present.

Moved By Donald Cook

Seconded By James Federico

Application for relief from Section 7.4(c) - "Maximum lot coverage" - to permit an overall lot coverage of 12% whereas 10% is permitted to facilitate construction of a portion of a covered rear yard deck, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that no adverse impacts are anticipated.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that sufficient amounts of open space, amenity area and land for private services remain on the property.**
- 3. The intent of the Official Plan is maintained in that there are no adverse impacts on the use of agricultural land.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will improve the amenity area and enhance the outdoor living area.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. 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 decision is subject to the following conditions:

- 1. That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.**

Carried

7. Minutes for Approval

Moved By Donald Cook

Seconded By James Federico

That the minutes of the February 6, 2018, Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

Moved By Donald Cook

Seconded By James Federico

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for April 10, 2018 at 4:00 pm.

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato

Meeting #:	CofA-04/2018
Date:	Tuesday, April 10, 2018
Time:	4:00 pm
Location:	Town of Pelham Municipal Office - Council Chambers 20 Pelham Town Square, Fonthill
Members Present	Wayne Lockey Brian DiMartile John Klassen
Members Absent	James Federico Donald Cook
Staff Present	Nancy Bozzato Judy Sheppard

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

Noting that a quorum was present, Chair Lockey 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. **Disclosure of Pecuniary Interest and General Nature Thereof**

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

4. **Requests for Withdrawal or Adjournment**

There were no requests for withdrawals or adjournments received.

5. **Applications for Minor Variance**

5.1 **File A6/2018P - Craig Tumath**

Purpose of Application

Application is made to seek relief from Section 7.2(d) "Minimum Front Yard" - to permit 12 metres whereas 20 metres is required, to facilitate construction of an extension to an existing barn with no change in livestock capacity; and Section 7.7(d) "Maximum Building Height" - to allow a maximum accessory structure height of 5.2 metres to the mid-point

of the pitched roof, whereas 3.7 metres is allowed, to facilitate construction of an accessory building to the dwelling.

Representation

Martin Ruhe, authorized agents, appeared on behalf of this application.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Public Works Department
4. Town of Pelham Fire Department
5. Niagara Region Comments

Applicant's Comments

Mr. Ruhe had no comment.

Public Comments

There were no comments received from the public.

Members Comments

There were no comments from any of the members present.

Moved By John Klassen

Seconded By Brian DiMartile

Application for relief from Section 7.2(d) "Minimum Front Yard" – seeking 12 metres whereas 20 metres is required, to facilitate construction of an extension to an existing barn with no change in livestock capacity, is hereby: GRANTED.

And relief from Section 7.7(d) "Maximum Building Height" – to allow a maximum accessory structure height of 5.2 metres to the mid-point of the pitched roof, whereas 3.7 metres is allowed, to facilitate construction of an accessory building to the dwelling, is hereby: GRANTED.

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that no adverse impacts are anticipated.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that sufficient setback is upheld and it will not compromise safety nor negatively impact surrounding property.**

3. The intent of the Official Plan is maintained in that the horse barn addition is not hindering any agricultural operation and it will not obstruct the agricultural potential of the land or expand into any natural heritage features.
4. The proposal is desirable for the appropriate development and/or use of the land in that it will provide enhanced usability for the existing horse barn and the height of 5.2 metres will not adversely impact the area.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. No objections were received from commenting agencies or abutting property owners.
7. 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 decision is subject to the following conditions:

1. That all necessary building permits must be obtained prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

7. Minutes for Approval

**Moved By Brian DiMartile
Seconded By John Klassen**

That the minutes of the October 3, 2018, Committee of Adjustment Hearing be approved, as presented.

Carried

8. Adjournment

**Moved By John Klassen
BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for May 1st, 2018 at 4:00 pm.**

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato