
March 3, 2020

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

Re: Consent Application B6/2019P
1295 Pelham Street, Pelham
Part of Lot 173
Roll No. 2732 030 020 09900

The subject parcel, shown as Part 2 on the attached sketch, has 30.34 m on the east side of Pelham Street, lying south of John Street, known locally as 1295 Pelham Street, in the Town of Pelham.

Application is made for consent to convey 1479.8m² (Part 2) with an existing dwelling known locally as 1295 Pelham Street, for continued residential use, together with an easement in perpetuity over 110 m² (Part 3) for an existing sanitary sewer lateral connection in favour of Part 2. Parts 1 & 3 are to be retained for future single detached residential use totaling 749.9m² in lot area.

Note: Minor Variance file A11/2018P was approved on August 14th 2018 legalizing the proposed lot frontage of Parts 1 & 3.

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;
 - ✓ See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - ✓ The neighbourhood block's parcel fabric is highly fragmented with a traditional lotting geometry. The lands to the rear have already been further subdivided with little potential for any further lot creation. Because of this, future (internal) block developments are unlikely as any common infill proposal would likely continue to utilize the existing street frontages available to them, both for practical and economic reasons. Planning staff are of the opinion this severance application would not be consider premature and upholds the public interest.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - ✓ See Official Plan analysis below. The proposed lot does not compromise the adjacent subdivision parcel fabric as it works within the existing confines of an existing corner lot.

- d) The suitability of the land for such purposes;
 - ✓ The lands (neighbourhood) are predominantly one of lower density with mostly ground-oriented residential dwellings. Opposite Pelham Street are low-rise apartment buildings and a funeral home. The proposed consent would facilitate the construction of one additional single detached residential dwelling which is compliant under the current zoning regulations.
- f) The dimensions and shapes of the proposed lots;
 - ✓ The proposed lot dimensions and shape are consistent with traditional neighbourhood development standards and can comfortably site a new dwelling.
- h) Conservation of natural resources and flood control;
 - ✓ Notwithstanding select deciduous trees, no natural resources are impacted because of this redevelopment. An overall Lot Grading & Drainage Plan is required as a condition of this severance approval to avoid future localized flooding under typical storm events.
- i) The adequacy of utilities and municipal services;
 - ✓ Available.
- j) The adequacy of school sites
 - ✓ Available and within walking distance.

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 development supports provincial interest by making more efficient use of finite urban land and increasing housing supply upon existing linear 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 lot geometry is consistent with traditional neighbourhood development practice and the community at large. Public service facilities, service commercial uses, Downtown and public schools are nearby or within walking distance.

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 1.1.3.3 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.

The Niagara Region Official Plan prescribes an annual residential intensification rate of 15% for all lands within Pelham’s *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

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 lot and remnant lot comply with the Zoning By-law.

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 is required as a condition of approval.

The proposal will facilitate the construction of one new single detached dwelling in a more compact form that helps reduce the amount of under-utilized *urban land* within the Village of Fonthill.

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.

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 2.2.2 Delineated built-up areas – states that when the next *municipal comprehensive review* is approved and in effect, the applicable minimum intensification for Niagara is 50% of all residential development annually. Until that time, the Region's current annual minimum intensification target is 15% for the Town of Pelham.

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.

The proposal would facilitate the construction of one single detached house on what is currently a large side

yard amenity plot of land. This provides for improved efficiencies in land use and infrastructure capacities. It should be noted that the two lots abutting the rear yard to the east (50 & 52 Stella Street) were severed in 2010. The application submitted is actually in keeping with the intensification proposals previously seen by the Town and are geometrically & symmetrically comparable when considering the preservation of the existing single detached dwelling bungalow at 1295 Pelham Street.

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.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.

The proposed severance conforms to 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. The proposed lot is compatible with the existing surrounding neighbourhood from a land use, housing and urban design perspective.

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*, *highly vulnerable aquifers* 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 intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

The subject lands are approximately 1 km to Downtown Fonthill which positions it within the admirable 10-minute walk shed.

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 severance would facilitate the construction of one new single detached dwelling in proximity to Downtown Fonthill. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots. However, the neighbourhood is also defined by some low-rise apartment buildings, a church, funeral home, and single storey commercial office building across the street.

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.

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry is required as a condition of severance approval.

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 provides policy guidance and direction with respect to intensification proposals within the *Urban Living Area / Built Boundary*. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood where they’re proposed.

In considering residential intensification proposals, the following criteria are applicable:

- a) Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with a collector or arterial road;
 - ✓ The subject lands front Pelham Street which is a designated arterial road.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
 - ✓ The neighbourhood is predominantly single detached dwellings with some low-rise apartments, and commercial type uses. The proposed severance would yield one new single detached dwelling.
- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
 - ✓ Not applicable as the lands flank an arterial road.
- d) Notwithstanding items (b) and (c), the creation of new freehold infill lots through the consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the Urban Living Area designation;
 - ✓ The proposed use is similar to, and compatible with the immediate neighbourhood, that is being a single detached dwelling.
 - ✓ The R1 zone does not stipulate a maximum density but does have default minimum lot frontage and minimum lot area requirements. The proposed lot and retained lot comply with the Zoning By-law.
 - ✓ Low density residential development within an existing low density residential neighbourhood

is a compatible level of density as discussed in subsection b) above.

- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.
 - ✓ The current R1 zoning does not permit second dwelling units nor has the applicant submitted a rezoning application requesting the additional permitted use.

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;
 - ✓ Yes.
- b) Will not cause a traffic hazard;
 - ✓ One additional residential dwelling and driveway apron will not cause a traffic hazard on Pelham Street.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Yes.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Grading & Drainage Plan required as a condition of approval.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ No special land use plans or development considerations are native to this specific block. The severance will not impede the ability for a neighbouring land owner to explore similar redevelopment opportunities.
- 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.
 - ✓ Complies with Regional Official Plan.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
 - ✓ Not applicable.

In accordance with Provincial and Regional policy, the Town will accommodate at least 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fonthill and Fenwick.

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 near the intersection of Pelham Street and Pancake Lane which is an evolving neighbourhood node of development. The property is under a 10-minute walk to Glynn A. Green Elementary School and neighbourhood commercial uses south on Pelham Street.

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

The subject land is currently 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.

A previous minor variance application was heard, and approved by the Committee of Adjustment in 2018 to reduce the Minimum Lot Frontage requirement from 19m to 15.38m (file A11/2018P). Any future development other than that which is currently permitted under Section 13 (one single detached dwelling) would require a Zoning By-law Amendment.

Agency & Public Comments

In accordance with the *Planning Act*, on January 31, 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 (July 25, 2018)
 - No objections.
- Public Works Department (February 25, 2020)
 - No objections, see conditions.

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

Planning Staff Comments

The subject application deals with the severance of one single detached residential lot at 1295 Pelham Street from a large southerly side yard. The consent application also seeks to convey a perpetual easement over Part 3 in favour of Part 2 for an existing sanitary sewer lateral. One new single detached residential building lot would result from the proposed severance.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on Thursday, November 2, 2017 to discuss the subject application.

It should be noted that a previous severance application to create a new building lot was made under file B4/2018P. The Committee of Adjustment approved this severance on August 14th 2018. However, the conditions of approval needed to be fulfilled within the 1-year statutory period (ending August 13th 2019), which they were not. One of the original conditions required a separate application be made for approval to convey a perpetual easement (Part 3) for an existing sanitary lateral in favour of the existing dwelling on Part 2. Due to the fact that this condition, (as well as others) were not satisfied in time, the original consent approval had lapsed, therefore a new severance application was commenced by the owner. Now the resubmitted consent application seeks to convey the perpetual easement simultaneously.

The subject lands are located on the east side of Pelham Street, just south of Pancake Ln / John Street and is surrounded by single detached residential dwellings from all directions except the west which supports a funeral home and low-rise apartment buildings.

A Planning Justification Report, prepared by Sullivan Planning Services Inc. dated January 23rd 2020 was submitted by the applicant helping to detail the purpose, nature of the application and applicable policies.

The Official Plan recognizes that additional housing growth via residential intensification, especially in walkable neighbourhoods is an opportunity, and a way to achieve other important goals such as helping support the local business community, providing a diverse housing / demographic mix and maintaining existing infrastructure and neighbourhood vitality. The proposed severance is considered to be a *gentler* form of residential intensification, as in there minimal neighbourhood disruption, limited demolition is warranted and the impacts are rather benign.

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 traffic, privacy and storm water runoff. The subject lands will continue as a single detached residential use for the foreseeable future.

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 known as file B6/2019P **be granted**, and subject to the following conditions:

THAT the applicant

- Submit a comprehensive overall Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies upon, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works.
- Ensure Part 1 is serviced at Pelham Street 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.
- Ensure that the remnant land (Part 2) continue to be adequately serviced to the satisfaction of the Public Works Department.
- Submit locate cards for both lots, confirming no existing water or sanitary services branch from or through the proposed lots, save for the existing sanitary lateral on Part 3. Locate cards shall be required after the installation of new services.
- Obtain approval for a Driveway Entrance & Culvert Permit for the new lot issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.
- Conduct an archaeological assessment and receive clearance from the Ministry of Tourism, Culture, and Sport.
- Remove the wall attached to the existing dwelling that encroaches upon Parts 1 & 3, to the satisfaction of the Director of Community Planning & Development.
- 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 \$395, 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, B.URPI
Planner

Approved by,



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