

June 30, 2020

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

Re: Minor Variance Application A15/2020P
78 – 80 Summersides Blvd, Pelham
Block 41, 59M-471
Roll No. Unknown

The subject land is located on the southeast corner of Summersides Boulevard and Klager Avenue, legally described above, and known locally as 78 – 80 Summersides Boulevard in the Town of Pelham.

The subject land is zoned ‘Residential Multiple 1 – 287’ (RM1-287) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- i. **Section 5.54 (i) Definition of “Street Townhouse Dwelling”** to permit a group of not less than 2 dwelling units, whereas not less than 3 dwelling units are required.
- ii. **Section 16.3 (g) “Minimum Rear Yard”** to permit a minimum rear yard setback of 6 m, whereas 7.5 m is required.
- iii. **By-law No. 4041 (2018) Section 2. RM1-287 (d) “Minimum Front Yard”** to permit a minimum front yard setback of 3 m, whereas 4.5 m is required.

The proposal seeks to construct a pair of semi-detached dwellings with attached, rear-loaded garages accessed by Tokar Lane.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2020)

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 development.

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 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, specifically the front yard setback and rear lane garages.

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 and obtained as part of the River Estates Phase 2 Subdivision, which created this block of developable land.

The proposed development seeks to allow a 2-unit semi-detached dwelling, whereas the zoning stipulates street townhouse dwellings. The other two variances would help facilitate attached garages by allowing a reduced front and rear yard setback for the dwellings. 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* policy objectives.

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.

The proposed minor variances contemplate three zoning provisions, (1) associated with reducing the minimum 3-unit requirement for a street townhouse dwelling down to 2-units, (2) to reduce the front yard setback of the dwelling from 4.5 m fronting Summersides Boulevard down to 3 m, and (3) to reduce the rear yard setback of the dwelling units / attached (rear lane) garages to 6 m, whereas 7.5 m is required. The zoning provisions do not directly facilitate *intensification* by definition; instead, they seek a particular building coverage and single-storey (bungalow) built form. Planning staff are of the opinion that the requested variances conform to the Growth Plan policies and will help preserve the desirable rear yard landscaped amenity area by stretching the building coverage closer to both street frontages, thereby reducing the amount of land dedicated to the driveway.

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.

As stated earlier, the proposed minor variance seeks to accommodate a 2-unit townhouse dwelling fronting Summersides Boulevard with attached rear lane garages.

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 layout of the proposed attached garages does not negatively impact Summersides Boulevard due to the rear lane vehicle access. Tokar Lane (and lanes in general) are usually meant to service the principle uses of any given piece of land. Consequently, laneways are historically held to a lower standard of urban design when it comes to streetscapes. Their primary role is to provide vehicular access to garages and parking lots, also serving as a place to store garbage and recycling bins for pickup.

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 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as EF – Medium Density Residential. Policy B1.7.7.4 outlines the permitted uses and intentions of this designation. Subsection h) states that development on the basis of public lanes is encouraged and may be required where dwellings front onto a Collector Main Street. The minor variance application is a response to the desire for building attached garages with 1-storey (bungalow) dwellings with a rear laneway.

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 A2.3.2 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 variances have little impact on the stated objectives of Policy A2.3.2 as they relate to rear laneway development, and do not compromise the *Ceremonial route* (Summersides Boulevard), or Klager Avenue which are both designated *Collector Urban 'Main Streets'* and are consequently held to considerably higher urban design / streetscaping standards. This is evidenced in Appendix B of the Town Official Plan – East Fonthill Urban Design Guidelines. Reducing the front yard setback along Summersides Boulevard from 4.5 m to 3 m will actually enhance the streetscape, the pedestrian experience, aid in traffic calming and improve the rear yard amenity area whereas maintaining the front yard setback would mean the rear lawn would be diminished in order to maintain the builder's desired floor plan.

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.

Town Engineering staff are requesting a comprehensive overall Lot Grading Plan be submitted for each block, as a condition of approval.

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:

- 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 East Fonthill neighbourhood is still in its early days but the policy objectives and demonstration plans envision a tasteful urban village with Summersides Boulevard acting as the *ceremonial collector route* with flanking rear-loaded residential development.
- 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;
 - ✓ The proposed minor variances do not hamper the ability for East Fonthill to meet its projected growth targets.
- 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 subject lands utilize a rear laneway for vehicle access. Rear-loaded developments are superior to front-loaded developments when it comes to the safety and experiences of pedestrian and cyclists, as well as drivers and transit vehicles. The proposed attached garages do not conflict with this policy.

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

The subject land is zoned 'Residential Multiple 1 – 287' (RM1-287) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Under the site-specific Zoning By-law Amendment No. 4041 (2018), the minor variance application requests relief from:

- i. **Section 5.54 (i) Definition of "Street Townhouse Dwelling"** to permit a group of not less than 2 dwelling units, whereas not less than 3 dwelling units are required.
- ii. **Section 16.3 (g) "Minimum Rear Yard"** to permit a minimum rear yard setback of 6 m, whereas 7.5 m is required.
- iii. **By-law No. 4041 (2018) Section 2. RM1-287 (d) "Minimum Front Yard"** to permit a minimum front yard setback of 3 m, whereas 4.5 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 request to reduce the minimum number of attached street townhouse dwellings from 3-units, to 2-units is minor overall as the subdivision plan had already conceptually illustrated a 2-unit lot fabric on Block 41 (Plan 59M-471). A 2-unit semi-detached dwelling did not compromise the draft plan's unit projections ability to comply with the minimum required <i>greenfield</i> density target of 50 people & jobs per hectare.</p> <p>Reducing the front yard and rear yard setbacks are minor in nature as they will improve the streetscape along Summersides Boulevard, increase comfort for pedestrians and allow for a usable rear yard amenity area, subject to an adequate overall Lot Grading Plan being submitted.</p>
2. The variance is desirable for the development or use of the land.	<p>Allowing a 2-unit (semi-detached) dwelling continues to be desirable for the subject lands.</p> <p>Reducing the front yard and rear yard setbacks are desirable for the lands, as they will allow more design flexibility for 1-storey dwellings with larger gross floor areas but also maintaining adequate rear yard amenity areas.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>Allowing a 2-unit (semi-detached) dwelling does not compromise the Official Plan's policy intent to maintain high quality urban design, and uphold the minimum required <i>greenfield</i> densities of 50 people & jobs per hectare, among others.</p> <p>A <i>Planning Justification Brief</i> was supplied and spoke to the <i>Four Tests</i> of the <i>Planning Act</i> as well as some policies generally. Town staff are of the opinion the reduced front and rear yard setbacks will not compromise the general intent of the Official Plan subject to the Grading Plan being approved to the satisfaction of the Director of Public Works.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>Allowing a 2-unit (semi-detached) dwelling maintains the general intent of the Zoning By-law because similarly, the definition for 'block townhouse dwellings' includes (2-unit) semi-detached dwellings.</p> <p>Reducing the front yard and rear yard setbacks maintain the general intent of the Zoning By-law because the dwellings will still be built to directly front Summersides Boulevard and maintain unsightly blank garage façades situated along the rear laneway.</p>

Agency & Public Comments

On June 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 (March 30, 2020)
 - Building permits are required.
- Public Works Department (May 25, 2020)
 - Requesting a comprehensive overall Lot Grading Plan for the entire block be required, to the satisfaction of the Director of Public Works.
 - All downspouts shall discharge towards Tokar Lane.

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

Planning Staff Comments

The subject lands are located on the southeast corner of Summersides Boulevard and Klager Avenue, at the roundabout. The property is currently surrounded by vacant residential designated land on all sides except the southeast, which is currently under construction with single detached residential dwellings.

The proposed minor variance application seeks zoning relief from two (2) site-specific zoning regulations and one (1) zoning regulation from the default *Definitions* found in Section 5 of the Zoning By-law. The site-specific zoning requests are to reduce the minimum front yard setback from 4.5 m to 3 m, and to reduce the minimum rear yard setback from 7.5 m to 6 m, in order to accommodate attached garages and 1-storey dwellings in the layout illustrated on the attached Site Plan. The other zoning request from the *Definitions* section of the Zoning By-law is to reduce the minimum required number of attached dwellings for a street townhouse dwelling from 3-units, to 2-units.

Planning staff have reviewed the *Justification Brief* prepared by Upper Canada Consultants, submitted with the application.

All applicable planning policies and the East Fonthill Secondary Plan continue to be conformed with as well as compliance to the *Ontario Building Code*.

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, providing design flexibility where suitable to do so. The proposed minor variances 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 consistent with the PPS and conforms to Provincial, Regional, and local plans.

Given this analysis, Planning staff recommend that minor variance file A15/2020P **be approved** subject to the following conditions:

THAT the applicant

- Prior to the issuance of a building permit, submit a comprehensive overall Lot Grading Plan of Block 41, Plan 59M-471 for approval, to the satisfaction of the Director of Public Works.

Prepared by,

A handwritten signature in black ink that reads "Curtis Thompson". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Curtis Thompson, B.URPI
Planner

Approved by,

A handwritten signature in blue ink that reads "Barbara Wiens". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

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