

May 8, 2019

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

Re: Minor Variance Application A11/2019P
NA
Plan 670 Part Lot 10, RP 59R-15833 Part 2
Roll No. 2732 030 020 13800

The subject land, shown as Parts 3 & 5 on the attached sketch, has 25.71 m of frontage on the north side of John Street, lying west of Stella Street, legally described above, in the Town of Pelham.

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 625 m², whereas 700 m² is required;

Note – This application is being considered concurrently with minor variance files A10 & A12/2019P and consent to sever applications files B3-B4/2019P.

Applicable Planning Policies

Provincial Policy Statement (PPS), 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.

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS).

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 requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form and *intensification*.

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 2.2.2 Managing Growth – Population will be accommodated by:

- a) Directing a significant portion of new growth to the *built-up* areas of the community via intensification
- b) Focusing intensification in intensification areas
- g) Planning for a balance of housing in communities to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling
- h) Encouraging towns to develop as *complete communities* with easy access to local stores and services
- j) Directing growth to settlement areas that offer municipal water and wastewater systems

The subject property is within walking distance to an elementary school, neighbourhood commercial uses and institutional uses. The proposal would facilitate the construction of one single detached house on what is currently a fairly large residential lot (1103 m²) in contrast to current land development standards. 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 designated the subject land as 'Urban Living Area / Built Boundary'.

Policy B1.1.1 recognizes the existing urban area of Fonthill 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 B1.1.3 b) states intensification proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed.

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 9 UPH up 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 Number 1136 (1987), as amended

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

Section 13.2 Regulations for dwellings permitted in the R1 zone

a) Minimum Lot Area	700 m ²	Request-	625 m ²
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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. The variance is minor in nature.	The proposed reduced lot area is minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province. The surrounding neighbourhood is characterized by development of various lot sizes. The reduced lot area can still comfortably accommodate the proposed dwelling while accommodating an additional neighbour.
2. The variance is desirable for the development or use of the land.	Reducing the minimum lot area to 625 m ² is desirable for the subject land because it will allow for an additional dwelling unit to be erected on an otherwise fairly large residential lot. The proposed lot area is marginally smaller than the standard R1 zone requirement. No adverse impacts are anticipated from this deviation of the Zoning By-law and the variance will facilitate a more compact neighbourhood by lessening the large underutilized open space between buildings.
3. The variance maintains the general intent and purpose of the Official Plan.	The proposed reduction in lot area maintains the general intent of the Official Plan because it will help facilitate <i>intensification</i> and increase housing supply within the <i>delineated built-boundary</i> where underutilized lots otherwise stood. The variance will aid in the gentle intensification of existing <i>Urban Settlement Areas</i> and make more efficient use of the public infrastructure that exists.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed lot area reduction is less than what is required by By-law but still includes a satisfactory lot size for access purposes and for maintaining the proposed dwelling as the Zoning By-law was intended. Legalizing the smaller lot area permits the ability to develop a new adjacent parcel which was otherwise a fairly large residential building lot. This added street presence addresses the public realm in a more contiguous and positive fashion .

On April 8th 2019, 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:

- Building Department (April 9, 2019)
 - No comments.
- Public Works Department (April 9, 2019)
 - No comments.

Public Comments:

The public correspondence received dealt principally with the subject matter of the severance applications, and therefore was included in those Recommendation Reports (B3-B4/2019P).



Planning Comments

Planning staff have reviewed the Planning Justification Report submitted by Upper Canada Consultants dated April 4th 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 19th, 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 use 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 variances should not negatively impact the surrounding neighbourhood with regards to land use compatibility, traffic, privacy and storm water runoff.

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood surrounding the intersection of Pelham Street and Pancake Lane contains a mixture of uses including low density residential, low-rise apartment buildings, a church, a commercial office with some open space and wooded areas nearby. There are also various development applications underway in the neighbourhood which include small lot severances, medium density residential and active draft plans of subdivision.

It is noted that local (and regional) development trends have been gravitating towards smaller lotting fabric partly as a reflection of Provincial policy measures and market trends. Also, the mathematical degree of variation from the original zone regulation is not a consideration when determining if a variance is minor.

Planning staff understand the subject application to be an ideal application of current planning and development goals outlined by upper levels of government and local Town policies dealing with appropriate and gentle infill housing. In general, intensification makes more efficient use of the existing built-up urban lands where open, underutilized spaces present the opportunity. The proposed variance should not facilitate any adverse impacts with regards to traffic, storm runoff, or privacy etc.

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

The authorization of the following recommended minor variances is not expected to generate negative impacts on adjacent uses and on the community at large. Consequently, Planning Staff recommend that Application File Number A11/2019P **be approved**, subject to Consent Files B3-B4/2019P being approved.

Submitted by,



Curtis Thompson
Planner, B.URPI

Approved by,



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

