

March 3, 2020

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

Re: Consent Application B3/2020P
31 Emmett Street, Pelham
Lot 56 and Part of Lot 55 on Plan 658
Roll No. 2732 030 004 07400

The subject land, (Part 3 on sketch) has 1.524 m of frontage on the north side of Emmett Street, lying west of Station Street, known locally as 31 Emmett Street, in the Town of Pelham.

Application is made for consent to convey 75.25 m² of land (Part 3) to merge with the abutting land (Part 2) for future residential use. Part 1 is being retained for a future residential use also. The existing dwelling and garage have now been removed. The application is to convey a boundary adjustment to equalize the lot frontages and lot areas of two existing lots of record.

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 boundary adjustment 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.
- d) The suitability of the land for such purposes;
 - ✓ The lands (neighbourhood) are predominantly one of lower density with ground-oriented

residential dwellings. At this time, both lots will be used for single detached residences consistent with the neighbourhood. The boundary adjustment will equalize the lot sizes of both existing parcels.

- 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 boundary adjustment seeks to equalize both lot frontages and lot areas. There is also no impact on the environment, schools or municipal services as both lots already exist and municipal water and sanitary sewers already front the property.

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 1.1.3.2 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 1.1.3.4 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 reconfigured lots will continue to comply with the Zoning By-law and represent traditional lot geometry.

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 would be required as a condition of approval. However, given that the property

The proposed boundary adjustment seeks to equalize both lot frontages and preserve the right to build one new residential dwelling on each 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.

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.

The subject property is within walking distance to Downtown Fonthill, two elementary school and institutional uses. The proposal does not directly facilitate any net increase of residential dwelling units as both parcels already exist. The proposed boundary adjustment does however equalize both lot frontages and lot areas.

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.

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 A2.7.2 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. However, given the size & location of the existing dwelling and detached garage, the property's ground is considered heavily disturbed. Therefore, Planning staff consider the need for an archaeological assessment redundant in this case and can waive the evaluation.

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, 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 residential building lot (*intensification*). Planning staff note that Emmett Street is characterized by many traditional homes with short front yard setbacks. Based on the current applicable zoning, any new dwelling could be located with a deep front yard setback, thereby diminishing the character of this part of Fonthill. 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 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;
✓ No.
- 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 boundary adjustment will not impede the ability for neighbouring lands to explore other 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. No new lot is being created as this is a boundary adjustment.
- i) Complies with the appropriate Provincial Minimum Distance Separation Formulae, where applicable.
✓ Not applicable.

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 property is under a 10-minute walk to Glynn A. Green Elementary School and Downtown Fonthill.

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

The subject land is currently zoned 'Residential 2' (R2) according to the Zoning By-law. The permitted uses include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

The resulting lot configuration will continue to comply with applicable zoning regulations.

Agency & Public Comments

In accordance with the *Planning Act*, on February 4, 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 (February 18, 2020)
 - A demolition permit was issued for the removal of the detached dwelling and accessory building.
- 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 a narrow boundary adjustment to convey a 1.5 m strip of land (Part 3) from Part 1 to the abutting parcel (Part 2) to provide two equal sized lots with symmetrical lot frontages and that more closely resemble the surrounding neighbourhood. No new residential building lots are being facilitated under the proposed consent application as both parcels legally exist as confirmed by external counsel.

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 21, 2019 to discuss the site's development.

The subject lands are located on the north side of Emmett Street, situated in between Pelham Street to the west and Station Street to the east. The property is surrounded by single detached residences on all sides.

Planning staff have reviewed the Planning Justification Brief submitted by Upper Canada Consultants dated January 30, 2019, on behalf of the applicant and generally agree with its commentary.

Planning staff encourage the future dwellings to be situated near the road and in alignment with the existing dwellings along Emmett Street. Developing an exceedingly deep front yard setback should be avoided for urban design and streetscaping reasons.

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.

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 B3/2020P **be granted**, subject to the following conditions:

THAT the applicant

- Merge Part 3 with Part 2
- 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 each lot is serviced with an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town specifications. Installation of any missing service(s) 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.
- Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots to confirm no existing service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for all lots shall be required after the installation of new services.
- Obtain approval for a Driveway Entrance & Culvert Permit for each lot lacking street access or requiring modification, issued through the Public Works Department, to Town standards. The applicant shall bear all costs associated with these works.
- 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 for one lot, or both lots if no dwelling is rebuilt within 5 years from the issuance of the original demolition permit, 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