

January 28, 2020

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

Re: Minor Variance Application A3/2020P
Part 5 on RP 59R-16105, Pelham (Summersides Mews)
Part of Block 4, 59M-432
Roll No. Unknown

The subject parcel is located on the northeast corner of Summersides Boulevard and Wellspring Way, legally described above, in the Town of Pelham.

The subject land is zoned 'East Fonthill – Mixed Use 3' (EF-MU3) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- i. **By-law No. 3543 (2014) Section 2. (c)(i) "Maximum Street Setback"** seeking a maximum street setback of 3.6 m for units 11, 15, 21 & 23 of 'Block D', whereas 3 m is required.
- ii. **By-law No. 3543 (2014) Section 2. (c)(v) "Minimum Parking Lot Setback"** seeking a minimum parking lot setback of 1.3 m, whereas 3 m is required.
- iii. **By-law No. 3543 (2014) Section 2. (c)(vi) "Minimum Distance Separation between Townhouses"** seeking a minimum setback of 2.3 m, whereas 3 m is required.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2014)

The Provincial Policy Statement (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.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Settlement Area' according to the 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 1.1.3.4 states appropriate development standards should be promoted which facilitate compact form,

while avoiding or mitigating risks to public health and safety.

The proposed minor variance application has been submitted to seek relief from certain site-specific zoning provisions in order to facilitate the applicant's preferred site design layout.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential, therefore an Assessment and Ministry Clearance was previously completed as part of the Village of East Fonthill Subdivision which created this block of developable land and the streets flanking it.

The proposed development seeks to increase the residential housing supply within the *Urban Settlement Area* boundary of Fonthill, and more specifically in the East Fonthill Secondary Plan limits on designated *Greenfield* lands. 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 while meeting *greenfield* density targets, providing diversity in housing in an effort to accommodate a broader range of income levels and enhancing the urban character of the community.

Growth Plan for the Greater Golden Horseshoe (2019)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is a *designated greenfield area* and is located within a 'Settlement Area' according to the Growth Plan. *Designated greenfield areas* are required to accommodate forecasted growth to this Plan's horizon. 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.

Complete Communities are defined as mixed-use neighbourhoods or other areas within a Town that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and *public service facilities*. *Complete communities* may take different shapes and forms appropriate for their contexts.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;

- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

Ground-oriented residential dwellings are the predominant housing type being proposed. However, the variety in built form is much more unique than what comes to mind in this area when ground-oriented dwellings are considered. The proposed dwelling units are all permitted uses under the Zoning By-law and the variety is considered desirable from a planning perspective and contribute to providing housing choice. This Secondary Plan area yields a higher planned density threshold than the balance of built-up urban land throughout Pelham. Dwelling unit types in this mixed-use area range from traditional townhomes, contemporary British inspired mews, detached second dwelling units (rentals) and apartments.

The subject lands are located around 1km from Downtown Fonthill, and less than 0.5km from grocery stores and various other service commercial uses along Highway 20 east. This places it within the realm of the desirable '10-minute' walking-shed neighbourhood. Two local elementary schools are also located nearby and the site is adjacent to the Meridian Community Centre.

The proposed variances will help facilitate the construction of 41 residential dwelling units in a variety of housing types in a compact, walkable form that helps support the existing municipal infrastructure within the East Fonthill community. The proposal will also help contribute towards the municipal property tax base which helps towards maintaining linear infrastructure and *public service facilities*. Existing stormwater facilities, water and sanitary sewer mains extend along the lot's frontages.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Designated Greenfield Area' within the Urban Area Boundary.

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

Policy 4.C.5 states *Designated Greenfield Areas* will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses.
- b) Where limited by scale or configuration, making a significant contribution to the growth of the respective *Urban Area*.
- c) Providing opportunities for integrated, mixed land uses.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

Town Planning staff are of the opinion the development makes effective use of the vacant lands situated in an evolving mixed-use neighbourhood by providing compact ground-oriented residential dwellings with a diverse range of housing types and tenures.

Policy 4.J.4 states the Region encourages private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential construction that:

- c) Emphasizes the entrance.
- d) Is accessible to all persons.
- g) Provides an attractive, active transportation friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

The proposed development's site design positively reinforces the Summersides Boulevard and Wellspring Way streetscape using compact, front-facing built form with principle entrances at the sidewalk providing *eyes-on-the-street*. The active front façades enhance the pedestrian experience and comfort levels along both public streets, while the rear lane vehicle access otherwise eliminates multiple conflict points from vehicle driveways along the frontages. Therefore, Town Planning staff is of the opinion the development conforms to Regional policy and agrees with Regional staff's comments (see appendix).

Regional staff did not object, nor request to be circulated the proposed minor variance application as the development aligns with Provincial and Regional policies and they've been continuously involved throughout the Site Plan Control process.

Pelham Official Plan (2014) & East Fonthill Site Master Plan

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features. The East Fonthill Site Master Plan was implemented as a result of the Official Plan's Secondary Plan policies for East Fonthill. This subsidiary Master Plan applies to the Commercial / Employment Centre lands which are generally bounded by Highway 20 (north), Rice Road (east), Summersides Blvd (south) and (west).

The local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as EF – Mixed Use within the Commercial/Employment Centre. Policy B1.7.8.3 outlines the permitted uses and intentions of this designation. Permitted uses include apartments, townhouses, secondary suites, live-work units among many other uses.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No *key natural heritage features* (i.e. *Significant Woodlands, Provincially Significant Wetlands or valleylands* etc.) are located near the subject lands.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage residential development applications occurring in the *urban areas* where full municipal water services and sanitary sewers are available, to provide for affordable housing and diversity in housing in an effort to accommodate a broad range of income levels among other things.

The subject lands are situated around 1 km from Downtown Fonthill, (2) public elementary schools and even closer to various other service / neighbourhood commercial uses which positions it well within walking distance of many daily amenities, including the Community Centre and various local shopping opportunities.

Policy A2.3.2 Urban Character – stated objectives of this Plan include (among others):

- To enhance the *urban areas* as diverse, livable, safe, accessible and attractive communities.
- To ensure that new development areas are integrated into the fabric of the existing community in conformity with approved Secondary Plans.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance would facilitate the construction of various ground-oriented residential dwellings in proximity to commercial, institutional and recreational uses. At this point, the neighbourhood character is undergoing significant transformation as its role as a vacant *designated* greenfield area is evolving rapidly. Many neighbouring development applications are active and seeking to shape the future built form. The neighbourhood is envisioned as a walkable, mixed-use community according to the East Fonthill Secondary Plan and East Fonthill Site Master Plan.

The Summersides Mews development will help buffer the unsightly surface parking lot associated with the Meridian Community Centre and it will also enhance the vehicle driveway entrances to the community centre parking lot.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy A2.7.2 Cultural Heritage – states it is the Plan’s objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

The Summersides Mews development, seeks to create a new urban appeal, or character, which is appropriate given its land use policy standards but also one that respects and enhances the Village of Fonthill’s cultural landscape through the use of sensitive gradient building massing, consistent building alignments that reinforce the public realm and streetscape, as well as a congruent use of high quality exterior cladding material such as brick veneer, front porches and proportional window openings.

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry of Tourism, Culture & Sport has been receipted as part of the previous draft plan of subdivision known as the *Village of East Fonthill* (file # 26T19-010-14).

Policy B1.7.3.1 (East Fonthill) Development Objectives – states that the following private (and public) development objectives will be implemented by the mechanisms in the Official Plan, the implementing Zoning and Site Plan Approvals. The East Fonthill development objectives (that relate to this development) are:

- a) To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction;
- b) To ensure a well-designed, attractive, pedestrian-and bicycle-friendly community that includes an appropriate mixture of housing types, as well as locally focused retail/commercial uses and places of worship;
- c) To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
 - ✓ The Commercial / Employment Centre of East Fonthill is still in its early days and is in the midst of establishing character.
- d) To create a complete community with a safe, healthy and functional environment that can accommodate between 6,500 and 7,500 new residents and jobs combined;
- e) To require that both the intensification and *greenfield* components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
 - ✓ Town staff have calculated the projected density of the subject lands at 83 residents & jobs / hectare and 58 dwelling units / hectare and note that these metrics both exceed the required *greenfield* density target.
- f) To provide a land use and community structure that supports the existing historic downtown and associated Town Centre of Fonthill;
 - ✓ The subject land is within close proximity of Downtown Fonthill and the additional housing units will help support local business vitality.
- j) To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces, capable of performing a supporting role to the open space network;

- ✓ The internal laneway is narrow and designed purposefully at a human-scale with careful urban design consideration to ensure an attractive streetscape internally and along Wellspring Way and Summersides Boulevard.
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
 - ✓ The development provides several sidewalk connections to improve pedestrian mobility and (though not relevant to this application), layby parking which further helps calm traffic speed and improve the pedestrian experience along the public sidewalks by providing an additional buffer between moving traffic and walkers.
- l) To provide a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel and that reflects and responds to the natural features of the community;
- m) To ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities, as well as adequate utility networks.

It is noted that the minor variance applications seek numeric relief from three (3) site-specific provisions to facilitate a preferred site design and layout. The proposed minor variances conform with the Pelham Official Plan as it supports additional housing, a variety of housing forms, types & tenures, good land use planning, compact built form, enhances the grid network of transportation and is a compatible form of residential development in a walkable area.

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

The subject land is zoned ‘East Fonthill – Mixed Use 3’ (EF-MU3) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Under the site-specific Zoning By-law Amendment No. 3543 (2014), the minor variance application requests relief from Section 2. (c):

- i. **“Maximum Street Setback”** seeking a maximum street setback of 3.6 m for units 11, 15, 21 & 23 of ‘Block D’, whereas 3 m is required.
- v. **“Minimum Parking Lot Setback”** seeking a minimum parking lot setback of 1.3 m, whereas 3 m is required.
- vi. **“Minimum Distance Separation between Townhouses”** seeking a minimum setback of 2.3 m, whereas 3 m is required.

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.	<p>The requested front yard setback is minor in nature as the increased front yard is minimal, will maintain a relatively consistent building alignment as originally intended but also help distinguish the architectural character of Block D.</p> <p>Reducing the minimum parking lot setback is minor overall because it will be landscaped, integrate fencing materials that are shared with the adjacent apartment building’s balconies (Figure 1) and help leave space for the internal community mailbox and waste collection area.</p> <p><i>Figure 1: Parking lot rendering viewed from Wellspring Way</i></p> 

	<p>Reducing the setback between townhouses from 3m to 2.3m is minor overall because it still complies with the <i>Ontario Building Code</i> and adequate spatial setback is maintained for a pedestrian walkway, privacy and access for maintenance purposes.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>Increasing the maximum front yard setback for the Block D end units along Wellspring Way is desirable for the land because it will help provide subtle architectural charm to the block but yet be minimal enough such that the consistent building setback is otherwise indistinguishable in its efforts to help <i>frame</i> the public street with building wall(s).</p> <p>Reducing the minimum parking lot setback is desirable for the lands because it will provide space for the apartment's waste collection area, the communal mailbox, required parking stalls all while not harming the public realm by exposing what are generally considered undesirable from an urban design perspective. The parking lot will be architecturally integrated to the adjacent buildings through similar fencing material and landscaping.</p> <p>Reducing the setback between townhouses is desirable for the lands because it will limit privacy issues between neighbours due to more restricted building openings under the <i>Ontario Building Code</i>, and facilitate a more compact built form while increasing housing supply through the provision of additional units and / or unit sizes.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>All three (3) requested variances maintain the general intent of the Official Plan because they collectively seek to facilitate a site layout which is designed in a way to accommodate a large variety of housing types, enhancing the urban design of the neighbourhood and establishing an East Fonthill character (Policy A2.3.2) that is consistent with the Site Master Plan / Urban Design Guidelines. Further, the parking lot and townhouse setback variances help to make more efficient use of the parcel while satisfactorily accommodating essential services such as waste collection, mail delivery, and emergency service vehicles.</p>
<p>4. The variance maintains the general intent and purpose of the Zoning By-law.</p>	<p>All three (3) requested variances maintain the general intent of the Zoning By-law because they utilize the East Fonthill's '<i>form-based code</i>' to its highest potential with minimal refinements requested to help execute the development's vision which is grounded on a human-scaled, walkable, urban character that enhances its surrounding environment.</p> <p>The variances do not compromise the ability to comply with the <i>Ontario Building Code</i>, parking requirements, manage stormwater runoff, avoid future privacy concerns, support essential services and provide adequate amenity areas for residents.</p> <p>Furthermore, the proposed uses and permitted under the EF-MU3 zone and the required number of parking stalls are compliant.</p>

Agency & Public Comments

On December 12, 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 property's boundaries.

To date, the following comments have been received:

- Building Department (Jan 14, 2020)
 - No comments.
- Public Works Department (Jan 16, 2020)
 - No comments.

No public comments were received at the time of this writing.

Planning Staff Comments

It is noted that a concurrent Site Plan Application (SP-03-19) is being processed by Town Staff and will be presented to Council for approval in the coming weeks. A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on December 20, 2018 to discuss various development applications.

The subject lands are located on the northeast corner of the roundabout intersection of Summersides Boulevard and Wellspring Way. The lands are surrounded by the Meridian Community Centre to the north, vacant land to the east & south, and an open space stormwater management pond to the west.

The proposed minor variance application seeks zoning relief from three (3) site-specific zoning regulations. Though all of which, are needed to facilitate the proposed development as shown on the Site Plan, these variances are technically preferred for design, architectural, and functional reasons. None of the variances are required to effect the nature of the proposed development, that is with respect to the type of, number of & density of dwelling units, the arrangement of the buildings on the subject lands, or the amount of parking provided, all of which comply with the Zoning By-law and Official Plan.

If the development were to proceed without the requested variances, the Site Plan would still be able to proceed and look very similar albeit Block D will share a shorter front yard setback, the townhouse footprints may be slightly smaller, (or taller to accommodate similar floor areas), and the parking lot would be shifted towards the east requiring the mailbox and refuse area to be relocated. As mentioned above, these variances are merely desired for site layout and urban design purposes, not necessarily as a requirement for Site Plan Approval.

Planning staff have reviewed the *Planning Justification Report* submitted by Better Neighbourhoods Development Consultants dated 2019-11-22, and agree with its commentary.

Planning staff visit the area frequently and understand the local context well. At present, this quadrant of the East Fonthill Secondary Plan neighbourhood is not in the midst of any active construction projects, save for the River Estates Phase 1-2 subdivisions. However, there are several imminent developments looming. Two (2) of which have received Site Plan Approval and are building permit ready, particularly, one is opposite Summersides Boulevard where three (3) mid-rise apartment buildings are now ready for construction. The lands to the north and east are currently vacant but will be subject to future *Planning Act* development applications for which the details are unknown at this time.

In addition to the Site Plan, Landscape Plan and Building Elevation Plans, the applicant also supplied a conceptual rendering of the proposed parking lot from the Wellspring Way perspective. This parking lot

configuration is the subject of one minor variance request to reduce its setback from Wellspring Way. The illustration depicts landscaping integrated with a fence that is intended to echo the balconies of the adjacent apartment building to the south. The variances associated with the setbacks have minimal impact on the site or the public at-large. The policy intent of the East Fonthill Secondary Plan and East Fonthill Site Master Plan continue to be conformed with as well as compliance to the *Ontario Building Code*.

Again, Town of Pelham Council approval is required for the concurrent Site Plan Control application (SP-03-19) which is anticipated to be considered shortly after the minor variance process concludes.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate *greenfield* development, making efficient use of the designated urban area lands, where suitable to do so. The proposed minor variance should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff.

In Planning staff's opinion, the application is considered an innovative form of compact, walkable, urban development, is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Planning staff recommend that minor variance file A3/2020P **be approved**.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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