

August 13, 2019

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

Re: Consent Application B7/2019P
1146 Maple Street, Pelham
Registered Plan 703, Part of Lot 8
Roll No. 2732 010 015 16100

The subject land, (Part 3 on sketch) has 4.67 m of frontage on the west side of Maple Street, lying north of Canboro Road, known municipally as 1146 Maple Street, in the Town of Pelham.

Application is made for consent to convey 426.9 m² of land (Part 3) to merge with the abutting land (Part 1) for the continued use of a barn and single detached dwelling. Part 2 is being retained for a future residential building lot.

Note – This application is being considered concurrently with minor variance application file A20/2019P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 51 (24) states that 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 boundary adjustment seeks to preserve an existing barn which is of an older, historic structure and is currently being used as an accessory building to the existing house. The boundary adjustment will help legalize an existing legal non-conforming structure while helping to maintain the Town's cultural heritage while still allowing for the new residential development to the south. Notwithstanding the decrease in lot size, there is virtually no impact on lot geometry. There is also no impact on the environment, schools or municipal services as the lot already exists and municipal water and sanitary sewers already front the property.

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 boundary adjustment seeks to preserve a culturally significant barn (accessory building) by adjusting the existing lot line which intersects the barn. The boundary adjustment application will preserve the right to build one new residential dwelling on an existing lot of record, which helps increase housing supply and achieving intensification targets. 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) (2019)

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 Downtown Fenwick, an elementary school and institutional uses. The proposal would facilitate the preservation of an older vintage, culturally significant barn while still allowing for the construction of one single detached house on what is currently a large, existing residential lot of record (2030 m²). 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 Fenwick and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 Residential Intensification – states while intensification opportunities will be encouraged,



proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood they are proposed. This consent application is for a boundary adjustment, and not for the creation of a new lot. Planning staff note that Maple Street in this area is characterized by more traditional homes with short front yard setbacks. Based on the current applicable zoning, the new dwelling could be located with a deep front yard setback, thereby diminishing the character of this part of Fenwick. At this time, the Town has limited mechanisms available to ensure the new dwelling is located generally in alignment with the neighbouring homes, as this is desirable for the streetscape. Planning staff encourage the applicant, or subsequent builder to be mindful of, and respect the neighbourhood character as the Official Plan policies express.

Policy B1.1.3 a) notes how Schedules A2 identifies a number of candidate areas for residential intensification within the Village of Fenwick. This does not preclude consideration for other sites within the *Urban Living Area* designation provided they abut an arterial or collector road.

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.

Policy D5.2.1 states that for any consent application, the Committee of Adjustment shall be satisfied that (among other things) the proposed lot:

- a) Fronts on and will be directly accessed by a public road;
✓ Unchanged.
- b) Will not cause a traffic hazard;
✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
✓ Intent is being maintained and compliance sought concurrently (A20/2019).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
✓ Unchanged.
- e) Will not have a negative impact on the drainage patterns in the area;
✓ Confirmed as condition of approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
✓ The land to the rear (west) is designated for urban development and in the future may be subject to future infill development applications. The land is already fragmented by the deep lotting fabric of the subject lands; therefore, this application is not adversely impacting the future developability of the rear lands than already exists.
- g) Will not have a negative impact on the features and functions of any environmentally sensitive feature in the area;
✓ No issue.
- h) Conforms with Regional lot creation policy as articulated in the Regional Official Plan.
✓ No issue from Region in accordance with Memorandum of Understanding.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - Not applicable.

Policy D5.2.2 Boundary Adjustments – states consents may be permitted for the purpose of correcting conveyances or for enlarging existing lots, provided no new building lot is created. The Committee of

Adjustment shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

The site is generally located within an identified potential intensification area and it is located on a collector road which is also ± 100 m from an arterial road intersection. The property is within walking distance to Downtown Fenwick, elementary schools and other institutional uses. Regarding Policy D5.2.2, no new lot is being created and the boundary adjustment will facilitate the preservation of an existing accessory building and also bring the use into zoning compliance.

Pelham Zoning By-law Number 1136 (1987), as amended

The subject land is zoned 'Residential Village 1' (RV1) according to the Zoning By-law. The permitted uses include one single detached dwelling, accessory uses and home occupations. The resulting parcel configuration will result in zoning compliance for the existing barn (accessory building) which currently crosses a property line, and the reduced lot frontage of Part 2 is being addressed through minor variance application A20/2019.

Agency and Public Comments

On August 17th 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 (August 6, 2019)
 - No comments.
- Public Works Department (August 1, 2019)
 - See conditions.
- Bell Canada (July 17, 2019)
 - No concerns.

No public comments have been received at this time.

Planning Comments

Planning staff have reviewed the Planning Justification Report submitted by Upper Canada Consultants dated June 2019, and agree with its commentary.

A pre-consult was held with the applicant(s) of the property and staff from the Town on May 2nd, 2019 to discuss the future development.

The subject lands are located on the west side of Maple Street, lying north of Canboro Road and is surrounded by:

- North –Single detached residential
- East – Single detached residential / Significant Woodland (further east)



- South – Single detached residential
- West – Agricultural

Planning staff note the immediate neighbourhood consists of a more traditional character with older vintage residential homes and just over 100m to the south is Downtown Fenwick.

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

Planning staff are concerned that the future dwelling on Part 2 could be located far back on the lot from Maple Street and not align with the existing homes, by exercising a deep front yard setback. This has happened further north on Maple Street and in some other areas, the issues are two-fold. First, the desirable streetscape and built character of the neighbourhood is disrupted, and the deep rear yards which are also designated *Urban* in the Official Plan, are compromised should they be subject to future development applications. Unfortunately, the mechanisms to ensure building and streetscape alignment, are quite limited as the Zoning By-law doesn't require a maximum front yard setback, but also because the subject land has a very deep lot, the standard rear yard setback will have no effect on ensuring the future home is positioned relatively close to Maple Street, as is desired by staff. Therefore, Planning staff highly recommend the applicant, or the future home builder orient the dwelling in a respectful, and compatible position that reflects the character of Downtown Fenwick.

Planning Staff is of the opinion that the consent application meets the applicable policy 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.

Planning staff recommend that the consent known as file B7/2019P **BE GRANTED** subject to the following conditions:

THAT the applicant,

- Merge Part 1 with Part 3.
- Ensures both lots are services with individual 20 mm Ø water service and 125 mm Ø sanitary sewer laterals in accordance with Town standards. Installation of any missing services will require Temporary Works Permits obtained through the Public Works department. If existing services are proposed for reconnection, such services shall be inspected by Town staff to ensure satisfactory condition prior to connection. Temporary Works Permit(s) will be required and the applicant shall bear all costs associated with these works.
- Submit a drawing indicating the location of the individual water service and sanitary lateral for both lots to confirm no services branch from, or through the proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for both lots shall be submitted after service installation.
- Submits a comprehensive Lot Grading & Drainage Plan for both parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works.
- Obtain approval for a Driveway Entrance & Culvert Permit from the Public Works department, in accordance with Town standards. The applicant shall bear all costs associated with these works.

From the Department of



**Community Planning
& Development**

- 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.

Prepared by,



Curtis Thompson
Planner, B.URPI

Approved by,



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

