

September 1, 2020

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

Re: Minor Variance Application A22/2020P
9 John Street, Pelham
Parts 2, 8 on RP 59R-16504, and Part of Parts 1-2 on RP 59R-15833
Roll No. 2732 030 020 13800

The subject land is located on the northwest corner of John Street and Stella Street, legally described above, and known locally as 9 John Street 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:

- i. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a maximum lot coverage of 32.04%, whereas 30% is required.
- ii. **Section 13.2 (f) "Minimum Exterior Side Yard"** to permit a minimum exterior side yard setback of 3.06 m, whereas 5 m is required.

The proposal seeks to construct a single detached residential dwelling.

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 exterior side yard setback and overall lot coverage.

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 requested increase of lot coverage would have a marginal impact on the amount of land to be disturbed on this existing lot of record, furthermore, the previous dwelling that existed disturbed much of the subject site.

The proposed development seeks to reduce the minimum exterior side yard setback and increase the maximum lot coverage to facilitate a single detached dwelling with an attached garage. 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 continuing to meet *intensification* 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 located within a 'Settlement Area' according to the Growth Plan. The vast majority of forecasted growth will be directed to *settlement areas* that have a *delineated built boundary*. 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 two zoning provisions, (1) to reduce the exterior side yard setback of the dwelling from 5 m to 3.06 m, and (2) to increase the maximum lot coverage from 30 % to 32.04 %. The zoning provisions do not directly facilitate *intensification* by definition; unlike the previous severance application which created this lot, instead, they seek a particular building coverage and street-facing 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 Stella Street, thereby reducing the amount of land dedicated to the less usable exterior side yard.

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

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 reduction in the minimum exterior side yard setback will help enhance the public realm by more closely framing the streetscape, providing *eyes-on-the-street*, and a covered front porch which will also help animate the private-public interface. From a best practice planning perspective, the default minimum exterior side yard setback requirement of the Town's R1 zone is generally considered antiquated as it creates unnecessarily large exterior side yards, hinders casual neighbourly interaction due to long spatial distance and basically wastes finite *urban* serviced land. Exterior side yards are widely considered of less practical value than a comparable rear yard which better defines residential private amenity areas where covered decks, swimming pools and accessory buildings can be enjoyed, (which are mostly prohibited in the street facing yards).

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* (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 a positive impact on the stated objectives of Policy A2.3.2 as they relate to safe public streets and higher quality urban design standards / treatments. Reducing the exterior side yard setback along Stella Street from 5 m to 3.06 m is a marginal reduction overall. The reduction will actually enhance the streetscape, the pedestrian experience and aid in traffic calming by having a building closer to the travelled street. Allowing the reduced exterior side yard setback will also directly maintain the rear yard

amenity area in contrast to maintaining the default exterior side yard setback, which would diminish the private rear yard in order to satisfy 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.

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

The subject land is zoned 'Residential 1' (R1) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Under the default regulations of the Zoning By-law, the minor variance application requests relief from:

- i. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a maximum lot coverage of 32.04%, whereas 30% is required.
- ii. **Section 13.2 (f) "Minimum Exterior Side Yard"** to permit a minimum exterior side yard setback of 3.06 m, whereas 7.7 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>Reducing the exterior side yard and increasing the lot coverage are minor in nature as they will improve the streetscape along Stella Street by providing more street edge enclosure with the house situated closer to the street. The variances will also allow a desirable rear yard landscaped amenity area to be maintained while still providing more design flexibility for a larger building footprint. Given the lack of sidewalk along the west side of Stella Street, the boulevard appears larger than normal, thus reducing any perceived negative impact associated with an inconsistent building alignment.</p> <p>The exterior side yard reduction is considered minor overall, subject to the proposed condition of a satisfactory Elevation Plan at building permit.</p>
2. The variance is desirable for the development or use of the land.	<p>Reducing the exterior side yard and increasing the lot coverage are both desirable for the lands, as they will allow more design flexibility for the future residential dwelling with a larger ground floor area but also maintain a large rear yard amenity area. The exterior side yard reduction is also desirable for the neighbourhood if the side Elevation Plan is designed with a high quality of architectural care to urban design.</p>
3. The variance maintains the general intent and purpose of the Official Plan.	<p>Both variances maintain the general purpose and intent of the official Plan because they do not compromise the neighbourhood's ability to be adequately serviced, maintain land use compatibility, while also improving the streetscape and urban design of Stella Street by providing a front porch closer to the public realm, subject to the condition for an adequate side Elevation Plan.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>Both variances maintain the general intent of the Zoning By-law because the dwelling will still allow for adequate drainage and landscaped amenity area (with respect to the lot coverage), and</p>

	maintain a consistent building alignment along Stella Street while still providing a positive interface between the private and public realm.
--	---

Agency & Public Comments

On August 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 (August 19, 2020)
 - Building permits are required.
- Public Works Department (August 19, 2020)
 - No comments.

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

Planning Staff Comments

The subject lands are located on the northwest corner of John Street and Stella Street. The property is currently surrounded by single detached residences on all sides.

The proposed minor variance application seeks zoning relief to reduce the minimum exterior side yard setback from 5 m to 3.06 m, and to increase the maximum lot coverage from 30 % to 32.04 %, in order to accommodate a single detached dwelling and attached garage as illustrated on the attached Site Plan.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate *infill* 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 A22/2020P **be approved** subject to the following conditions:

THAT the applicant

- At the time of building permit, provide an east (exterior side) *Elevation Plan* that positively contributes to the public street through the use of a front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., to the satisfaction of the Director of Community Planning & Development.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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