

Meeting #: CoA-03/2017
Date: Tuesday, March 7, 2017
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Wayne Lockey
Brian DiMartile
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 Wayne 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 withdrawal or adjournment received.

5. **Applications for Minor Variance**

5.1 File A5/2017P - ANNMARIE & MICHAEL TOTTEN

Purpose of Application:

The subject land is zoned Agricultural "A" in accordance with Pelham Zoning By-law 1136(1987), as amended. The applicants are seeking relief of section 7.7(a) to increase the maximum lot coverage to 1.5% for accessory structures whereas a maximum of 1% is allowed. The variance is requested to facilitate construction of a single detached garage.

Representation:

Michael Totten, registered owner, appeared on behalf of the application.

Correspondence Received:

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Fire and By-law Services Department

Comments:

The owner, Mr. Totten, had no comments.

Public Comments

There were no comments received from the public.

Members Comments

The Members had no comments.

Moved By Brian DiMartile

Seconded By Donald Cook

Application for relief of section 7.7(a) to increase the maximum lot coverage to 1.5% for accessory structures whereas a maximum of 1% is allowed, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature in that adequate open space and amenity area for residents remain even with the exceedance of accessory building lot coverage.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in so far as significant amounts of open space / amenity area remain on the property.**
- 3. The intent of the Official Plan is maintained in that uses which are compatible with agriculture are permitted.**
- 4. The proposal is desirable for the appropriate development and/or use of the land in that it will enable the appropriate storage and use of the owner's belongings.**
- 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 are required prior to construction commencing for the new accessory building, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

5.2 File A6/2017P - FONTHILL GARDENS INC.

Purpose of Application:

The subject land is zoned East Fonthill Mixed-Use 3 (EF-MU3) in accordance with Pelham Zoning By-law 1136(1987), as amended. The Applicant is seeking relief of the following from By-law 3543(2014):

1. Relief from EF-MU3 zone regulation 2.0(c)(i) to permit the building's front façade and main wall, adjacent to Street "C" (Shaw Avenue), to be located 9.9 metres from the property line, whereas a Build-Within Zone of 0.0 to 3.0 metres is required.
2. Relief from EF-MU3 zone 2.0(c)(iv) from the property line of the Woonerf/public square (open space) which requires a 0-3 metres build within zone setback, to permit a setback of 3.3 metres from the property line.
3. Relief from EF-MU3 zone 2.0(c)(i) from the property line at Wellspring Way which requires a 0-3 metres build within zone, to permit a setback of 8.3m (5.3 metres from building to ornamental wall plus 3.0 metres from wall to property line) from the property line.

Representation:

Emilio Raimondo, Raimondo + Associates Architects Inc., appeared on behalf of the application.

Correspondence Received:

1. Town of Pelham Planning Department
2. Town of Pelham Building Department
3. Town of Pelham Fire and By-law Services Department

Agent Comments:

Mr. Raimondo advised that the Applicant supports the Planning Staff's recommendation.

Public Comments:

There were no comments received from the public.

Members Comments:

The members had no comment.

Moved By Donald Cook

Seconded By Brian DiMartile

**Application for relief of the following from By-law 3543(2014):
Relief from EF-MU3 zone regulation 2.0(c)(i) to permit the building's front façade and main wall, adjacent to Street "C" (Shaw Avenue), to be located 9.9 metres from the property line, whereas a Build-Within Zone of 0.0 to 3.0 metres is required, is hereby: GRANTED**

**Application for relief of the following from By-law 3543(2014):
Relief from EF-MU3 zone 2.0(c)(iv) from the property line of the Woonerf/public square (open space) which requires a 0-3 metres build within zone setback, to permit a setback of 3.3 metres from the property line is hereby: GRANTED**

**Application for relief of the following from By-law 3543(2014):
Relief from EF-MU3 zone 2.0(c)(i) from the property line at Wellspring Way which requires a 0-3 metres build within zone, to permit a setback of 8.3 metres (5.3 metres from building to ornamental wall plus 3.0 metres from wall to property line) from the property line is hereby: GRANTED**

The above decisions are based on the following reasons:

- 1. The variance is minor in nature in that the building positively meets Shaw Avenue at the intersection and Wellspring Way for the entire frontage, less the driveway.**
- 2. The general purpose and intent of the Zoning By-Law is maintained in that minimal setbacks are maintained.**
- 3. The intent of the Official Plan is maintained in that the most substantial portion of the building is located within a minimum setback.**
- 4. The proposal is desirable for the appropriate development and/or**

use of the land in that it will help facilitate the development of the Wellspring Niagara facility and no negative impacts are anticipated from an urban design perspective with regards to walkability and public space.

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 decisions are subject to the following conditions:

1. That all necessary permits are required prior to construction commencing, to the satisfaction of the Town of Pelham Chief Building Official.

Carried

6. Applications for Consent

There were no applications for Consent received.

7. Minutes for Approval

Moved By Donald Cook

Seconded By Brian DiMartile

That the minutes of the February 7, 2017, Committee of Adjustment Hearing be approved.

Carried

8. Adjournment

Moved By Donald Cook

Seconded By Brian DiMartile

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned at 4:28 p.m. until the next regular meeting scheduled for April 4, 2017 at 4:00 pm.

Carried

Wayne Lockey, Chair

Secretary-Treasurer, Nancy J. Bozzato