
February 4, 2020

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

Re: Minor Variance Application A7/2020P
6 Brucewood Street, Pelham
Concession 8, Part Lot 1, RP 59R-537 Part 1 and RP 59R-2848 Parts 3-4
Roll No. 2732 030 011 07501

The subject parcel is located on the east side of Brucewood Street, lying south of Oak Lane, 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 (c) "Maximum Lot Coverage"** to permit a lot coverage of 32.6 %, whereas 30 % is required.

Note: The application is made to demolish and reconstruct a new single detached dwelling.

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.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) *Redevelopment*, including the reuse of *brownfield sites*;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; and
- d) The expansion or conversion of existing buildings.

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.

This application is not considered *intensification* by definition as there are no new net dwelling units being added to the Village of Fonthill's *urban settlement area* housing supply.

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, however, the proposed house is mostly built within the same footprint of the original house. Considering how disturb the subject lands grounds are, requiring an archaeological assessment would not be warranted.

The proposed variance seeks to replace the existing single detached dwelling with a larger footprint dwelling in its place.

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 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.

This application is not considered a form of *intensification* because there are no new net dwelling units being added to the Village of Fonthill's *urban area* housing supply.

Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood, with single detached dwellings making up the majority of that mix. Single detached dwellings are also the only permitted use under the R1 zone of the current Zoning By-law (1987).

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

The proposed minor variance does not conflict with the Regional Official Plan because the lands are located within the *built-up* area which is the planned focus of residential *intensification* and *redevelopment* over the

long term. Although the proposed development is not considered *intensification*, it is a redevelopment and the requested building footprint is not anticipated to cause any adverse impacts under the Regional or Provincial planning scope.

Pelham Official Plan (2014)

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

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* such as *Significant Woodlands*, *Provincially Significant Wetlands* or *valleylands* etc. are located on or near the subject lands.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

The proposed *redevelopment* is not defined as *intensification* as no new net dwelling units are being added to the local housing supply.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

The proposed minor variance would facilitate the replacement of one single detached dwelling with a larger footprint (via increased lot coverage) single detached dwelling within an existing established residential subdivision. The neighbourhood character consists of predominantly 1 & 1.5-storey residential dwellings on large lots. One of the unfortunate consequences with continued use of single-storey (bungalow style) dwellings is that they have more of an impact on the natural ground cover (and by extension stormwater runoff) because in order to maintain desired floor areas by the market, the building footprint must grow horizontally. At the same time, the local Official Plan policies speak to maintaining compatible scale and character of Pelham's neighbourhoods and the local residents want to maintain the status quo built form.

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.

No Part IV designated heritage properties are within the vicinity of the proposed redevelopment. An archaeological assessment requirement is not considered by Town staff as the dwelling is essentially occupying the existing footprint with minimal expansion, therefore the area of interest was previously heavily disturbed

and an evaluation would not likely uncover potential archaeological resources.

Policy E1.5 Minor Variances – states that in making a determination of whether a variance is minor as required by the *Four Tests*, the Committee of Adjustment will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. In addition, applicants should be prepared to demonstrate a need for the variance on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

The applicant has indicated that the covered porches and roof design are integral to the design. It should be noted that this does not address the rationale for an increased footprint of the building but it is obvious that the floor area of the proposed new dwelling is larger than what previously existed.

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

The subject land is currently zoned 'Residential 1' (R1) according to the Zoning By-law. Only one single detached dwelling, related accessory buildings and home occupations are permitted.

Section 13.2 – Regulations for dwellings permitted in the R1 zone:

c) Maximum Lot Coverage	30 %	Request-	32.6 %
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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 requested increase in lot coverage is minor overall as the deviation from the Zoning By-law is marginal considering the size of the subject lands. The potential for negative impacts connected to drainage issues, incompatible neighbourhood character appear a remote prospect. Stormwater runoff concerns are unlikely and can be managed a variety of different ways which be reviewed during the building permit stage via an approved Lot Grading & Drainage Plan.
2. The variance is desirable for the development or use of the land.	The requested increase in lot coverage is desirable for the subject lands and the neighbourhood as it will provide a net increase of the residential dwelling which is comparable to the subdivision which currently supports large gross floor area housing. Plenty of open space amenity area remains on this large lot for recreation and stormwater drainage purposes.
3. The variance maintains the general intent and purpose of the Official Plan.	Planning staff are of the opinion that the amended zoning provisions will not compromise any policy objectives of the Official Plan. A modest increase in building lot coverage on the subject lands is not foreseen to negatively impact the neighbourhood character with respect to urban design, drainage, privacy, and land use compatible built form.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The proposed variance maintains the intent of the Zoning By-law because adequate room is still available for open space / amenity area intentions, privacy buffers and storm water drainage without unduly affecting any neighbours.

Agency & Public Comments

In accordance with the *Planning Act*, on January 9, 2020 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 21, 2020)
 - A Demolition Permit is required to remove the existing dwelling and a new Building Permit is required for the new dwelling.
- Public Works Department (Jan 28, 2020)
 - A review of existing drainage and runoff conditions were examined and no adverse impacts are anticipated based on the proposed redevelopment. A comprehensive Overall Lot Grading & Drainage Plan is required at building permit, complete with municipal service locations, downspout discharge locations, and overland flow arrows.
 - If a new driveway is proposed, then an Entrance Permit will be required at the applicant's expense.

Public comments (x3) were received from the public at the time of this writing and are summarized as follows:

- The proposed house is not in proportion to the other houses in the area.
 - The proposed increased building footprint (lot coverage) is actually more consistent with the neighbouring dwelling to the north which is considerably larger than the existing dwelling on the subject lands.
- We don't want this zoning request to set a precedent for future demolition and reconstruction of residential dwellings.
 - All *Planning Act* development applications are considered independently and on their own merits.
 - Unless a building is a designated heritage structure under Part IV of the *Heritage Act*, the Zoning By-law and *Ontario Building Code* cannot prohibit the authorizing of a building permit to reconstruct a dwelling that complies with the Zoning By-law.

Planning Staff Comments

The proposed minor variance application seeks zoning relief from maximum lot coverage in the R1 (Residential 1) zone from 30 % to 32.6 %. The increase would allow for the redevelopment of the existing house to be replaced with a new, larger footprint 1-storey house.

The subject lands are located on the east side of Brucewood Street, lying south of both Damude Drive and Oak Lane and is surrounded by single detached residential dwellings from all directions. The existing residential dwelling was built in 1974 (46 years old) according to MPAC records.

The property has considerable tree cover which helps define the character of the neighbourhood. Staff note that the new dwelling will be located generally in the same location of the existing dwelling's footprint, and as such there should be minimal, to no necessary tree removal. To help ensure the protection of as many trees as possible, staff are recommending a Tree Savings Plan be submitted as a condition of approval.

Planning staff is of the opinion that the proposed minor variance should not negatively impact the surrounding neighbourhood with regards to incompatibility, privacy and storm water runoff. The use of the subject lands will continue to be used as a single detached residential use for the foreseeable future and the increased lot

coverage is marginal given the size of the lot.

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

Planning staff recommend that minor variance file A7/2020P **be granted** subject to the following condition(s):

THAT the applicant

- Prior to the issuance of a building permit, prepare a Tree Saving Plan demonstrating the impact on all existing trees and indicating where new plantings will occur, to the satisfaction of the Director of Community Planning & Development.

Prepared by,

A handwritten signature in black ink that reads "Curtis Thompson".

Curtis Thompson, B.URPI
Planner

Approved by,

A handwritten signature in blue ink that reads "Barbara Wiens".

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