

May 8, 2019

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

**Re: Consent Application B4/2019P**  
**36 Stella Street, Pelham**  
Plan 670 Part Lot 10, RP 59R-15833 Parts 1-2  
**Roll No. 2732 030 020 13812 & 2732 030 020 13800**

The subject parcel, shown as Parts 2 & 4 on the attached sketch, has 21.47 m of frontage on the northwest corner of John Street and Stella Street, known legally as Part of Parts 1-2 on RP 59R-15833, in the Town of Pelham.

Application is made for consent to convey and partial discharge of mortgage of 651 m<sup>2</sup> of land (Parts 2 & 4) to create a new lot for single detached residential use. 801 m<sup>2</sup> of land (Part 1), is to be retained for continued use of a single detached dwelling.

Note – This application is being considered concurrently with consent file B3/2019P and minor variance files A10-A12/2019P.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 51 (24) states when considering the division of land, regard shall be had to the health, safety, convenience, accessibility and welfare of the present and future inhabitants of the municipality and among other things to,

- a) The development's effect on provincial matters of interest;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

Section 53 (1) states a land owner may apply for a consent and the council may, subject to this section, give a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The proposed severance upholds provincial interest by making more efficient use of finite urban land and increasing housing supply on limited municipal infrastructure meant to serve the public. The severance is not premature, and does not compromise any future land use redevelopment considerations on adjacent lands. The proposed geometry is consistent with traditional land use planning and the neighbourhood at large and municipal services and public schools are nearby.

#### Provincial Policy Statement (2014)

The subject parcel is located in a 'Settlement Area' according to the Provincial Policy Statement (PPS). The 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 appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
  1. Efficiently use land and resources;
  2. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

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.

The proposed development seeks to increase the residential housing supply within the *Urban Settlement Area* boundary of Fonthill by adding one additional dwelling unit. Infill development is an acceptable form of *intensification* so long as new development is compatible in nature, is compact, avoids adverse impacts to provincial interest, public health, safety and the quality of the human environment. Planning staff are of the opinion the proposed severance is consistent with the PPS.

#### Growth Plan for the Greater Golden Horseshoe (GGH) (2017)

This Plan informs decision-making regarding growth management and environmental protection in the GGH. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve



- all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing municipal water / wastewater systems; and
  - iii. can support the achievement of complete communities.

The proposal would facilitate the construction of one additional single detached house on what is currently a fairly large residential lot (1103 m<sup>2</sup>) in contrast to current land development standards where finite urban land is available for forecasted population growth. The additional dwelling unit provides for improved efficiencies in land use and infrastructure capacities. Increasing the number of dwelling units helps maintain infrastructure / municipal assets by generating property tax that is used for the maintenance of public infrastructure and public service facilities.

#### Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Built-up Area' within the Urban Area Boundary.

Policy 4.C.2.1 states the municipality will develop and implement through their local Official Plan, policies for promoting intensification and shall generally encourage infill throughout the Built-up Area.

Policy 4.G.6.2 indicates *Urban Areas* will be the focus for accommodating the Region's growth and development.

Policy 4.G.8.1 states *Built-Up Areas* will be the focus of residential intensification and redevelopment.

#### Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fenwick and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 a) states intensification proposals will be considered on properties fronting local roads provided they are less than 100 metres from an intersection with an arterial or collector roads.

Policy D5.2.1 identifies criteria for any new lots to be created by consent for any purpose will require the Committee of Adjustment to be satisfied that (among others) the proposed lot:

- b) Will not cause a traffic hazard as a result of its location;
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
- d) Can be serviced with an appropriate water supply and means of sewage disposal;



- e) Will not have a negative impact on the drainage patterns in the area.
- f) Will not affect the develop ability of the remainder of the lands, if they are designated for development by this Plan;
- g) Will not have a negative impact on the features / function of any environmentally sensitive feature in the area.

Access to municipal services is available for the subject lands and will be addressed as part of the conditions of severance approval, along with drainage. The site is positioned on the northwest corner of Stella Street and John Street which is less than 100 m from Pelham Street which is an *Arterial road*. The property is within walking distance to Downtown Fonthill, and very close to some office commercial uses and institutional uses including Glynn A. Green Elementary School and a church.

The additional dwelling will create a dwelling unit density of 14 UPH (units per hectare) (excluding roads) on the subject lands. This is in keeping with the neighbourhood unit density which ranges from approximately 9 UPH to 28 UPH at the intersection of Pelham Street. The addition of one additional dwelling unit will not cause traffic hazards in so far as volume and sight lines are concerned.

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

The subject land is zoned 'Residential 1' (R1) according to the Zoning By-law. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

Concurrent minor variance applications have been submitted to address the following zoning deficiencies:

- Lot 1 (Part 1 – 36 Stella Street) {File A10/2019P}
  - Lot frontage & lot coverage
- Lot 2 (Part 3 & 5) {File A11/2019P}
  - Lot area
- Lot 3 (Part 2 & 4) {File A12/2019P}
  - Lot area

#### **Agency and Public Comments**

On April 8<sup>th</sup>, 2019, 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 subject land.

To date, the following comments have been received:

- Building Department (April 9, 2019)
  - A building permit will be required for any new residential dwellings.
- Public Works Department (April 18, 2019)
  - {See conditions}
  - During a site visit, it was noted that:



- a pipe exiting the basement wall of the recently constructed home at 36 Stella Street was discharging water beyond the southerly side yard swale onto what is proposed to be the new lots on the severance sketch.
- There are four (4) trees missing from the proposed severance sketch. Three (3) of which are Town owned street trees. See conditions.
- Bell Canada (April 30, 2019)
  - {See attached}
  - Requires an easement in perpetuity over these lands to protect buried facilities that supply service to properties in the area.

Comments were received from two (2) objecting neighbouring residents which are summarized as follows.

1. Placing another house on this lot is not in keeping with the neighbourhood as lots along Stella Street have frontages of 14m (45').
  - ✓ This is not true. Lot frontages actually range from 18m to upwards of 25m. The proposed frontage for the existing dwelling at 36 Stella Street is 17.5m with the two (2) new lots both over 21m.
  - ✓ Diversity in lot size, and by extension dwelling size is not necessarily a negative quality for any neighbourhood.
2. The proposed lot at the corner will project much closer to Stella Street and not align with other houses.
  - ✓ No application has been made to reduce any zoning setbacks, therefore the building setbacks will be the same as the immediate neighbourhood. However, if the severances are approved, the new front lot line for the proposed corner lot would become John Street. Thus, Stella Street would be defined as an *Exterior Side Yard* versus a *Front Yard* and would have a building setback of 5m, not 7.7m. There is no guarantee the builder will choose to orient the house at the minimum 5m setback, though it is a possibility.
3. Visibility / traffic concerns for drivers on John Street & Stella Street.
  - ✓ There are no inherent concerns with sight lines as these are both low speed, low volume local roads with houses considerably setback from the travelled part of the street.
  - ✓ There is currently a shrub wall  $\pm 5'$  in height flanking the north side of John Street up to Stella Street. This poses a more relevant concern for eastbound traffic than a future dwelling would. This shrub wall may end up being removed as part of the development.
  - ✓ John Street is already a dedicated 2-way stop and there is no history of complaints with this intersection that the Town is aware of.
  - ✓ Furthermore, buildings placed near a street actually help reinforce slower speeds as they enclose a driver's peripheral vantage.
4. An *all-way stop* is needed at Stella Street & John Street to stop speeding traffic cutting through to Merritt Road.
  - ✓ Town staff visited the site and spent over 15 minutes standing along side John Street / Stella Street. Not one vehicle was witnessed during this window, and staff are not aware of any traffic concerns on Stella Street.
  - ✓ Furthermore, installation of non-warranted *stop signs* as purely a speed control measure can have negative consequences, such as increased vehicle speeds further along the road and increased noise / exhaust fumes from braking / acceleration.
5. Concern about potential loss of two (2) mature trees on the John Street frontage.

- ✓ Both of these trees are located on private property. Town staff desire as many trees be protected as possible and are proposing an updated plan be submitted as a condition of severance along with required driveway entrance permits so that tree protection can be enforced.

### Planning Staff Comments

The subject application deals with the severance of 36 Stella Street and the vacant parcel of land known as Part 2 on RP 59R-15833. Together with consent file B3/2019P, the applicant seeks to create one (1) additional residential building lot at the northwest corner of Stella Street and John Street for single detached residential use. Some site-specific zoning regulations would require relief and are being discussed under those respective staff Recommendation Reports (Files A10-A12/2019P).

Planning staff have reviewed the Planning Justification Report submitted by Upper Canada Consultants dated April 4<sup>th</sup> 2019, and agree with its commentary.

A pre-consult was held with the applicant(s) of the property and staff from the Town on April 19<sup>th</sup>, 2017 to discuss the future development.

The subject lands are located on the northwest corner of John Street and Stella Street and is surrounded by:

- North –Single detached residential
- East – Single detached residential / Significant Woodland (further east)
- South – Single detached residential
- West – Single detached residential / low-rise apartments (further west)

Planning staff note the neighbourhood contains a relatively diverse land use mix including low density single detached residential immediately adjacent, as well as two low rise apartment buildings, a church and funeral home near the intersection at Pelham Street just over 100m to the west.

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development, making more efficient use of the existing urban lands, where suitable to do so. The proposed severance should not negatively impact the surrounding neighbourhood with regards to land use compatibility, traffic, privacy and storm water runoff.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and Local plans.

Planning staff recommend that the consent **be granted** subject to the following condition(s):

**THAT** the applicant

- Ensure each lot is serviced with an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department



to determine their condition is satisfactory prior to connection. The applicant shall bear all costs associated with these works.

- Submit an updated drawing indicating the locations of the individual water service and sanitary laterals for all lots to confirm no existing service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for all lots shall be required after the installation of new services.
- Submit an updated drawing indicating the location of all missing trees, and what is proposed for them following development (construction / driveway installation), to the satisfaction of the Director of Public Works.
- Submit a comprehensive overall lot grading & drainage plan for all parcels demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works.
- Obtain approval for a Driveway Entrance & Culvert Permit for all entrances for all lots issued through the Public Works Department, to Town standards. This includes the removal of the existing entrance on John Street. The applicant shall bear all costs associated with these works.
- Obtain approval for the conveyance of a perpetual easement over the western limits of the subject lands, to the benefit of Bell Canada for continued maintenance and protection of existing telecommunications infrastructure, to the satisfaction of Bell Canada.
- Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.
- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$387, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Submitted by,



Curtis Thompson, B.URPI  
Planner

Approved by,



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

