

Committee of Adjustment AGENDA

CofA 10/2020

October 6, 2020

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**
3. **Disclosure of Pecuniary Interest and General Nature Thereof**
4. **Requests for Withdrawal or Adjournment**

5. Applications for Consent

5.1. B7/2020P - 1150 Line Avenue (Part 1)

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1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Hydro One
5. Bell Canada

Public Comments:

1. Jason Lovejoy
2. Ann Harrison & Michael Hrycusko
3. William McRae
4. Petition
5. Allan and Edward Steers
6. Gordon Hetherington
7. Steve Talosi
8. Susan Smyth
9. Beverly Lovejoy & William King
10. Peter Scott & Nicola Jones
11. Alice & Ron Hrcak
12. Andrea and Francois Lacasse
13. Teresa Boucher
14. Keith Robins

Pre-registered Members of the Public

1. Patrick Maloney
2. Peter Scott
3. Jason Lovejoy

4. Ann Harrison & Michael Hrycusko

5. Steve Talosi

6. Susan Smyth

~~7. Gordon Hetherington~~

8. Carol and Bill McRae

5.2. B8/2020P - 1150 Line Avenue (Part 2)

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1. Town of Pelham Planning Department

2. Town of Pelham Public Works Department

3. Town of Pelham Building Department

4. Niagara Region Planning and Development Services

See related public comments on file B7/2020P.

6. Applications for Minor Variance

6.1. A25/2020P - 1150 Line Avenue (Part 1)

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1. Town of Pelham Planning Department

2. Town of Pelham Public Works Department

3. Town of Pelham Building Department

4. Niagara Region Planning and Development Services

See related public comments on file B7/2020P.

6.2. A26/2020P - 1150 Line Avenue (Part 2)

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1. Town of Pelham Planning Department

2. Town of Pelham Public Works Department

3. Town of Pelham Building Department

4. Niagara Region Planning and Development Services

See related public comments on file B7/2020P.

7. Minutes for Approval

8. Adjournment

October 6, 2020

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

Re: Consent Application B7-2020P
1150 Line Avenue, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 01600

The subject parcel, shown as Part 1 on the attached sketch, is located on the west side of Line Avenue, lying north of Bacon Lane, legally described above, in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey (sever) 533.81 m² of land (Part 1) for a single detached residential lot. 4,067 m² of land (Part 3) is proposed to be retained for future private lane townhouse development. The use of townhouses is not currently permitted and would need to be contemplated via Zoning By-law Amendment requiring a statutory Public Meeting and Council approval.

Note: This application is being considered concurrent with consent file B8-2020P and minor variance files A25-2020P & A26-2020P.

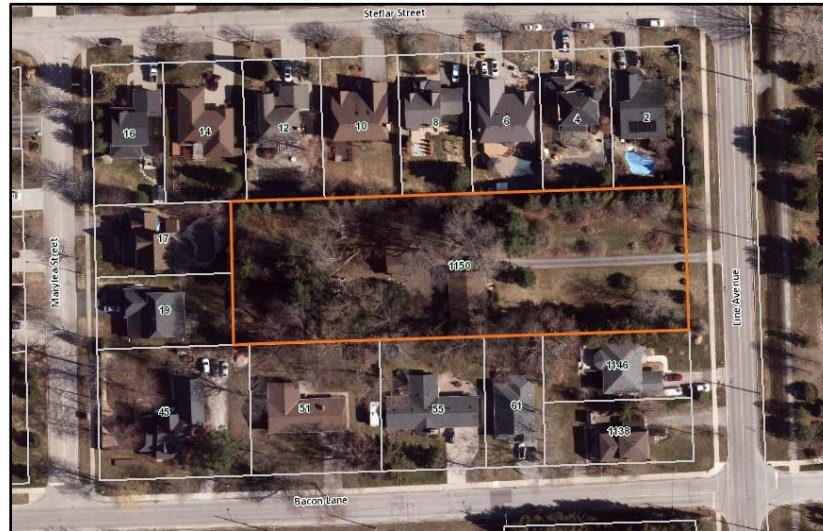
Applicable Planning Policies

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;
 - a. See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - a. The neighbourhood block's parcel fabric is not overly fragmented and contains a fairly typical lotting geometry. Although, the subject lands are significantly larger than the surrounding properties and is rather awkwardly situated in the middle of established residential lots on flanking perimeter streets (see Figure 1). Because of this, any infill proposal on the remnant lands (Part 3) would likely continue to utilize the existing street frontage available on Line Avenue. Part 3 is large enough to accommodate a variety of potential residential uses or to continue as a single detached residential lot. Planning staff are of the opinion this severance application is not considered premature and upholds the public interest.

Figure 1 – Subject Lands



- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - a. 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 oversized, interior urban lot.
- d) The suitability of the land for such purposes;
 - The lands (and neighbourhood) are predominantly one of lower density with mostly ground-oriented residential dwellings. The proposed consent would facilitate the construction of one additional single detached residential dwelling under the current zoning regulations.
- f) The dimensions and shapes of the proposed lots;
 - a. The proposed lot dimensions and shape are consistent with traditional neighbourhood development patterns and can comfortably site a new dwelling.
- h) Conservation of natural resources and flood control;
 - a. 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 drainage concerns under typical storm events.
- i) The adequacy of utilities and municipal services;
 - a. Available.
- j) The adequacy of school sites
 - a. Available nearby.

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 or the remnant parcel. 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 also nearby.

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 1.1.3.3 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 at least 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.

A concurrent minor variance application has been submitted seeking relief from some zoning provisions in order to legalize the proposed lot with others seeking to integrate different performance standards for design reasons (i.e. increased lot coverage, reduced setbacks).

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*.

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 proposed severance will facilitate the construction of one additional single detached dwelling on a large urban lot. 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 default R1 zone of the current Zoning By-law (1987).

The proposal will facilitate the construction of one new single detached dwelling on a very large 5,136 m² (1.3 acre) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Fonthill Village. The proposed dwelling will also help contribute towards the municipal property tax base which helps financially support the maintenance of linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

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.

Regional staff did not object, nor request to be circulated the proposed applications as the development aligns with Provincial and Regional policies. Any future development on Part 3 will require Regional involvement.

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 dwelling, together with the required zoning by-law provisions are 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 A2.2.2 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.

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. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses. The proposed lot is compatible in area, frontage and orientation with the neighbourhood.

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 are not identified symbolically as a 'Potential Intensification Area' according to Schedule 'A1'. They are located just over 100 metres from Merritt Road, being the closest collector 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 and the 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;
 - ✓ The proposed zoning (minor variance A25-2020P) seeks to legalize the R1 zone lot frontage and lot area deficiencies. The concurrent minor variance application also seeks to reduce the front / side yard setbacks and increase the lot coverage.
 - ✓ There are no traffic and parking issues anticipated with this lot creation.
- 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 directly identical to 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. Concurrent minor variance applications have been filed seeking relief from certain performance standards of the R1 zone.
 - ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density.
- 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;
 - ✓ The addition of one new driveway apron serving a single dwelling unit will not cause a traffic hazard considering the volume of traffic and existing sight lines.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Zoning relief is required as a condition of approval and has been applied for under concurrent minor variance application (file A25-2020P).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes and required as a condition of approval.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration 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 or other lands owned by the applicant to explore any possible 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.
 - ✓ No issue from Region in accordance with Memorandum of Understanding.
- 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.

It is noted that the application is for consent to partial discharge of mortgage and to convey vacant land (Part 1) for the purposes of constructing one single detached dwelling fronting Line Avenue. According to the application and *Planning Justification Report*, the remnant land (Part 3) is proposed to be retained for future townhouse development. The Committee of Adjustment and public should be aware that at this time, no approvals have been granted to the remnant land for that purpose. Council will need to approve a site-specific Zoning By-law Amendment and Site Plan Agreement before the owner could obtain building permits for any townhouse dwellings. Under section 34 of the *Planning Act*, rezoning applications must undergo statutory public meetings and land owners within 120 m will be directly notified by mail.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan as it helps enable gentle intensification within an existing residential neighbourhood and does not conflict with any policies subject to demonstration of appropriate urban design and fulfillment of the proposed conditions of approval.

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 concurrent minor variance application has been submitted to address the following zoning deficiencies:

- Part 1 (severed) {File A25/2012P}
 - Required → Minimum Lot Area & Minimum Lot frontage
 - Optional → Maximum Lot Coverage, Minimum Front & Side Yard

The resulting parcel configuration requires certain zoning regulations to be legalized while others are merely desired by the applicant. Any future development other than that which is currently permitted under Section 13 (one single detached dwelling) would require a Zoning By-law Amendment.

For example, the future proposed use of townhouses on the remnant lands (Part 3) will need Council to approve a site-specific Zoning By-law Amendment, Site Plan Agreement or Subdivision Agreement before the owner could obtain building permits for that use. Under section 34 of the *Planning Act*, rezoning applications must undergo statutory public meetings and land owners within 120 m will be notified. These approval processes will be dealt with separately and are not part of this consent application or part of the Committee of Adjustment's deliberations.

Agency & Public Comments

On September 2, 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:

- Hydro One (September 2, 2020)
 - No concerns.
- Bell Canada (September 2, 2020)
 - No concerns.
- Building Department (September 29, 2020)
 - No comments.
- Public Works Department (September 24, 2020)
 - See conditions.

Comments were received from neighbouring residents; most are summarized below and include a staff response. Other comments received but not mentioned below are outside the scope of this application and are either dealt with separately under the corresponding minor variance application *Recommendation Report* or excluded because they are associated with technical details based on a future use which the Town has not formally received via a *Planning Act* development application (Zoning By-law Amendment or Site Plan Approval). The land use permission for residential townhouses does not yet exist, (including the number of units, building orientation, street lighting, garbage / snow plow / drainage issues, visitor parking etc.). This severance application does not determine whether townhouses are permitted or not, nor is it possible for

Town Planning staff to answer these questions without a detailed development proposal to review. A legitimate proposal for townhouses will require a Zoning By-law Amendment and Site Plan Control application to be submitted, at a minimum, for Council to review and render a decision upon.

- 1) Lack of information & details about future proposed use of townhouses on Part 3, (i.e. number of units, size and height).
 - The developer has not applied for a Zoning By-law Amendment, Site Plan Approval, Draft Plan of Condominium or Subdivision approval to permit townhouses. This severance application, along with the concurrent minor variance applications are not the medium to contemplate the suggested future use of the remnant lands which are outside of the scope of the Committee of Adjustment.
- 2) Where will the private road be located on Part 3?
 - See comment # 1. There is no formal development plan provided on Part 3.
- 3) This should be a *Plan of Subdivision* application when building 10+ townhouses and two detached houses.
 - There are not 10 townhouses being proposed. At this time, there is only two concurrent severance applications being heard. No formal application for townhouses has been received to date, and if they are received, will be dealt with separately. See comment #1.
 - Policy D5.1 of the Pelham Official Plan states that *Plans of Subdivision shall generally be deemed necessary if:*
 - a) Establishing a new public road; or
 - b) The development is not considered to be infilling; or
 - c) A subdivision plan is required to ensure that the entire land holding is developed in an orderly and efficient manner; or
 - d) Three or more lots are being created.
- 4) The proposed application is premature without full details on Part 3.
 - The redevelopment of Part 3 (remnant lands) is a separate process under the *Planning Act* which will be dealt with via Council. In terms of Part 3, the Committee of Adjustment's focus is limited more towards ensuring there is appropriate street frontage, and land area available to support some form of efficient future development. It is Planning staff's opinion that the retained parcel (Part 3), is adequately sized and configured given its context to support future redevelopment in some capacity. However, there is no position taken with respect to the type, or number of units that may be developed in the future.
- 5) Proposed development is incompatible with the surrounding neighbourhood.
 - The proposed single detached residential land use is compatible because the land use is literally identical to the surrounding neighbourhood. Furthermore, the reduced lot size is marginal and will continue to provide rear yard amenity space, landscaped open space for stormwater management, ample off-street parking, and enhance the public realm through appropriate built form at the streetscape, subject to conditions.
- 6) Neighbouring property values will decrease.
 - There is no evidence to support this claim. Typically, when landowners reinvest in their property such as through (residential) redevelopment, adjacent properties tend to experience an increased valuation based on market comparables and economic forces.
- 7) Proposed frontages are not consistent with the neighbourhood.
 - The lot frontage is appropriate for the proposed development that would support a single residence and would not create any adverse neighbourhood impacts on its own merits.

- 8) Why was no *Environmental Impact Study (EIS)* conducted before removing trees on the subject lands?
 - The trees on the subject lands are not a designated *significant woodland*, therefore, an *EIS* is not required.
- 9) Were permits granted to remove the trees on the subject lands?
 - In the absence of a municipal tree cutting by-law, permits are not required to remove trees on private property.
- 10) Concerned about flooding, particularly on Steflar Street. Where will stormwater go?
 - A Grading & Drainage Plan is required as a condition of severance approval. Furthermore, at building permit, there is also another detailed Grading Plan required for approval. Any future development on Part 3 will also require a detailed Lot Grading & Drainage Plan.
- 11) Concerned about impacts to groundwater. The Town Official Plan requires a *Hydrological Assessment* and *EIS (Environmental Impact Study)* to be conducted to determine if the proposed development will negatively impact nature heritage features or ecological functions.
 - Most of Fonthill is designated as a *highly vulnerable aquifer* according to Schedule 'B1' of the Official Plan. Policy C5.2 of the Official Plan states that in an effort to protect, improve or restore the quality and quantity of rural resident's drinking water, major applications for site alteration or development outside of Fonthill and Fenwick may need to be supported by a *Hydrogeological or Hydrological Report*.
 - Policy C5.3 (Vulnerable Groundwater Areas) states that vulnerable groundwater areas in the Town which are susceptible to the risk of contamination or adverse impact due to hydrologic and hydrogeologic dynamics have been identified by the NPCA and are shown on Schedule B1 to this Official Plan. Where development and/or site alteration requires a planning approval, the Town, in consultation with the Region and NPCA may require the undertaking of a technical study to assess the risk of negative impacts on the aquifer. The scope of such a study will be determined through pre-consultation with the Town, the Region and NPCA and recommendations from such a study that are related to design or land use will be implemented through zoning or site plan control.
 - The Official Plan actually prohibits a variety of land uses which would could harm the vulnerable aquifer including storage of hazardous waste, organic soil conditioning sites, snow storage and disposal facilities and storage of other contaminants among other things.
 - The NPCA and Region did not have any concerns with respect to the highly vulnerable aquifer, nor did they require an *EIS* to be prepared. The Region and Town Engineering staff did outline a number of requirements for stormwater management.
 - Therefore, pursuant to subsections 53(2) and (3) and s. 2 of O. Reg 197/96, an *EIS* or *Hydrological Assessment* was not deemed to be required prescribed information.
- 12) If both the proposed lots are approved, Part 3 will be landlocked.
 - Part 3 will have 9.75 m of frontage which is not considered to be landlocked.
- 13) This development will set a precedent.
 - Every *Planning Act* development application is considered independently on its own merits.
- 14) If the Committee approves these two lots, will that infer any forthcoming townhouse proposal for approval?
 - No, the approval of two single detached residential lots does not mean the 3rd retained lot will receive approval for townhouse development. Any redevelopment of Part 3 will be considered separately and a Staff recommendation will be made to Council where a decision will be made exclusive of this process.
- 15) Why are the heights for the future houses not shown?

- Any permitted dwelling simply needs to comply with the default building height requirements of the Zoning By-law. The applicant is not seeking an increased building height. The Zoning By-law has a 10.5 m height limit which applies broadly across all residential zones throughout the Town of Pelham.
- 16) Why would the Town even consider these applications and not just reject them upon receipt?
 - Pursuant to s. 45 of the *Planning Act*, the Town is statutorily obligated to process all applications it received and hold a hearing within 30 days of receiving a complete application.

Planning Staff Comments

The subject application is for consent to partial mortgage discharge and to convey (sever) 533.81 m² of land (Part 1) for a single detached residential lot. 4,067 m² of land (Part 3) is proposed to be retained for future private lane townhouse development. The use of townhouses is not currently permitted and would need to be contemplated via Zoning By-law Amendment requiring a further public consultation through a statutory Public Meeting and Council approval.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 2, 2020 to discuss the subject application. In addition to the Consent Sketch, a *Planning Justification Brief* prepared by Upper Canada Consultants was also provided in support of the proposed development.

The subject lands are located on the west side of Line Avenue, lying north of Bacon Lane and are surrounded by single detached residences as well as a stormwater management facility to the northeast. Town staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood consists mainly of single detached residences built anywhere from the 1950's to the present. Towns staff are aware that the owner has proceeded to remove a large number of trees, predominantly on the eastern ½ of 1150 Line Avenue (see Figure 2).

Figure 2 – Subject Lands viewed from Line Avenue



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 land supply, where suitable to do so. The severance will not compromise the remnant lands ability to accommodate future housing opportunities, should that be proposed, because it is of a sufficient size, geometry and appropriate configuration. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential lot until such time as the land owner explores alternative development options.

Again, it is noted that any future development on Part 3 besides one single detached dwelling will be subject to future *Planning Act* approvals, namely a Zoning By-law Amendment, and Site Plan Approval. Both of which will require Council approval, and the Zoning By-law Amendment will require further public circulation in accordance with the *Planning Act*.

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 consent file B7-2020P **be approved** subject to the following conditions:

THAT the applicant

- Obtain zoning approval on Part 1 for:
 - 'Minimum Lot Frontage' and 'Minimum Lot Area'.
- Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
- Provide front dwelling *Elevation Plan(s)* that positively contribute 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. Said *Elevation Plans* shall be substantially unaltered from those at the time of building permit.
- In consultation with the Town's By-law Officer, install a 1.8 m (6') tall solid wood board fence along the north side lot line, but not extending into the front yard of Part 1, in compliance with the Town's current Fence By-law, to the satisfaction of the Director of Community Planning & Development.
- In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, to the satisfaction of the Director of Community Planning & Development.
- Ensure all lots are serviced with, at a minimum, 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.

- Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots confirming no existing or proposed service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards are required after the installation of new services.
- Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The driveway entrance shall be located on the north side of the proposed lot. The applicant shall bear all costs associated with these works.
- Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.
- Submit a Tree Savings Plan for Part 1, illustrating the anticipated building envelope(s) with a concerted effort to preserve as many trees as practical along the north lot line, to the satisfaction of the Director of Community Planning & Development. Existing trees that would be situated in the front and rear yards of the future dwelling are expected to be preserved in a healthy state. This Plan may be integrated with the Lot Grading Plan.
- 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

To: Sarah Leach

Cc: Curtis Thompson

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: September 29, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – October 6, 2020 Hearing

Comment for Re: File # A25/2020P & A26/2020P - 1150 Line Ave.

The building department offers the following comment,

- A building permit will be required for the proposed work.

Comment for Re: File # B7/2020P & B8/2020P - 1150 Line Ave.

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

Memorandum

Public Works Department - Engineering

DATE: September 24, 2020

TO: Curtis Thompson, Planner

CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works

FROM: Tolga Aydin, Engineering Technologist

RE: File B7/2020P
1150 Line Avenue Part 1

We have completed the review of the consent application B7/2020P for consent to partial discharge mortgage and to convey 533.81 square meters of land (Part 1) for a single detached dwelling. 4,067 square meters of land (Part 3) is to be retained for a private road and future development.

Upon this review, Public Works has the following comments;

1. The new lot is to be individually serviced a 20mm water and 125mm sanitary sewer lateral in accordance with Town of Pelham Engineering Standards. Installation of all services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.
2. That the applicant submits a drawing that indicates the location of the existing individual water service and sanitary lateral for all lots to confirm no existing services branch from or through the proposed lots to other lands, and from or through the remnant parcel to other lands.
3. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works or his designate.
4. That the applicant obtains a Driveway Entrance and Culvert Permit for the construction of all new or modification of existing driveways or entrances.

Installation of entrances shall be in accordance with Town standards prior to consent and the applicant shall bear all costs associated with these works.

From: Sarah Leach
To: Curtis Thomson; Holly Wilford
Subject: FW: Pelham - 1150 Line Ave - B7/2020P, B8/2020P
Date: Wednesday, September 2, 2020 11:31:59 AM

fyi



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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From: LandUsePlanning@HydroOne.com <LandUsePlanning@HydroOne.com>
Sent: Wednesday, September 2, 2020 11:06 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: Pelham - 1150 Line Ave - B7/2020P, B8/2020P

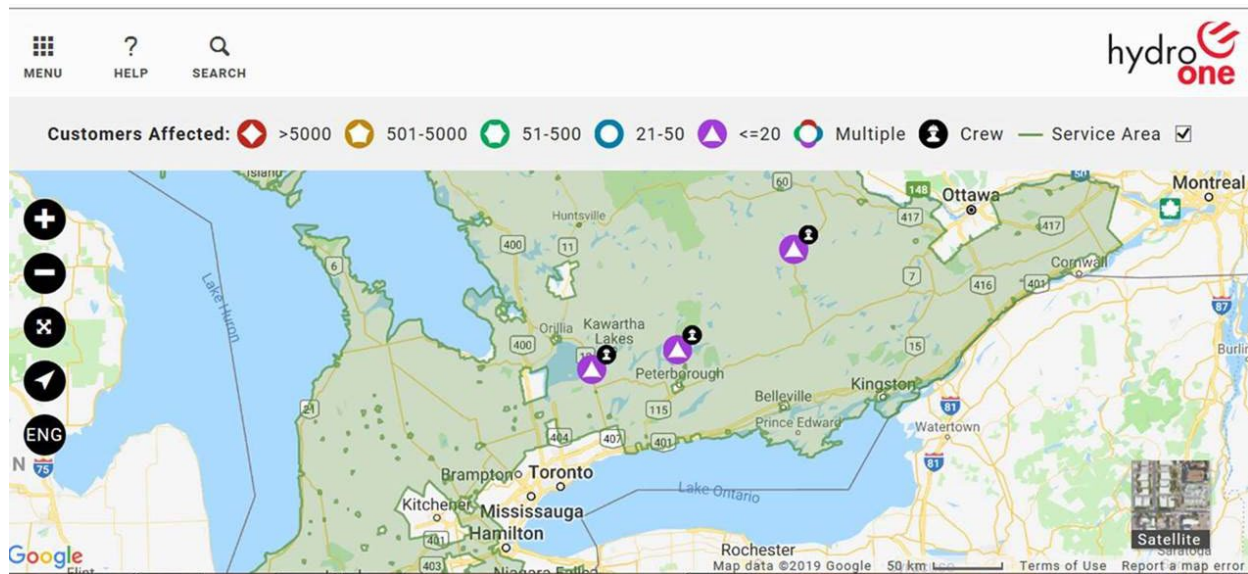
Hello,

We are in receipt of Application B7/2020P, B8/2020P dated Sept 2, 2020. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. [Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.](#)

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Thank you,

Erica de Jesus

Real Estate Assistant
Hydro One Networks Inc.

From: Sarah Leach <SLeach@pelham.ca>
Sent: Wednesday, September 2, 2020 9:47 AM
To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; Enbridge- Municipal Planning - Enbridge (MunicipalPlanning@enbridge.com) <MunicipalPlanning@enbridge.com>; jim.sorley@npei.ca
Subject: Committee of Adjustment Notice of Hearing - October 6

*** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Good afternoon,

Attached, please find the notice of hearing for file(s)

- 1150 Line Ave – Planning Justification Report
- B7/2020P – 1150 Line Ave (Part 1)
- B8/2020P – 1150 Line Ave (Part 2)
- A25/2020P – 1150 Line Ave (Part 1)
- A26/2020P – 1150 Live Ave (Part 2)

Thank you,
Sarah



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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From: [Sarah Leach](#)
To: [Curtis Thompson](#); [Holly Willford](#)
Subject: FW: Town of Pelham Notice of Hearing - October 6 - 905-20-240 - B7-2020P and B8-2020P
Date: Wednesday, September 2, 2020 3:27:37 PM

See below.



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: Wednesday, September 2, 2020 3:25 PM
To: Sarah Leach <SLeach@pelham.ca>
Subject: RE: Town of Pelham Notice of Hearing - October 6 - 905-20-240 - B7-2020P and B8-2020P

Good afternoon Sarah,

Re: Severance Application B7-2020P & B8-2020P

Subsequent to review of the Consent Application at 1150 Line Ave., Bell Canada's engineering department have determined that there are no concerns or issues with the proposed severance.

If you have any questions regarding this response, please do not hesitate to contact me.

Best regards,

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F : 705-726-4600

From: Sarah Leach <SLeach@pelham.ca>
Sent: Wednesday, September 2, 2020 9:47 AM
To: ROWCC <rowcentre@bell.ca>
Subject: [EXT]Town of Pelham Notice of Hearing - October 6

Good morning,

Attached, please find the notice of hearing for Committee of Adjustment file(s):

- B7/2020P – 1150 Line Ave
- B8/2020P – 1150 Line Ave
- A25/2020P – 1150 Live Ave
- A26/2020P – 1150 Live Ave

Thank you,



Sarah Leach, BA.
Administrative Assistant to the Clerk
Town of Pelham
T: 905-892-2607 x322 | E: sleach@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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Sarah Leach, BA.

Administrative Assistant to the Clerk

Town of Pelham

T: 905-892-2607 x322 | E: sleach@pelham.ca

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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Committee of Adjustment

Town of Pelham

20 Pelham Town Square, PO Box 400

Fonthill, ON L0S 1E0

RE: File #A25/2020P and A26/2020P to be heard at Tuesday October 6, 2020, 4:00pm

To Committee of Adjustment Members,

I'm writing as a resident and property owner of Bacon Lane to express my views regarding the Minor Variances requested for 1150 Line Avenue, Pelham (Part 1 & 2) under File Numbers A25/2020P and A26/2020P. As a resident of this neighbourhood for over 30 years the current and future development of this land is of great interest and concern to me based on the current, and unknown future proposed plans.

- The requested minor variances seem quite significant and are very different than the current property and properties in the surrounding neighbourhood:
 - The lot size is to be decreased by 24% over the minimum lot area by-law (533 vs. 700 square metres)
 - The lot frontage is to be decreased by 20% from the minimum (15.2m vs. 19m)
 - The maximum lot coverage is 25% above the maximum (55% of 30%)
- The package sent included parts 1 and 2 but refers to a part 3 which there is no information about. How can we make an informed decision on parts 1 and 2 without looking at the whole picture and including part 3?
- From the signs on the property we can see that part 3 likely has plans for townhouses. Lot 177 is an R1 zone and from the Town of Pelham's by-laws has a permitted use of "One single detached dwelling", not townhouses, which are typically attached or semi-detached.
- Converting a lot's zone should not just be done because there's some space to increase neighbourhood density, nor has it been done in any surrounding neighbourhood
- What is the number, size, and height of the proposed Part 3 (townhomes) development?
- Why is the Committee of Adjustment reviewing this when it seems that it should be treated as a potential new subdivision, which requires more extensive reviews, planning, and assessment.
- Light pollution in our back yards from streetlights is a major concern to neighbours.
- Street noise in our backyards is also a major concern. This has always been a very quiet, spacious neighbourhood filled with trees and green space. If a laneway is to be put just beyond the back yards of Bacon Lane it will cause a significant amount of increased noise and traffic, likely driving down our property values.
- How would this proposed development impact the water table and drainage patterns for the surrounding neighbourhood
- How will this development in it's entirety impact our taxes and property values?

Sincerely,

Jason Lovejoy

Owner of ■ Bacon Lane

LETTER OF OBJECTION

Date: September 23rd, 2020

To: Nancy J. Bozzatto
Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square, PO Box 400, Fonthill, ON L0S 1C0

From: Ann Harrison and Michael Hrycusko
■ Marylea Street, Fonthill
L0S 1E4

Re: **File Number B8/2020P, B7/2020P and Minor Variance Files A25/2020P & A26/2020P**
Subject Lands: 1150 Line Avenue, Pelham
Legal Description: Part of Lot 177, Former Township of Thorold now Pelham

Dear Ms Bozzato

My husband and I wish to respectfully table our grave concerns regarding the proposals included in File Number B8/2020P B7/2020P and Minor Variance Files A25/2020P and A26/2020P which we recently received from the Town of Pelham.

We request that we be allowed to speak to our concerns in more detail during the Committee of Adjustment meeting scheduled for October 6th, 2020 at 4 pm via Zoom.

We would like it recorded that we do not approve of nor consent to the tabled proposals.

In particular, these proposals identify three phases of development of a property currently known as 1150 Line Avenue. This is a property on Line Avenue in an area known on the Town of Pelham plans as a portion of Lot 177. This section of town is specifically referenced in B 1.1.11 Lot 177 Special Policy in the official Town of Pelham plan.

We understand that the Committee of Adjustment may approve proposals of minor changes to the Zoning By-law if, in the opinion of the Committee of Adjustment, the request is:

- Minor in nature;
- Desirable for the appropriate development or use of the land, building or structure;
- The general intent and purpose of the Zoning By-law is maintained; and
- The general intent and purpose of the **Official Plan** is maintained.

In our opinion, we believe that the aforementioned proposals do not meet any of these criteria and in fact are in direct contradiction to these criteria as follows:

1. Minor in Nature;
 - The proposed changes reflect changes in excess of 20% which are not minor variances.
2. Desirable for the appropriate development or use of the land, building or structure;
 - The Town of Pelham Official Plan states that development should maintain the character of the surrounding neighbourhood which are all single family homes on significant lots;
 - Additionally the Official Plan recommends that development will not cause or create traffic hazards or unacceptable congestion;
 - Finally the Official Plan provides that proposals consider and mitigate the impact of change on the qualities that make the Town a desirable place to live.
3. The general intent and purpose of the Zoning By-law is maintained;
 - This property is currently zoned R1 which permits single family dwellings;
 - This proposal does not request a change to the Zoning but implies that such a change will be requested in the future;
 - In the Town of Pelham Official Plan under the Lot 177 Special Policy it clearly states that “in order to minimize the impact of medium density development on the residents of the neighbourhood, such development will be located adjacent to or be directly accessible to parks and open space areas and/or Pelham Street or Quaker Road.”
4. The general intent and purpose of the Official Plan is maintained;
 - One of the main goals of the plan is to “protect and enhance the character of the existing Urban areas” and to “respect the character of existing development and ensure that all application for development are physically compatible with the character of the surrounding neighbourhood” with the objective to maintain “Urban areas as diverse, liveable, safe, accessible and attractive communities”. The plan goes on to mention that it was developed to “maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.”

The proposals for changes to Phase 1 and 2, do not meet the criteria as established for the Committee of Adjustment and hence they should not be approved.

We also feel that the intent of the Town of Pelham Official Plan for Lot 177 is that any development should proceed through a Plan of Subdivision. This would suggest that this proposal should not be reviewed at the Committee of Adjustment level at all.

At the meeting on October 6th, 2020 we would like an opportunity to provide more details to our concerns.

Respectfully

Ann Harrison and Michael Hrycusko

■ Marylea Street

Fonthill

September 23, 2020

VIA E-MAIL: njbozzato@pelham.ca

Secretary Treasurer of the Committee of Adjustment
20 Pelham Town Square, P.O. Box 400
Fonthill, ON. L0S 1E0

Hello my name is William McRae and I am the registered owner of property located at ■■■ Marylea Street shown as lot ■■■ on the documents "Committee of Adjustment Application" specifically identified as File Numbers A25/2020P, A26/2020P, B7/2020P and B8/2020P for property located at 1150 Line Avenue, Pelham.

My wife and I have lived at this home since the summer of 2015 and have immensely enjoyed our experience of living in this beautiful town. We chose our home purchase based on the quality of construction and the overall appearance of the other homes in, and around, the entire neighbourhood. Lot sizes were generous, and the amount of privacy the back yard and side yards afforded us was what we were looking for in our new home. We were of the understanding at the time of purchase that the entire neighbourhood was zoned R1 single family dwellings which was important to us.

Upon receiving the information package regarding the future development plans for 1150 Line Ave., we are dismayed to say the least. This property (specifically Part 3) is directly behind our home and is in full view when sitting on our rear deck so any changes to this property will have a impact on our privacy and quality of life.

Please be advised that I object to variance requests for Part 1, Part 2 and more importantly Part 3 of these variance requests as it does not clearly state exactly what is the overall plan for " Private road and future development (Townhomes)". What exactly is this going to look like? Sounds like a subdivision in our back yard.

My objections for Part 1 & Part 2 are as follows:

- The variances requested are not minor. These are major changes:
- lot size reduction 25%
- frontage reduction 20%
- lot coverage increase 25%
- Future homes could be built to these standards thereby reducing property values.
- Proposed frontages are not consistent with the neighbourhood and will stick out on the streetscape.
- Side yards of 1.5 metres is too close to lots# 1 & 2 which both have swimming pools. Where do they expect the rain water to go? In the neighbour's swimming pool?

- Seems like we are now treating house side yards as though we are installing a garden shed, one metre from the property line!
- Privacy concerns for lots# 1 & 2 who might want to enjoy their backyard and pool without spying eyes.
- Lots# 1 & 2 which both have south facing back yards and swimming pools will now be subjected to full day shade on their pools. Lot #3 will have a morning shade effect on their swimming pool.
- Lot area & maximum coverage does not fit anywhere in this area of homes. There is ample land to the west side of Parts 1&2 (in Part 3) to satisfy existing R1 zoning requirements. Extending to the west 11 metres would accomplish this zoning.
- Property values will decrease for those with existing homes because of zoning variances.
- Environmental impact of tree removal, water & meltwater runoff

My objections for Part 3 are as follows:

- Why does the plan not indicate the number of, size and heights of the proposed Townhomes?
- Based on my limited knowledge of the existing zoning bylaws, I can calculate that a minimum of 10+ townhomes will be applied for in the redevelopment of Part 3 of this lot in the future. This is not a minor variance issue that should be going to the Committee of Adjustment. This should be a Plan of Subdivision issue that requires extensive reviews of planning and assessment when building 10+ townhomes and 2 detached homes on one single lot.
- How many Townhomes will be allowed after the next round of variances when they apply for a RM1 zoning on Part 3 ?
- Who wants a Private roadway stuck right up against their property line with traffic all day and night from 10+ townhome residents and visitors? This will affect both the new house on the Part 2 lot as well as the existing house that is immediately south of this roadway on Line Ave.
- Where will this Private road be located later in an RM1 zoning scenario? Will it be extended all the way west along the southerly border of the lot and terminate at my property line?
- Will this dead end road become a safety concern for my property and valuables?
- Will I have to deal with smelly, rodent infested and noisy garbage dumpster storage?
- Will the snow piles from the road and sidewalk removal be piled up against my fence line and will I have to deal with flooding in my back yard and basement from the snow when it melts?
- Will I have to deal with constant headlights shining directly in my back yard from vehicles travelling down this Private road?
- Will all houses on the southern property boundary, including myself, have to deal with Private street lighting now shining constantly in our back yards?
- Where will visitor parking spaces be provided on this Part 3 lot? Will they be up against my property line causing more noise and disturbance to my peaceful existence?

- I have mature trees(25-30yrs) that are near or on the property line in my back yard. How will the roots of these trees be protected from earth moving/digging equipment that may eventually kill them?

In summary I feel that the developer is not being up front with those of us who could be potentially affected by these property development plans and variances. We need to see the total final plans so that the magnitude of this project can be realized. We need to know the size and scale of all housing, lot placements, roadways, parking, green areas, tree planting, garbage and snow removal plans and elevation & drainage provisions.

The Town of Pelham needs to know the final environmental and services impact of 10+ Townhomes plus 2 single homes on this lot so that they can be provided for at the start of the project. Shame on us if we allow 2 homes to be built on Line Avenue and then discover that our hands are tied to put restrictions on the Townhomes development phase for required additional services. The developer will be in control at that point and at our expense.

Many trees have already been removed from the property without any environmental impact study and the remaining 150-200 trees will surely go if nothing is done. This whole neighbourhood of homes are already lying in a low water table area so sump pumps are a must to keep your basement dry. This large lot at 1150 Line Avenue has acted as a buffer for water retention because of the presence of hundreds of mature trees and sparsely developed buildings. If they tear down all the trees and develop 10+ housing units plus roads and parking spaces where do you think the rain and snow water runoff will travel? To my knowledge the only storm drainage system currently in place is a 12" pipe running along the north side of this property and terminating in the ditch on the east side of Line Avenue. I am also concerned for the future residents of these homes who will have to rely on fire and ambulance services and their ability to reach these homes down a Private roadway possibly without proper on street parking controls.

As I said earlier this development needs to be detailed by the developer so the Town of Pelham can properly evaluate the entire project. Demand that they provide this and submit for a Plan of Subdivision for discussion.

Thank you,
William McRae

██████████

Petition to the Town of Pelham Committee of Adjustment

Re: File Number B8/2020P, B7/2020P and Minor Variance Files A25/2020P & A26/2020P

Subject Lands: 1150 Line Avenue, Pelham

Legal Description: Part of Lot 177, Former Township of Thorold now Pelham

We, the undersigned, are owners of properties surrounding the subject property. By signing this petition, we are expressing our ABSOLUTE and UNEQUIVOCAL OBJECTION to the above referenced File Number and Minor Variance File Number Applications.

We object for the following reasons:

- In our opinion, the variances applied for are not minor in nature.
- In our opinion, the requested changes are not desirable for the appropriate development or use of the land.
- In our opinion, the general intent and purpose of the Zoning By-law will not be maintained.
- In our opinion, the general intent and purpose of the Official Plan will not be maintained.

Various representatives of our neighbourhood will speak in more detail to each of the above items at the electronic public meeting with the Committee of Adjustment on October 6, 2020.

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the Town of Pelham and that all information contained in this petition, including personal information (name/address) will be available for viewing by the public and may be reproduced in a future Council Agenda, available to the public through the municipal website.

Printed Name	Street Address & Email Address	Resident Since	Signature
JAMES Foster	1146 LINE AVE	1993	James Foster
Melodie Foster	1146 Line Avenue	1993	Melodie Foster
PETER SCOTT	2 STEFLAR ST CAWMAC@YALLOU.COM	1993	Peter Scott
Maureen Vines	2 STEFLAR STR FONTHILL	1993	Maureen Vines
François Lacasse	8 Steflar St Fonthill	2007	Lacasse
Stefanie Lacasse	8 Steflar St Fonthill	2007	Stefanie Lacasse
Andrew Lacasse	8 Steflar St Fonthill	2007	Andrew Lacasse
GORD HEHEWORTH	12 STEFLAR ST FONTHILL ON	1995	Gordon Heworth
FRANK HEIM	14 STEFLAR ST	2016	Frank Heim
Teresia Boulder	14 Steflar St	2016	T. Boulder

Petition to the Town of Pelham Committee of Adjustment

Re: File Number B8/2020P, B7/2020P and Minor Variance Files A25/2020P & A26/2020P

Subject Lands: 1150 Line Avenue, Pelham

Legal Description: Part of Lot 177, Former Township of Thorold now Pelham


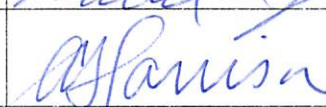
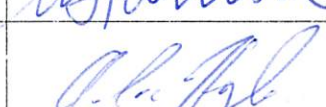
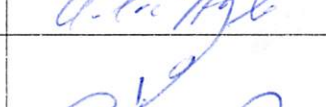


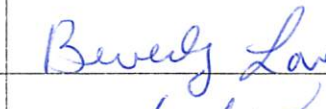
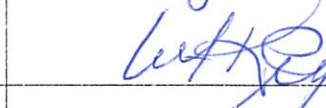
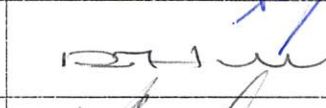
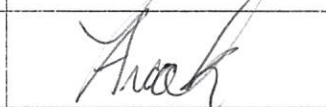
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- In our opinion, the general intent and purpose of the Official Plan will not be maintained.

Various representatives of our neighbourhood will speak in more detail to each of the above items at the electronic public meeting with the Committee of Adjustment on October 6, 2020.

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the Town of Pelham and that all information contained in this petition, including personal information (name/address) will be available for viewing by the public and may be reproduced in a future Council Agenda, available to the public through the municipal website.

Printed Name	Street Address & Email Address	Resident Since	Signature
MICHAEL HRYCUSKO	17 MARYLEA ST. MICHAEL.HRYCUSKO@GMAIL.COM	1993	
ANN HARRISON	17 MARYLEA ST apharrison24@gmail.com	1993	
ANDREW HRYCUSKO	17 MARYLEA ST andrew.hrycusko@gmail.com	1996	
CAROL MCRAE	17 MARYLEA ST cmcrae0410@gmail.com	2015	
DILL MCRAE	17 MARYLEA ST WMCRAE1@HOTMAIL.COM	2015	
Beverly Lovejoy	55 Bacon Lane beu.lovejoy@yahoo.ca	1989	
BILL KING	55 BACON LANE Bb@BILL.KING@CHMAIL		
RONI HRECK	4 STEFLAR ST. rhrcake@hotmail.com	1992	
TAYLOR HRECK	4 STEFLAR ST t-hreck09@hotmail.com	1992	
ALICE HRECK	4 STEFLAR ST ahreck@hotmail.com	1992	

Petition to the Town of Pelham Committee of Adjustment

Re: File Number B8/2020P, B7/2020P and Minor Variance Files A25/2020P & A26/2020P

Subject Lands: 1150 Line Avenue, Pelham

Legal Description: Part of Lot 177, Former Township of Thorold now Pelham


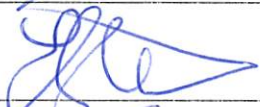



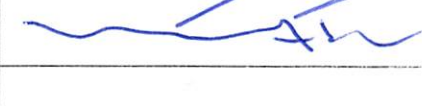
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Printed Name	Street Address & Email Address	Resident Since	Signature
Jie Min	10 STEPHAN STREET m.min.jie@gmail.com	2014	
EDWARD STEERS	45 BACON LANE edwardsteers@gmail.com	2004	
Elaine Steers	45 Bacon Lane elaine.steers@gmail.com	2004	
ALLAN STEERS	51 BACON LANE 51	1969	
Jason Lovejoy	61 Bacon Lane	1989	
BOB AICL	1138 Line Ave	31	

Petition to the Town of Pelham Committee of Adjustment

Re: File Number B8/2020P, B7/2020P and Minor Variance Files A25/2020P & A26/2020P

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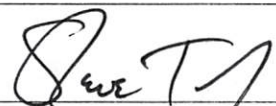

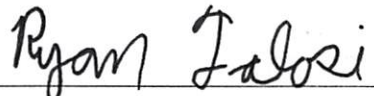
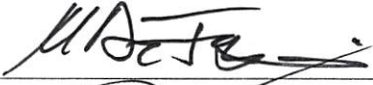




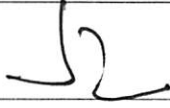

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Printed Name	Street Address & Email Address	Resident Since	Signature
Steve Talosi	6 STEFLAR ST. Fonthill	07/2004	
Pita Talosi	6 Steflar St Fonthill	07/2004	
Ryan Talosi	6 STEFLAR ST. Fonthill	07/2004	
MICHAEL DEFAZIO	5 STEFLAR CRGS.	07/2019	
Jeanie Iafrate	3 Steflar St.	1992	
Jamie Rylands	5 Steflar St.	07/19	
Jennifer Johnson	9 Steflar St	11/2011	
Alysha Johnson	9 Steflar St	11/2011	
Jim Tripp	11 Steflar St.	11/1990	
Diane Hennessy	23 Steflar St	01/1993	

Petition to the Town of Pelham Committee of Adjustment

Re: File Number B8/2020P, B7/2020P and Minor Variance Files A25/2020P & A26/2020P

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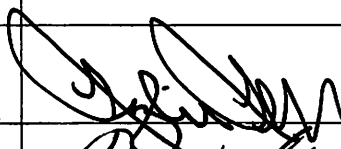

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Printed Name	Street Address & Email Address	Resident Since	Signature
Lezlie Leduc	19 Stefflar St lpc.leduc@gmail.com	2002	
Mark Leduc	19 Stefflar St mark.leduc@dsb7.org	2002	

Petition to the Town of Pelham Committee of Adjustment

Re: File Number B8/2020P, B7/2020P and Minor Variance Files A25/2020P & A26/2020P
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Printed Name

Street Address
& Email Address

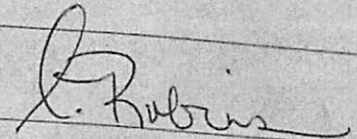
Resident
Since

Signature

Candice Robins

116 Steflar St.

2004



From: [Nancy Bozzato](#)
To: [Holly Willford](#); [Sarah Leach](#); [Curtis Thompson](#)
Subject: FW: Public Input to Committee of Adjustments for Consent Files B7/2020P and B8/2020P, and Minor variance Files A25/2020P and A26/2020P
Date: Thursday, September 24, 2020 8:46:20 AM

From: Edward Steers [REDACTED]
Sent: Wednesday, September 23, 2020 9:53 PM
To: clerks pelham <clerks@pelham.ca>; Nancy Bozzato <NBozzato@pelham.ca>
Subject: Public Input to Committee of Adjustments for Consent Files B7/2020P and B8/2020P, and Minor variance Files A25/2020P and A26/2020P

To the Town of Pelham Committee of Adjustments regarding applications considering Consent Files B7/2020P and B8/2020P, and Minor variance Files A25/2020P and A26/2020P:

Our family has lived on Bacon Lane since 1969, directly adjacent to the south side of the subject parcel of land up for consideration at 1150 Line Avenue. We have witnessed over the years the farm land and family homes surrounding us slowly disappear and be replaced by various developments that have progressively built up, little by little, our quite dead end Bacon Lane into an upscale desirable and valuable neighbourhood where families can safely and enjoyably live, prosper and grow.

We are not opposed to development for development's sake, for as we have also witnessed thoughtful development does have its benefits. We do however have some concerns regarding these applications, and we see them as the thin edge of the wedge driving future development (Townhomes) of some unknown plan for the retained property.

We are concerned about 25% smaller lots size requiring increased lot coverage to 55%, the minimum interior side yard reduction to 1.5m and the high density precedent this will set for the remainder of the development. Judging by these applications, every square inch of land has enormous value with an opportunity to reap maximum profits for the developer. We are not opposed to developers making money, but we do oppose if that money comes at the expense of potentially lower property values for property owners in the surrounding neighbourhood through changing the nature of the community to high density housing.

The north side of our family property is lined by 8 huge silver maple trees that were here long before us, and we are concerned that the desire for maximum profit and progress for the future development will mean their destruction. The enjoyment we have received from living under them since 1969 we fear will be replaced by a solid view of 2 story high density housing and rooftops by day, and more 10000 watt LED street lights to replace the sun at night, lighting up our quiet private back yards equally as the recent development across the street from us on Bacon Lane has lit up our front yards.

All we are asking for is some consideration, for us and our current enjoyment of our property. Share

with us the plan for the entire development so we may have some thoughtful dialog and input that allows appropriate, sensible progress for all of us within the framework of the Town of Pelhams' Official Plan. Lets move forward, not backward.

We are also requesting copies of the notice of decision of the Committee of Adjustment or notice of adjournment if any be sent to us by mail or email.

Allan Steers

■ Bacon Lane, Welland ON, ■
■

Edward Steers

■ Bacon Lane, Welland ON, ■
■
■

LETTER OF OBJECTION

Date: September 23rd, 2020

To: Nancy J. Bozzatto
Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square, PO Box 400, Fonthill, ON L0S 1C0

Comments Submitted by:

Gordon Hetherington
■ Steflar Street, Fonthill, ON, L0S1E4

Re: **File Number B8/2020P, B7/2020P and Minor Variance Files A25/2020P & A26/2020P**

Subject Lands: 1150 Line Avenue, Pelham

Legal Description: Part of Lot 177, Former Township of Thorold now Pelham

Dear Ms Bozzato

Statement of Objection:

Please ensure that it is clearly understood that this document is a ***statement of objection*** to the proposed Variances being requested for the residences proposed in Phase 1 and 2 of these plans.

Comments:

- 1) In the deforestation of 1150 Line Avenue in the preparation for this construction, was there any permits not properly applied for and granted in the removal of the trees on this property or were there trees removed that were not actually considered owned by the property owner? It seems very odd that this phase of work proceeded in June usually with work on weekends when Town of Pelham public works or planning people would not be about.

In the event that there were trees removed without permit or approval, then I consider this to be an act that starts my objection to this variance process as it shows a lack of good will for the surrounding neighbors and a suggestion of what will follow through this construction process.

- 2) Is the Committee of Adjustment authorized to grant such a large number of variances in both quantity and the degree of the individual variances? In previous reviews for a property owned in another township in Ontario, the committee of adjustment for that township had very limited scope for approval. One variance per property and a degree of less than 10% from the minimum or maximum stated in the by-laws regarding property development.

Each of these variances exceed 10% with coverage approximately 25% which is very significant in this location.

- 3) Property drainage on the adjoining properties on Steflar are already known as having flooding issues. 12 Steflar has experienced 2 floods since 2006 and ground water runs under the house continuously most years and is not coming from the Steflar Street or due to inversions on the property as suggested in the Town visit in 15 years on this topic.

Where is the water proposed to go that will naturally collect from roof runoffs and snow melt in these proposed plans? Will the water collection system surrounding the Steflar properties be used for water removal for this new development?

And if that is the plan would that mean the Steflar residents have to accept these new neighbouring properties draining their surface water onto the Steflar adjoining properties as the piping is inside their lot lines? With a substantial increase in lot coverage proposed will not the runoff water just flow onto the neighbouring properties as there appears to be no indication how this would be avoided?

- 4) Is there an inference that by accepting these variances, precedent will be considered as a being established in how the future (Townhouse) development is dealt with by the Committee of Adjustment? The 32' (9.75M) width on the drawing is known to be a road allowance by discussion with the new owner. Steflar is 29' plus a 13' wide allowance for sidewalk and common area from sidewalk to the road and, Bacon's sidewalk and common area is less though the road is similar. Does this not make the allowance for a future road and sidewalk substantially less than normal considering that the road gap shown on the plans is against the property lines on Bacon with no standoff allowed?

If this is the plan, should this not be detailed now so that those on Bacon can fully comment on how these first two properties in Phase 1 and 2 will severely limit the alternatives for the future development.

Thus, by not showing the complete property development plan except the first two properties, is this process creating a larger problem for the future when the alternatives for perhaps better or less variance burdened options are no longer available? Is that the strategy of this methodology? It would certainly appear to be heading in that direction.

- 5) Why are the heights of the proposed new houses in Phase 1 and 2 not shown? And this also applies to the future townhouse development. Would this not have a major impact on the existing Steflar properties regarding privacy considering a side standoff reduction is being requested? In the future development where no details are shown, once front allowances are considered for the narrow road, won't the rear allowances have to be very narrow considering that 7 townhomes are proposed for this 90M remaining lot allowance and thus a much more severe variance expected?

Isn't it a bit premature to be asking for comments from the affected neighboring properties when the current plans provided are simply too casual for communicating the full intent of changes? The plot plan from Upper Canada Consultants does not even indicate that it was checked for anything by the consultant never mind on receipt at the Town of Pelham.

- 6) The area noted as a Private Road meeting Line Ave. appears to be marked in such a manner because the legally defined alternates from the Town planning codes can only be a Laneway or a Boulevard.

But Laneways have a length restriction and defined usage. The length is the more serious in my view as 100M is the limit for safety purposes (Fire Safety). As it appears the Laneway on this property revision will exceed 100M obviously a variance is required but impacts safety all round.

And a Boulevard requires an ROW of 19M and that doesn't exist.

So, a private road is described. Well I find extremely concerning because the safety restriction on a Laneway might not fall to the Town in this case, but it certainly impacts the neighbours nonetheless but with no form of control if approved and implemented.

And as parking is going to be limited in the Phase 3 setup, where will the cars park? On Line Ave and Bacon in front or besides all the neighbours? So now making the Steve Bauer trail a parking lot too?

- 7) The standoff of a structure from the lot line falling to 1.5M in the variance seems to be very tight. When one digs a foundation and it's located this tight to the lot line, the excavation needed also needs added width so it won't cave in and can be completed with drains and stone fill etc. The added width is almost 1.5M which means any property line structure or those close by can be affected.

So, an existing fence will be certainly undermined and potential pools in the adjoining properties. Thus, who takes the responsibility on these structures on neighbouring properties that pre-exist? Does the Town do this? Or does this process just dump it on the existing residents to take protective measures?

I can see that in a new Development, which this is not, close lot line standoffs might be a controllable item as numerous basements are being worked simultaneously and with normal distance from surrounding existing structures. But in a fill in arrangement like this why add this risk to the existing residents? Or is to maximize new tax revenue?

And even in this case, a duplex structure (R2) would relieve this issue. And as Townhomes are being proposed for the back, why not close up the 3M gap between these oversized for normal lot R1 residences and avoid issues to the neighbouring Steflar lot lines.

Summary:

I strongly object to what is proposed in what I debate as questionably a Minimum Variance Application and what is avoided in the application at this stage in this property re-use description (Townhouses with a private road) because it fails to meet the existing Town of Pelham Zoning requirements and Bylaws on far too many numerous fronts.

Though I am not opposed to the development of the 1150 Line Ave property which could be a reasonable number of residential homes, it seems the new owner is heading in a direction that simply intends from the start to negatively impact the future enjoyment and property values of all the surrounding neighbors and shoe horn in as much as possible. Effectively shoe horn in as many structures as possible.

And the process to date confirms the reduction in enjoyment by the deforestation process on its own.

The new owner I understand from other neighbors continually talks of the intent of the province in increasing residential density. And that is evident in many new development projects. But it seems to be a misinterpretation to suggest that Part of Lot 177 is suddenly subject to this new standard or requirement. And its simply being pushed through on a Committee of Adjustment Variance application process which is not a development process.

As a Professional Engineer, I find that information provided by the owner for consideration of these variances is extremely vague and lacks any real thought with regard to the impact for Phase 1 and 2 but almost seems staged so that the future Phase which is even more extreme and effectively not defined in any way, will have many less options once the two other Phases are approved.

Thus, I question the Town of Pelham why these current plans would even be presented under threat of a lack of response to the neighbors and not have been rejected on receipt from the new owner of 1150 Line Ave. It really appears that this Phased process is intended to Game the approval process with the Townhouse phase being somewhat Fait Accompli based on the first two R1 residences being approved.

Sincerely

Gordon Hetherington, P. Eng

LETTER OF OBJECTION

September 24, 2020

To: Nancy J. Bozzato
Secretary Treasurer of the Committee of Adjustment
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S 1C0

From: Steve and Rita Talosi
■ Steflar Street
Fonthill, ON L0S 1E4

Re: File Numbers B8/2020P, B7/2020P and Minor Variance Files A25/2020P & A26/2020P
Subject Lands: 1150 Line Avenue, Pelham
Legal Description: Part of Lot 177, Former Township of Thorold now Pelham

By way of background, our family has resided at 6 Steflar Street since July 2004. Since purchasing our home, we have invested significantly in the property. We have made upgrades and improvements and have also had to correct poor planning and oversight when the house was built which ultimately caused significant water damage due to basement flooding. Our insurance company paid damages in excess of \$40,000 and then we incurred personal expenses in excess of \$40,000 when we had to replace all of the weeping tiles and install a sump pump 2 years after our initial major flood. We say our initial major flood because we came to learn that the basement was flooded on more than one occasion prior to us purchasing it. This should not have happened to a house that was just over 10 years old. So obviously we are very motivated to protect our family investment and not have its value eroded by a less than appropriate and unfavourable development in our back yard.

We are writing to express our very strong objection to the applications before you for the above referenced file numbers. We wish to state up front that we are not opposed to the development of the lands in question. However, we are opposed to a plan which is only partial in nature and does not provide sufficient detail for the surrounding property owners to assess the impact of what the developer has in mind but has not disclosed. We support development of the lands provided the proposed development respects the character of existing development and ensures that all applications for development are physically compatible with the character of the surrounding neighbourhood (as per the Town's Official Plan). It is our

opinion that the applications before you do not meet this requirement. The variances that are being applied for are neither respectful nor compatible with the neighbouring properties. We also do not see them as being minor variances. The variances applied for represent changes between 17% and 83%, far from minor by our math standards. For example, the variance applications are requesting a reduction of 30% to the lot size and an increase of 83% to the maximum lot coverage.

Please refer to the attachments provided with this letter which give you some aerial views of the property in question as well as the surrounding properties. These will provide you with a better perspective on why we believe the applications are incompatible and disrespectful of the character of the neighbouring properties, especially if you have not had the opportunity to drive around the area and make your own observations.

The Fonthill Settlement Area Official Plan Schedule 'A1' does not designate the subject lands as being a potential intensification area. Sections B1.1.3 and B1.2.4.1 of the official plan specifically states *"While intensification opportunities will be 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 community or neighbourhood where they are proposed."* We do not see where the applications before you address the above noted requirement. Section A5.4 of the official plan also states *"Regional planning policy has allocated a future intensification target for the Town of Pelham of about 300 new units. This target is to be accommodated between 2015 and 2031. Background studies prepared for this Official Plan have confirmed that the Town can meet or exceed this target. To this end, this Plan has identified potential intensification areas and has articulated policies that provide guidance and direction with respect to intensification."* If the Town is confident that it can meet or exceed the intensification target with the already designated intensification areas, then why even consider areas that have not been designated like the subject lands?

The applications make reference to 4,067 square meters of land (Part 3) being retained for a private road and future development (Townhomes). Our understanding is that for a private laneway/road to be approved, the subject land must be landlocked. At present, the subject land is not landlocked. However, should the severance applications before you receive approval, the subject land would appear to then be landlocked. As a result, this so-called 'staged approach' to the redevelopment of the subject lands creates the condition which is required for a private laneway/road to be approved. This appears to be an unfair and deceptive approach to the redevelopment of the subject lands.

We are also very concerned about the potential impact that any redevelopment of the subject lands will have on the clearly identified water drainage issues in the neighbouring area based on the number of homes which have been the subject of basement flooding.

In summary, we could continue to go on and on about our concerns, but we are certain that all of the other concerns will be addressed by the input from our neighbouring property owners. We firmly believe that it is unfair to the existing neighbouring property owners, many who have been in the neighbourhood for in excess of 25 years, to be presented with a partial plan for the redevelopment of the subject lands. It is impossible to comment on what we don't know! We expect the Town staff and elected officials to proceed with allowing redevelopment of the subject lands in a manner that fully complies with the Official Plan.

We thank you for the opportunity to express our concerns and objection to the applications before you and look forward to participating in the remote public meeting on October 6th.

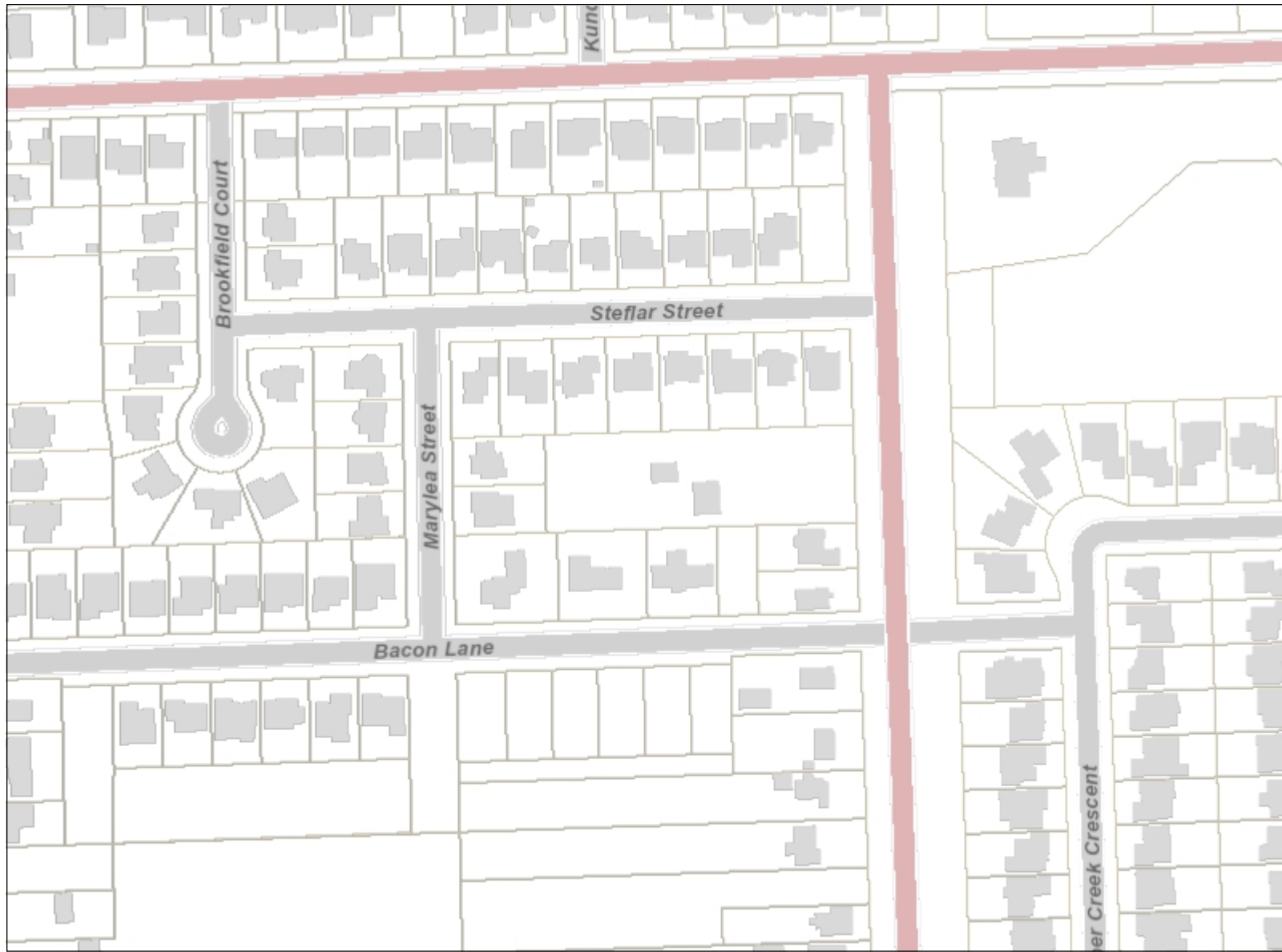
Sincerely,

A handwritten signature in black ink, appearing to read "Steve Talosi Jr.", with a stylized flourish extending from the bottom right.

Steve Talosi Jr.

A handwritten signature in blue ink, appearing to read "Rita Talosi", with a stylized flourish extending from the bottom right.

Rita Talosi



Legend

Notes

0.1 0 0.06 0.1 Kilometers

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



Southeast Arial View (Line Ave top left, Bacon Lane top right, Marylea bottom right, Steflar St. centre to bottom right)

Please Note: All of these pictures were taken prior to many of the trees being removed from the subject lands



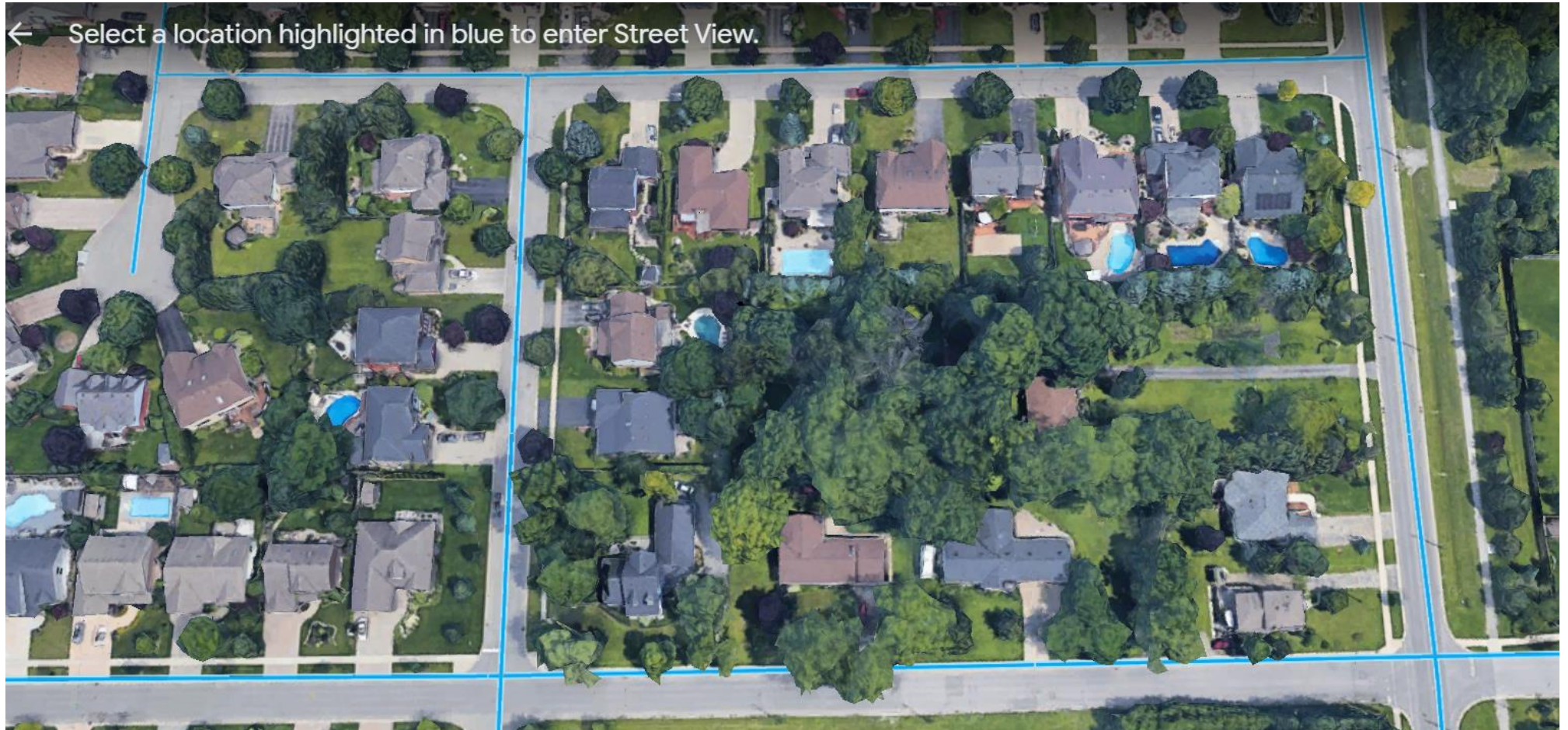
Southeast Arial View – Line Ave. Top Left, Steflar St. Bottom Left, Bacon Lane Top Right



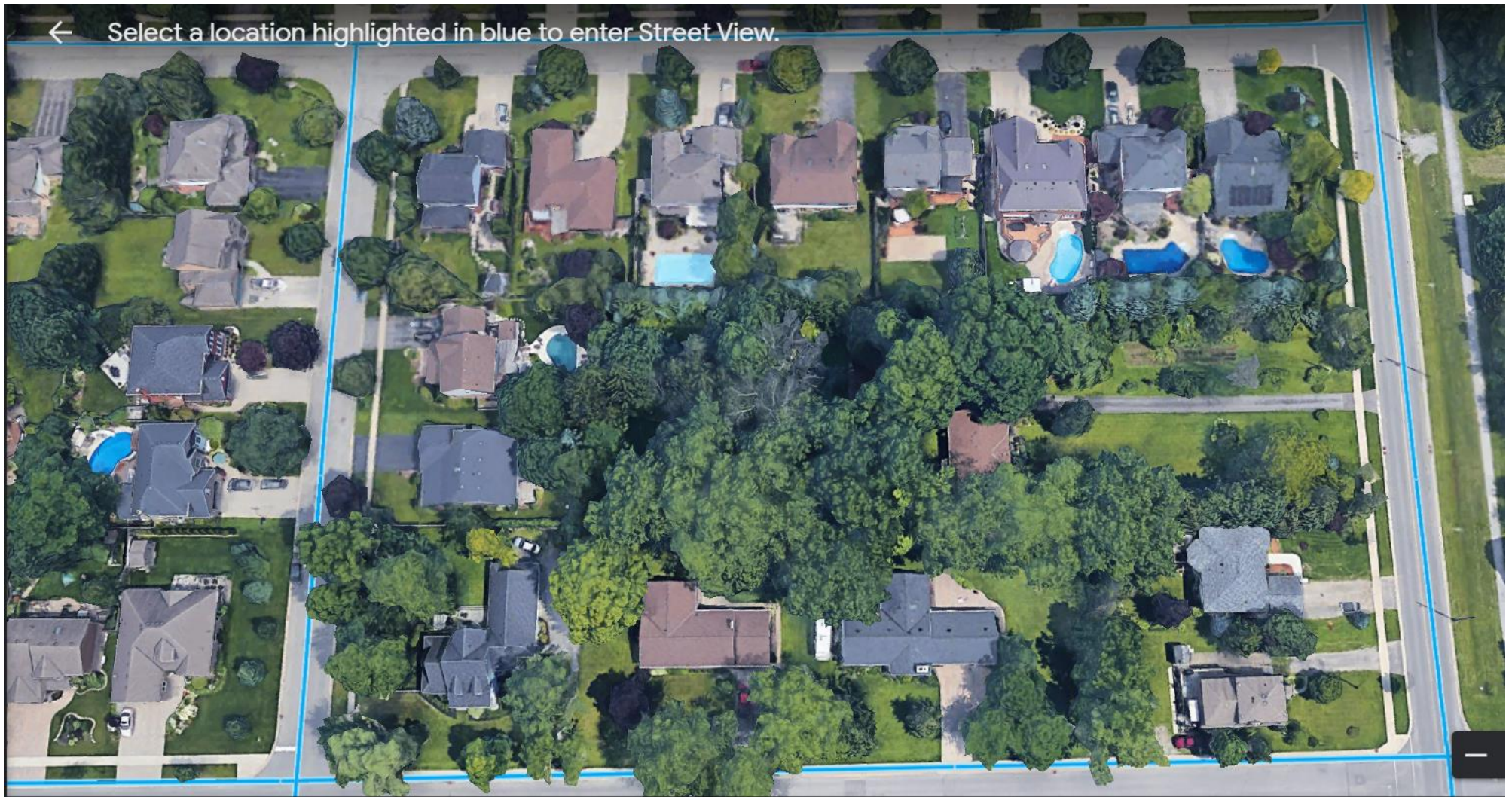
Backyard Pools of Homes on Steflar Street just west of Line Ave.



Northerly view from Bacon Lane (Bacon Lane at the bottom)



Arial View of Subject Lands (Steflar Street at top, Line Ave. at right, Marylea at left, Bacon Lane at bottom)



From: [Nancy Bozzato](#)
To: [Holly Willford](#); [Sarah Leach](#); [Curtis Thompson](#)
Subject: FW: File No. A25/2020P; A26/2020P; B7/2020P; B8/2020P (1150 Line Avenue)
Date: Thursday, September 24, 2020 11:39:22 AM

From: susan smyth [REDACTED]
Sent: Thursday, September 24, 2020 11:39 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: File No. A25/2020P; A26/2020P; B7/2020P; B8/2020P (1150 Line Avenue)

Good Morning Ms. Bozzato,

I am providing written comments to the proposed development at 1150 Line Avenue. I will also be speaking in more detail at the meeting on Tuesday October 4th.

My comments/questions to the Planning Staff and the Proponent is as follows:

- How has the applicant demonstrated a need for the requested relief on the basis that the subject zoning provision is not warranted in this particular circumstance? How does the current zoning provisions cause undue hardship or is otherwise impossible to comply with for his development? Maybe the two additional lots as well as the future townhouses are too intense for this site and that is why the zoning provisions cannot be met.
- How has the applicant demonstrated that this proposal is physically compatible with the character of the surrounding neighbourhood?
- How has the applicant demonstrated that this redevelopment is compatible with the scale and density of existing development? What is the density ratio per hectare for the full build out scenario?

It is premature for the Town to approve these applications without completely understanding the full build out scenario, which include townhouses. How many townhouses, how will the trees that provide screening be protected if the setbacks are being reduced and lot coverages increased? Why would a zoning by-law amendment application and draft plan not be considered?

It is the Town's responsibility as noted in the Official Plan to assess how issues such as landscaping, access, parking, utilities and maintenance have been addressed in the proposal. Has this been done?

I believe that the applications as provided should not be granted approval considering there is not sufficient information to suggest that it is compatible to the surrounding area.

Thank you for the opportunity to comment.

Susan Smyth
[REDACTED] Steflar Street

Committee of Adjustment
Town of Pelham
20 Pelham Town Square, PO Box 400
Fonthill, ON L0S 1E0

RE: File #A25/2020P and A26/2020P to be heard at Tuesday October 6, 2020, 4:00pm

To Committee of Adjustment Members,

We are writing as residents and property owner on Bacon Lane to express our views regarding the Minor Variances requested for 1150 Line Avenue, Pelham (Part 1 & 2) under File Numbers A25/2020P and A26/2020P. My overall concerns are twofold:

- (1) The current application should not be considered minor or appropriate for the area.
- (2) The current application does not address the overall proposal for the full subject lands, with the majority left as Part 3 – Part 3 reflects a proposed subdivision, the details of which remain unknown except that it is to be retained for a private road and future development of Townhomes.

1) The Requested Variances are not Minor & Negatively Impact the Neighbourhood:

The requested “minor variances”, in our view, should not be considered minor as they significantly exceed the allowable measures per the by-laws for R1 zoning, and thereby should be considered too large to be minor.

- The lot size is to be decreased by 24% over the minimum lot area by-law (533 vs. 700 square metres)
- The lot frontage is to be decreased by 20% from the minimum (15.2m vs. 19m)
- The maximum lot coverage is 25% above the maximum (55% of 30%)

We do not believe any houses in the surrounding neighbourhood would be near the size exceptions of this proposal. Therefore, if you allow it in its current design, we believe you are setting a bad precedent for the neighbourhood, that not only disrupts the form and character of the neighbourhood but would also impact future standards for development, driving down overall property values and neighbourhood desirability.

Our neighbourhood has always been quiet, spacious, and serene with significant green space and trees providing privacy and reduced noise. The proposed development requires the removal of a significant number of trees and the sheer bulk and closeness of the proposed dwellings would disrupt these treasured neighbourhood characteristics, and would not be compatible with the existing houses in the neighbourhood. Additionally, it is a concern as to how the size and proximity of the dwellings to the road and neighbours will impact drainage, noise, and privacy; all of which are of concern and have not been addressed in these minor adjustment requests.

The development has only barely begun and the clearing of trees and vegetation to date has already negatively impacted the noise, shade, and privacy of the neighbouring properties and has resulted in a decline in wildlife.

2) Lack of Information on the Full Land Development (Part 3):

The Application for Consent notes that 4,067 square metres of land (Part 3) are to be retained for a private road and future development (Townhomes) but no details as to that proposed development have been provided at this time.

As it is already noted in the request for consent that the full proposal is to be a subdivision/townhomes development in the future, all parts of the proposal should be subject to the more extensive planning and assessment requirements of a subdivision. This proposal should not be permitted to be addressed in piecemeal under the guise of minor variances, when these variances are required to later request the larger Part 3 development. How can we as neighbours or yourselves as committee members properly consider and address the requests, even of Part 1 and Part 2) without knowing the full scope and details of the project in all its Parts?

It is our opinion that this project should be considered as a whole (Part 1-3) and be subject to the full due diligence requirements of a project of that nature and scale.

Without any information or plans for Part 3, we as neighbours have been left with many questions and concerns regarding the development, including:

- What is the number, size, and height of the proposed Part 3 (townhomes) development?
- What will the environmental, wildlife, and water drainage impact be to the property & neighbourhood of such an increase in densification?
- What will the impact to neighbourhood quality be – including privacy, shade, noise, aesthetics, traffic, safety, light pollution, and garbage?
- What will the impact be to property values and taxes from the significant addition of townhomes to the neighbourhood – the neighbourhood is designated R1 and is 100% single family dwellings and the addition of high-density townhomes could significantly impact the desirability of the neighbouring properties.

Overall, we do not believe that the current requests are in-line with the surrounding neighbourhood and are too significant to be considered “minor” variances. These facts combined with the completely unknown nature of the full development project give us as neighbours significant concerns and objections to the requests.

Thank you for considering our objections in your decision.

Sincerely,

Beverly Lovejoy & William King

■ Bacon Lane

Welland, ON ■

P.S. please send me a copy of the Decision to the above address

DEVELOPMENT OF 1150 LINE AVENUE

Peter Scott & Nicola Jones

■ Steflar Street

Fonthill, L0S 1E4

September 24th 2020

Nancy J. Bozzato

Secretary Treasurer of the Committee of Adjustment

Town of Pelham, 20 Pelham Town Square,

PO Box 400, Fonthill, ON L0S 1C0

LETTER OF OBJECTION

File number A25/2020P, A26/2020P, B7/2020P & B8/2020P

This letter to the attention of the Committee of Adjustment is in response to the package I received last week from the Town of Pelham. The letter asked for our input and objections pertaining to the request to divide 1150 Line Avenue into three parts and for relief from the Town of Pelham bylaws.

BACKGROUND

Our family resides at ■ Steflar street, our back yard shares the side yard property line with 1150 Line Avenue (Proposed PART 1). We have lived at this address since 1993. We paid a premium price for this particular lot because of the location and the surrounding area. Since building our home in 1993, we have invested a significant amount of money and time landscaping the property to blend into the urban character and enhance the neighborhood.

Earlier this year, 1150 Line Avenue was sold, since that time we have witnessed the destruction of the urban canopy that was a major feature of our community. Dozens of mature healthy trees were cut down, disrupting the natural habitat of wildlife.

If this application is approved, more mature trees that border our property will be removed to accommodate a house which will be built only five feet from our property line. We will lose the privacy of our back yard and our property value will be significantly reduced. (See attached images before and after images page 8)

APPLICATION

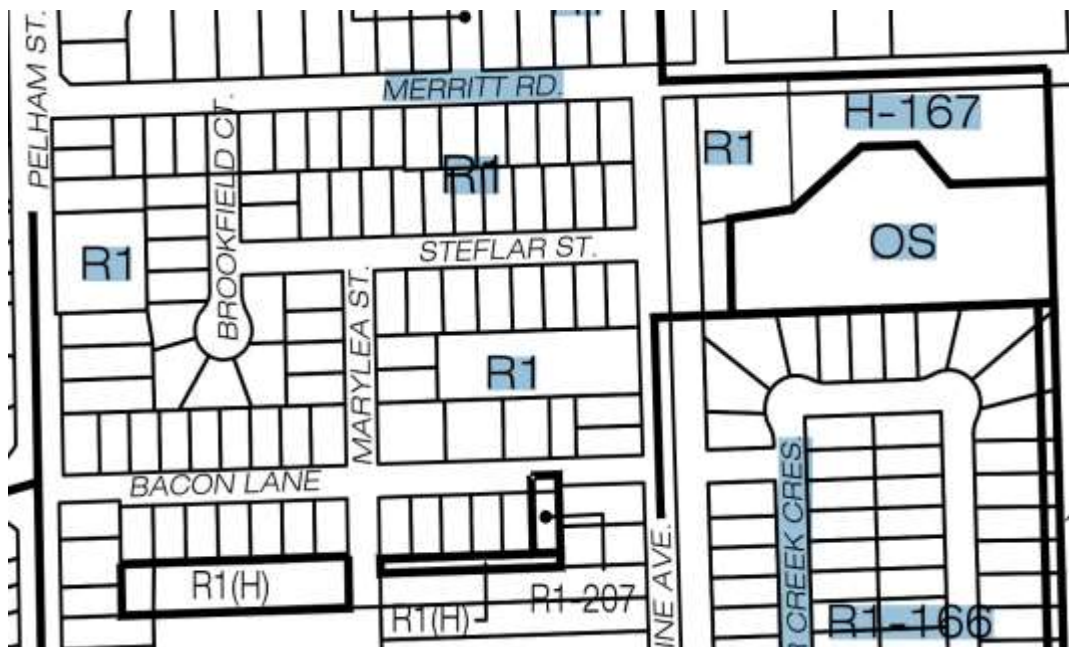
The applications, propose dividing the lot into three parcels comprising of two lots (PART 1) & (PART 2) that would be fronting onto Line Avenue and a parcel of land to be used for a private laneway and townhomes. At this point in time, there is no application or details for a laneway or

DEVELOPMENT OF 1150 LINE AVENUE

(PART 3) which to our knowledge is 4,067 square metres, the owner intends to retain for a future townhouse development.

We object to the discharge application of (PART 1) and (PART 2) as well as the request for relief from the town of Pelham Bylaws and recommend that the severance applications and relief applications should be denied by the Adjustment Committee for the following reasons.

- 1. BYLAWS & ZONING;** the proposed development plan does not comply with the Town of Pelham bylaws and zoning, hence the request for relief from the city bylaws. The owner/developer is proposing (30%) smaller lots with larger homes (36%) than the surrounding homes which is major not minor relief. The requested relief includes, smaller lot frontage, maximum lot coverage, minimum front yard set back, and minimum interior side yard. If approved, how can the general intent and purpose of the Zoning By-laws be maintained. (See attachment Zone R1, page 5)
- 2. OFFICIAL PLAN** The majority of homes that surround the lot in question are built on large 65-foot lots that comply with the Town of Pelham (R1) zoning bylaws, and comply to the [official plan](#). In our opinion, the relief being requested is far from minor in nature and will not fit in with the character of this established neighbourhood. Before any discharge application is granted, lots should be of similar size, consistent with the surrounding homes and comply to the (R1) bylaw zoning requirements and the official plan. Basically, the owner/developer wants to squeeze in as many houses as possible into the area. This plan is not about building the community, but to simply maximize profit. The current residents will have to live with the results and pay the price for this profit. The question that should be asked is what is the point of having bylaws if they will not be followed?



DEVELOPMENT OF 1150 LINE AVENUE

3. **WATER** A major concern we have of this development is the potential disruption of underground and surface water. Most of the homes in this area have experienced flooding, even after an extremely dry summer, surface water is still visible on the property in question. Development of this property beyond a single residence (R1) very likely could result in displacement of underground water. Development represents a significant risk of flooding to existing homes. We are very concerned that development of this property will disrupt and displace underground water and result in an increase in flooding to residents. As per the Town of Pelham Official Plan, a Hydrological Assessment report and Environmental Impact Study EIS should be provided. Can the Adjustment Committee request that an Environmental Impact Study (EIS) be conducted to determine if the proposed development will have negative impact on the natural features or ecological functions of the subject and surrounding (“adjacent”) lands?
4. **REZONING REQUIRED** For the parcel of land described as (PART 3) to be used for a townhouse development in the future, the owner would need to rezone the property from (R1 zone) to most likely the (RM1 zone) and will likely need an Official Plan amendment to meet the increase in density depending on the type and number of townhouses the owner wishes to put on the lot. Given the fact that the area comprises of single detached homes (R1) and that the area is NOT identified as a high-density area nor is it identified as a potential intensification area in the official plan [Schedule A1](#) it would be unlikely that an intensification townhouses project (RM1 zone) would be approved in this location. (See Attached Schedule A page 6 & Schedule A1 page 7)
5. **PRIVATE LANEWAY** It is our understanding that a private laneway will also be requested in the future, however the official plan states that for a laneway to be approved, the parcel of land must be landlocked. I find it ironic that access to the land described as (Part 3) is not currently landlocked, however, if the application for Part 1 and Part 2 is approved, this would result in landlocking the land!
6. **INCOMPLETE PLAN** We have received a partial plan that is incomplete and is based on speculation that re zoning will be obtained in the future. This application to discharge and for relief should NOT be considered until ALL the facts are known, how many structures, type of construction, how high, type of lighting, drainage, traffic flow and parking. This incomplete development plan is highly likely to create an undesirable outcome for the residents of the 14 homes that surround the property in question, hence the petition signed by all parties who own property that border 1150 Line Avenue. We all want to see a complete plan before any applications are approved and expect that the Adjustment committee would want the same.

DEVELOPMENT OF 1150 LINE AVENUE

Considering that the Applications for (Part 1) & (Part 2) do not comply with the (R1) zoning requirements, there are no plans showing how the remaining parcel (Part 3) will be developed and the proposal is inconsistent to the official plan.

I suggest that these applications are premature and should be denied or at least delayed. Therefore, I respectfully request that you recognize the potential of this unique property and maintain the current zoning R1 residential suitable for a single-family home.

If there is going to be any development let's do it right the first time, plan it, consult with the residents, do the impact studies, follow the rules and official plan. I'm sure the developer does not want to hear that, but it must be done, after all a community is about the people that live in the community and following the official Plan, not maximizing the profit for a developer.

We request to attend the zoom meeting and would like to speak in opposition to these applications.

Sincerely,

Peter A. Scott

Nicola A. Jones

[Official Plan Adoption](#)

[Official Plan Pelham](#)

[Schedule A1 Map](#)

[Land Use Map Schedule A](#)

[R1 Zone requirements](#)

DEVELOPMENT OF 1150 LINE AVENUE

OFFICE CONSOLIDATION

TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

(This Office Consolidation Edition is prepared for purposes of convenience only.

For accurate reference recourse should be had to the original by-law(s) and amendments and Orders of the Ontario Municipal Board.)

SECTION 13 - RESIDENTIAL 1 R1 ZONE

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential 1 R1 zone.

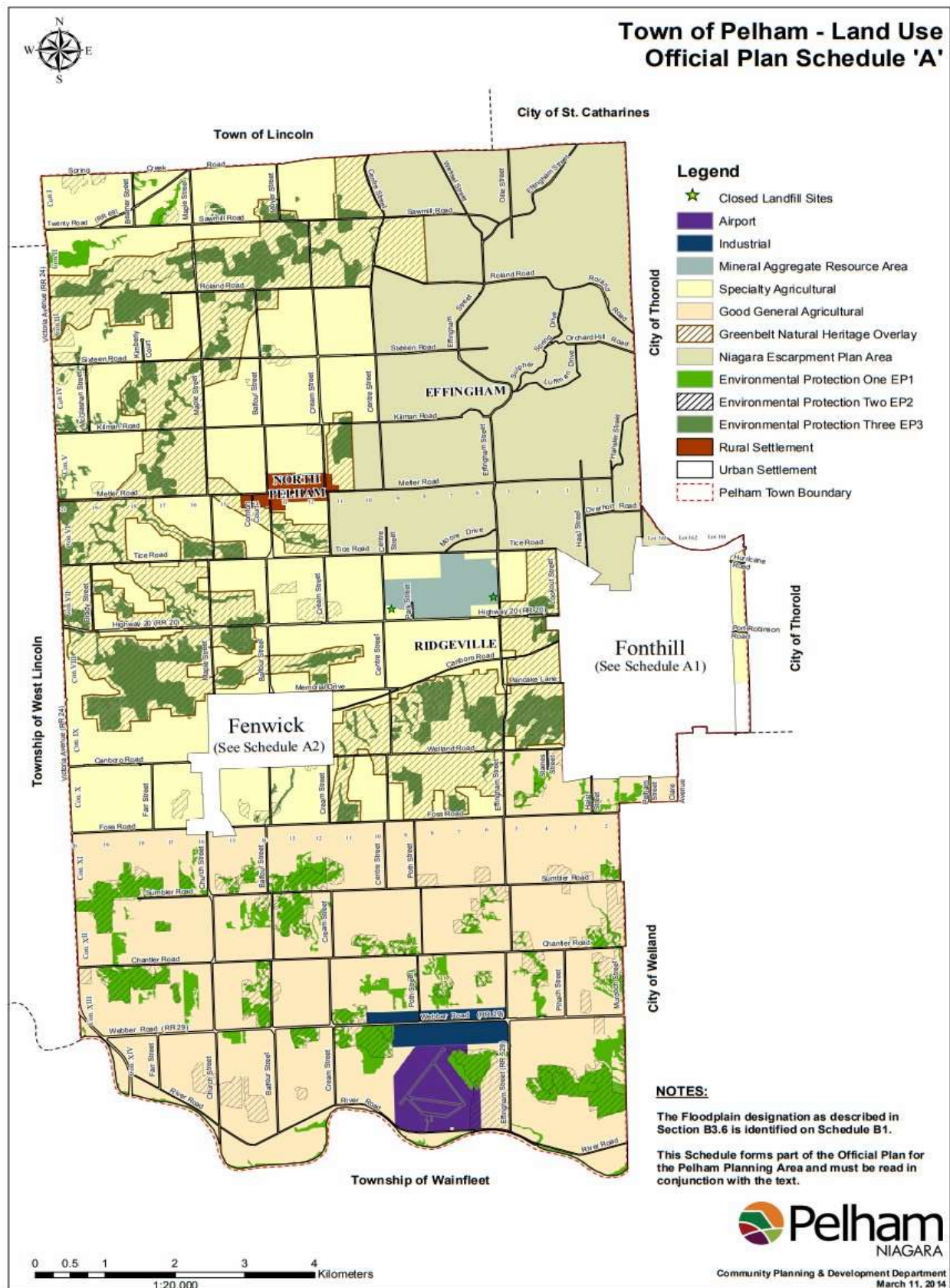
13.1 PERMITTED USES

- (a) One single detached dwelling;
- (b) uses, buildings and structures accessory to the foregoing uses;
- (c) home occupations.

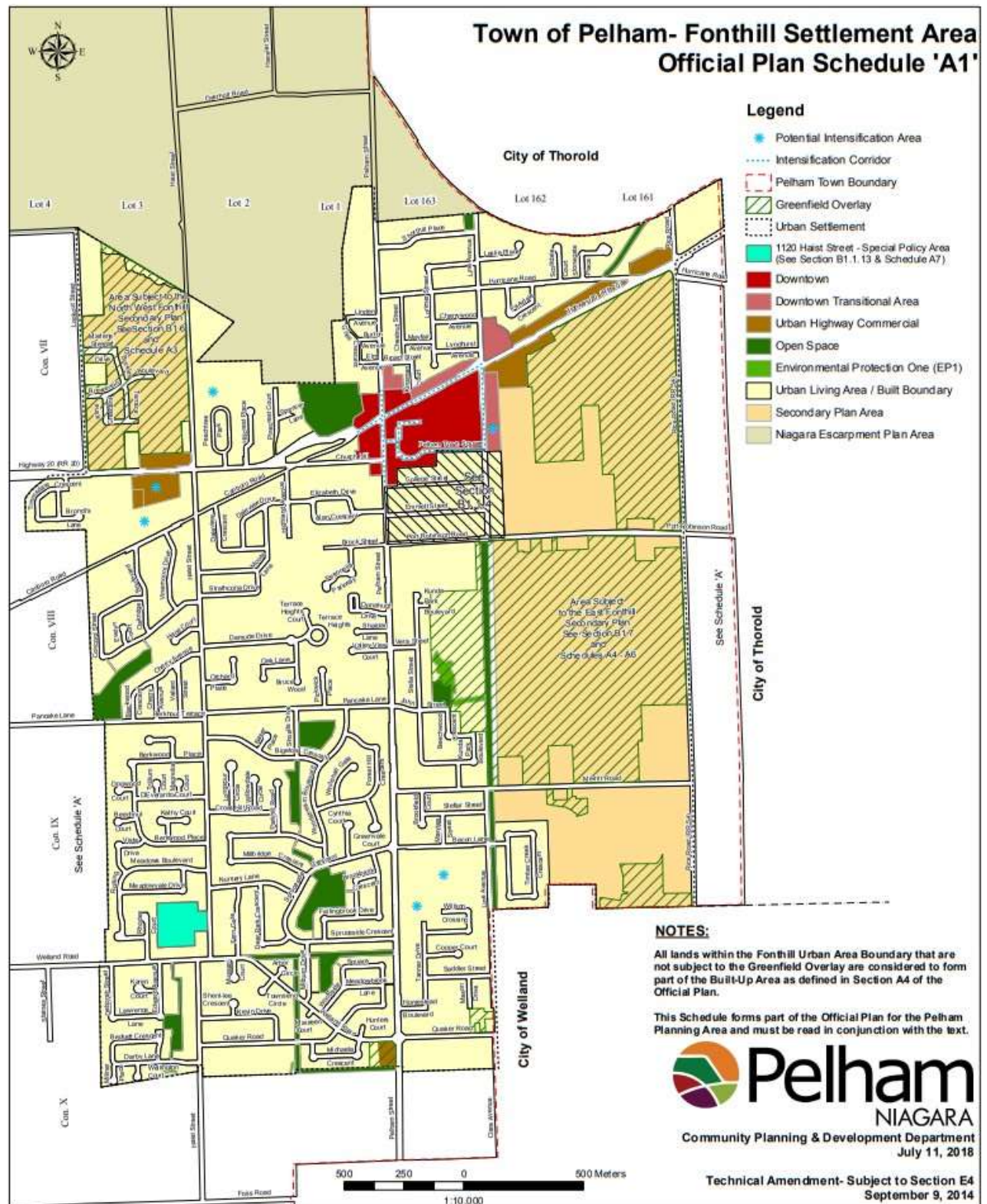
13.2 ZONE REQUIREMENTS

- (a) Minimum Lot Area 700 m² (7,534.98 ft²)
- (b) Minimum Lot Frontage 19 m (62.34 ft)
20 m (65.62 ft) on a corner lot
- (c) Maximum Lot Coverage 30 percent
- (d) Minimum Front Yard 7.7 m (25.26 ft)
- (e) Minimum Interior Side Yard 1.8 m (5.9 ft) on one side and 3 m (9.84 ft) on the other side where there is no carport or garage attached, or 1.8 m (5.9 ft) on both sides where a carport or garage is attached
- (f) Minimum Exterior Side Yard 5 m (16.4 ft) from the side lot line or 15 m (49.21 ft) from the centre line of the road whichever is the greater
- (g) Minimum Rear Yard 7.5 m (24.61 ft)
- (h) Maximum Height for a Dwelling 10.5 m (34.45 ft)
- (i) Minimum Ground Floor Area for a Dwelling
 - (i) one storey 115.5 m² (1,243.27 ft²)
 - (ii) two storeys 78 m² (839.61 ft²)

DEVELOPMENT OF 1150 LINE AVENUE



DEVELOPMENT OF 1150 LINE AVENUE



DEVELOPMENT OF 1150 LINE AVENUE

Before and After?

A major issue we have with the discharge and severance is the removal of established trees, impacting our privacy. The application is also applying for a relief reduction of the side lot size. With no written plan which includes the height or type of house, number of windows overlooking our home to be built, replacement trees or fencing. We don't know what to expect. Below are two pictures of our backyard the first is our yard and pool. The second is a photoshop image where we removed the trees and added a house. I don't know what the developer will build this second image is just for illustration purposes to show the potential significant difference to our garden.



From: [Nancy Bozzato](#)
To: [Holly Willford](#); [Sarah Leach](#); [Curtis Thompson](#)
Subject: Fwd: Line Avenue Development Proposal
Date: Friday, September 25, 2020 7:39:27 AM

Sent from my iPhone

Begin forwarded message:

From: Alice Hrcak [REDACTED]
Date: September 24, 2020 at 12:33:21 PM EDT
To: Nancy Bozzato <NBozzato@pelham.ca>
Cc: Ron Hrcak [REDACTED]
Subject: Line Avenue Development Proposal

We have resided at [REDACTED] Steflar Street since building our home in 1992. We have both been raised in the niagara region and decided to purchase this home in Fonthill based on the look and privacy and overall make up of the neighbourhood. Our lot we specifically chose as it offered us the privacy we were looking for and sun exposure. The single resident dwelling that was present behind us was obstructed as it was set back on the property and was shielded by the trees and greenery . It is because of this that we have several grave concerns regarding the proposal.

The proposal stated some “minor variances” but upon examining further these variances are significant . One point being that this leads to a more dense housing layout which is still yet to be determined . All of the current lots in the surrounding area are significantly larger than what is proposed. This variance will lead to dwellings being built too close to property line. Which will then lead to privacy issues, esthetics, damage to any existing fencing, and landscaping . Concern — what are the sizes and heights of the proposed townhomes?? How many? Does this cause issues with shading to our backyard and surrounding areas as we do have a pool ? Privacy will no longer exist. There are cedars and blue spruce along our back fence which gives us the privacy with esthetically pleasing view but there has been mention of the developer taking these down. This will open up and our views will be that of homes/townhomes. The developer has already stripped the lot of a few very large trees that has altered the whole look and privacy of our backyard. Will these future homes that may be conceivably built

with these standards cause an impact on our property value? Will they drive the overall value down?

These are some of our issues but a greater concern as well is the unknown of Phase 3. There has been no specifics to the future builds . Size and height?? How many ?? There will now be greater volume of residents in a compacted area . Greater traffic in a small laneway. What about lighting? Will this cause greater light to our backyards - which presently is not an issue. It is quiet and calm and the ambience is what we all strived for. What about safety issues to the neighbourhood? Noise issues now with greater number of residents?

These are a just a few great concerns we would like addressed. At this time , we do not support the developers proposal as it appears that his intent is more to plan a multi unit subdivision in which these types of plans require more extensive reviews on planning and assessment. We will not support this type of intrusion that will ultimately change the whole quiet peaceful atmosphere in which we have made our home.

In conclusion , we don't believe that our concerns are unreasonable. If this goes ahead , to our knowledge, this will be the only dense multi unit development adjacent to an existing neighbourhood such as ours in the town of Fonthill.

Thank you for your consideration in this matter.

Kind regards

Ron and Alice Hrcak
Steflar Street
[REDACTED]

From: [Nancy Bozzato](#)
To: [Holly Willford](#)
Subject: FW: B7/2020P ,1150 Line Avenue Pelham.Part of Lot 177, Former township of thorold now Pelham
Date: Monday, October 5, 2020 10:16:39 AM

I'm not sure why I may have missed this one. Please include on agenda for C of A. TY

From: Andrea Lacasse [REDACTED] >
Sent: Monday, September 21, 2020 4:46 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: FW: B7/2020P ,1150 Line Avenue Pelham.Part of Lot 177, Former township of thorold now Pelham

September 21st 2020

Regarding 1150 Line Ave development, We, Andrea and Francois Lacasse at [REDACTED] Steflar St., recently received an information package regarding plans for 1150 Lines Ave. My husband and I have several concerns regarding the proposal sent out to us. First of all this appears to be more like a subdivision then a revision for minor variance. Also of great concern is the unknown on Phase 3, there's no indication of the size or height of proposed townhomes. Has there been an environmental assessment done??? And what impact will this have on the surrounding older home. Also, how will these homes impact on the water table and drainage pattern. We have a long history in this area of basement floods so we would like to know how that's going to play out. With the information that has been provide we are in opposition any changes. Thank you Andrea and Francois Lacasse

From: [Nancy Bozzato](#)
To: [Holly Willford](#)
Subject: FW: 1150 Line Ave Development
Date: Monday, October 5, 2020 2:28:38 PM
Attachments: [image001.png](#)

From: Teresa Boucher [REDACTED]
Sent: Thursday, September 24, 2020 6:45 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Re: 1150 Line Ave Development

Good morning

We would like to take this opportunity to voice our concerns in regard to the beginning stage of what looks like a Property Development Project for 1150 Line Ave .

We are Frank Heim and Teresa Boucher. Our property - [REDACTED] Steflar St, backs on to the parcel of land in discussion. We are sure that you have heard enough against this kind of proposal from our neighbors , so we don't need go into detail.

We would like to state that the negative impact of this Proposal will have a greater effect on more people, than the positive effect will have on one person- mainly the Developer.

Thank for your time.

Teresa Boucher

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



From: [Nancy Bozzato](#)
To: [Holly Willford](#)
Subject: FW: 1150 Line Ave Development
Date: Monday, October 5, 2020 2:30:19 PM

-----Original Message-----

From: Keith Robins [REDACTED] >
Sent: Friday, September 18, 2020 9:52 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: 1150 Line Ave Development

Good morning,

I am validating my concerns for the proposed 3 phase residential construction as in the attached from neighbours. Plain and simple, we do not want this as it will completely ruin our neighbourhood and potentially cause a lot of problems all around us. It will definitely bring down the value of our homes we've been working so hard to pay for and benefit from all these years.

Sincerely,

Keith Robins , Steflar St.

October 6, 2020

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

Re: Consent Application B8-2020P
1150 Line Avenue, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 01600

The subject parcel, shown as Part 2 on the attached sketch, is located on the west side of Line Avenue, lying north of Bacon Lane, legally described above, in the Town of Pelham.

Application is made for consent to partial mortgage discharge and to convey (sever) 533.81 m² of land (Part 2) for a single detached residential lot. 4,067 m² of land (Part 3) is proposed to be retained for future private lane townhouse development. The use of townhouses is not currently permitted and would need to be contemplated via Zoning By-law Amendment requiring a statutory Public Meeting and Council approval.

Note: This application is being considered concurrent with consent file B7-2020P and minor variance files A25-2020P & A26-2020P.

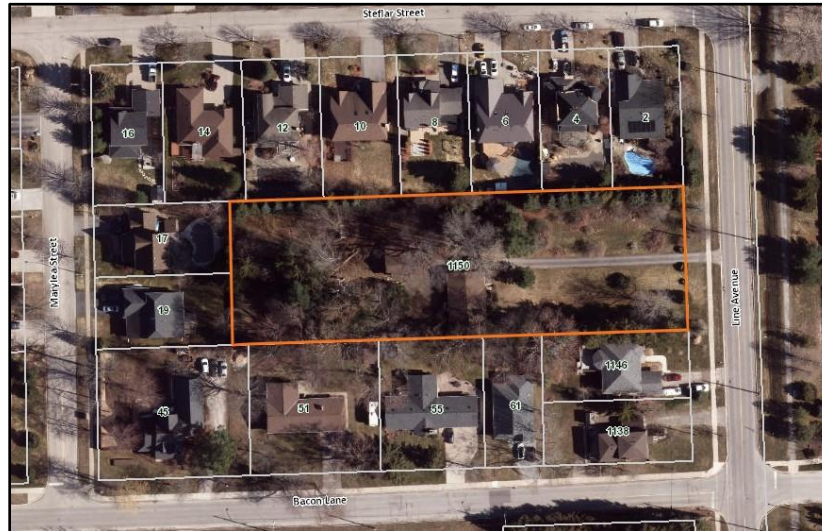
Applicable Planning Policies

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;
 - a. See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
 - a. The neighbourhood block's parcel fabric is not overly fragmented and contains a fairly typical lotting geometry. Although, the subject lands are significantly larger than the surrounding properties and is rather awkwardly situated in the middle of established residential lots on flanking perimeter streets (see Figure 1). Because of this, any infill proposal on the remnant lands (Part 3) would likely continue to utilize the existing street frontage available on Line Avenue. Part 3 is large enough to accommodate a variety of potential residential uses or to continue as a single detached residential lot. Planning staff are of the opinion this severance application is not considered premature and upholds the public interest.

Figure 1 – Subject Lands



- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - a. 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 oversized, interior urban lot.
- d) The suitability of the land for such purposes;
 - The lands (and neighbourhood) are predominantly one of lower density with mostly ground-oriented residential dwellings. The proposed consent would facilitate the construction of one additional single detached residential dwelling under the current zoning regulations.
- f) The dimensions and shapes of the proposed lots;
 - a. The proposed lot dimensions and shape are consistent with traditional neighbourhood development patterns and can comfortably site a new dwelling.
- h) Conservation of natural resources and flood control;
 - a. 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 drainage concerns under typical storm events.
- i) The adequacy of utilities and municipal services;
 - a. Available.
- j) The adequacy of school sites
 - a. Available nearby.

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 or the remnant parcel. 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 also nearby.

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 1.1.3.3 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 at least 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.

A concurrent minor variance application has been submitted seeking relief from some zoning provisions in order to legalize the proposed lot with others seeking to integrate different performance standards for design reasons (i.e. increased lot coverage, reduced setbacks).

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*.

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 proposed severance will facilitate the construction of one additional single detached dwelling on a large urban lot. 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 default R1 zone of the current Zoning By-law (1987).

The proposal will facilitate the construction of one new single detached dwelling on a very large 5,136 m² (1.3 acre) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Fonthill Village. The proposed dwelling will also help contribute towards the municipal property tax base which helps financially support the maintenance of linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

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.

Regional staff did not object, nor request to be circulated the proposed applications as the development aligns with Provincial and Regional policies. Any future development on Part 3 will require Regional involvement.

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 dwelling, together with the required zoning by-law provisions are 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 A2.2.2 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.

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. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses. The proposed lot is compatible in area, frontage and orientation with the neighbourhood.

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 are not identified symbolically as a 'Potential Intensification Area' according to Schedule 'A1'. They are located just over 100 metres from Merritt Road, being the closest collector 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 and the 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;
 - ✓ The proposed zoning (minor variance A25-2020P) seeks to legalize the R1 zone lot frontage and lot area deficiencies. The concurrent minor variance application also seeks to reduce the front / side yard setbacks and increase the lot coverage.
 - ✓ There are no traffic and parking issues anticipated with this lot creation.
- 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 directly identical to 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. Concurrent minor variance applications have been filed seeking relief from certain performance standards of the R1 zone.
 - ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density.
- 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;
 - ✓ The addition of one new driveway apron serving a single dwelling unit will not cause a traffic hazard considering the volume of traffic and existing sight lines.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Zoning relief is required as a condition of approval and has been applied for under concurrent minor variance application (file A25-2020P).
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Yes and required as a condition of approval.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ Demonstration 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 or other lands owned by the applicant to explore any possible 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.
 - ✓ No issue from Region in accordance with Memorandum of Understanding.
- 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.

It is noted that the application is for consent to partial discharge of mortgage and to convey vacant land (Part 2) for the purposes of constructing one single detached dwelling fronting Line Avenue. According to the application and *Planning Justification Report*, the remnant land (Part 3) is proposed to be retained for future townhouse development. The Committee of Adjustment and public should be aware that at this time, no approvals have been granted to the remnant land for that purpose. Council will need to approve a site-specific Zoning By-law Amendment and Site Plan Agreement before the owner could obtain building permits for any townhouse dwellings. Under section 34 of the *Planning Act*, rezoning applications must undergo statutory public meetings and land owners within 120 m will be directly notified by mail.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan as it helps enable gentle intensification within an existing residential neighbourhood and does not conflict with any policies subject to demonstration of appropriate urban design and fulfillment of the proposed conditions of approval.

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 concurrent minor variance application has been submitted to address the following zoning deficiencies:

- Part 2 (severed) {File A26/2012P}
 - Required → Minimum Lot Area & Minimum Lot frontage
 - Optional → Maximum Lot Coverage, Minimum Front & Side Yard

The resulting parcel configuration requires certain zoning regulations to be legalized while others are merely desired by the applicant. Any future development other than that which is currently permitted under Section 13 (one single detached dwelling) would require a Zoning By-law Amendment.

For example, the future proposed use of townhouses on the remnant lands (Part 3) will need Council to approve a site-specific Zoning By-law Amendment, Site Plan Agreement or Subdivision Agreement before the owner could obtain building permits for that use. Under section 34 of the *Planning Act*, rezoning applications must undergo statutory public meetings and land owners within 120 m will be notified. These approval processes will be dealt with separately and are not part of this consent application or part of the Committee of Adjustment's deliberations.

Agency & Public Comments

On September 2, 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:

- Hydro One (September 2, 2020)
 - No concerns.
- Bell Canada (September 2, 2020)
 - No concerns.
- Building Department (September 29, 2020)
 - No comments.
- Public Works Department (September 24, 2020)
 - See conditions.

Comments were received from neighbouring residents; most are summarized below and include a staff response. Other comments received but not mentioned below are outside the scope of this application and are either dealt with separately under the corresponding minor variance application *Recommendation Report* or excluded because they are associated with technical details based on a future use which the Town has not formally received via a *Planning Act* development application (Zoning By-law Amendment or Site Plan Approval). The land use permission for residential townhouses does not yet exist, (including the number of units, building orientation, street lighting, garbage / snow plow / drainage issues, visitor parking etc.). This severance application does not determine whether townhouses are permitted or not, nor is it possible for

Town Planning staff to answer these questions without a detailed development proposal to review. A legitimate proposal for townhouses will require a Zoning By-law Amendment and Site Plan Control application to be submitted, at a minimum, for Council to review and render a decision upon.

- 1) Lack of information & details about future proposed use of townhouses on Part 3, (i.e. number of units, size and height).
 - The developer has not applied for a Zoning By-law Amendment, Site Plan Approval, Draft Plan of Condominium or Subdivision approval to permit townhouses. This severance application, along with the concurrent minor variance applications are not the medium to contemplate the suggested future use of the remnant lands which are outside of the scope of the Committee of Adjustment.
- 2) Where will the private road be located on Part 3?
 - See comment # 1. There is no formal development plan provided on Part 3.
- 3) This should be a *Plan of Subdivision* application when building 10+ townhouses and two detached houses.
 - There are not 10 townhouses being proposed. At this time, there is only two concurrent severance applications being heard. No formal application for townhouses has been received to date, and if they are received, will be dealt with separately. See comment #1.
 - Policy D5.1 of the Pelham Official Plan states that *Plans of Subdivision shall generally be deemed necessary if:*
 - a) Establishing a new public road; or
 - b) The development is not considered to be infilling; or
 - c) A subdivision plan is required to ensure that the entire land holding is developed in an orderly and efficient manner; or
 - d) Three or more lots are being created.
- 4) The proposed application is premature without full details on Part 3.
 - The redevelopment of Part 3 (remnant lands) is a separate process under the *Planning Act* which will be dealt with via Council. In terms of Part 3, the Committee of Adjustment's focus is limited more towards ensuring there is appropriate street frontage, and land area available to support some form of efficient future development. It is Planning staff's opinion that the retained parcel (Part 3), is adequately sized and configured given its context to support future redevelopment in some capacity. However, there is no position taken with respect to the type, or number of units that may be developed in the future.
- 5) Proposed development is incompatible with the surrounding neighbourhood.
 - The proposed single detached residential land use is compatible because the land use is literally identical to the surrounding neighbourhood. Furthermore, the reduced lot size is marginal and will continue to provide rear yard amenity space, landscaped open space for stormwater management, ample off-street parking, and enhance the public realm through appropriate built form at the streetscape, subject to conditions.
- 6) Neighbouring property values will decrease.
 - There is no evidence to support this claim. Typically, when landowners reinvest in their property such as through (residential) redevelopment, adjacent properties tend to experience an increased valuation based on market comparables and economic forces.
- 7) Proposed frontages are not consistent with the neighbourhood.
 - The lot frontage is appropriate for the proposed development that would support a single residence and would not create any adverse neighbourhood impacts on its own merits.

- 8) Why was no *Environmental Impact Study (EIS)* conducted before removing trees on the subject lands?
 - The trees on the subject lands are not a designated *significant woodland*, therefore, an *EIS* is not required.
- 9) Were permits granted to remove the trees on the subject lands?
 - In the absence of a municipal tree cutting by-law, permits are not required to remove trees on private property.
- 10) Concerned about flooding, particularly on Steflar Street. Where will stormwater go?
 - A Grading & Drainage Plan is required as a condition of severance approval. Furthermore, at building permit, there is also another detailed Grading Plan required for approval. Any future development on Part 3 will also require a detailed Lot Grading & Drainage Plan.
- 11) Concerned about impacts to groundwater. The Town Official Plan requires a *Hydrological Assessment* and *EIS (Environmental Impact Study)* to be conducted to determine if the proposed development will negatively impact nature heritage features or ecological functions.
 - Most of Fonthill is designated as a *highly vulnerable aquifer* according to Schedule 'B1' of the Official Plan. Policy C5.2 of the Official Plan states that in an effort to protect, improve or restore the quality and quantity of rural resident's drinking water, major applications for site alteration or development outside of Fonthill and Fenwick may need to be supported by a *Hydrogeological or Hydrological Report*.
 - Policy C5.3 (Vulnerable Groundwater Areas) states that vulnerable groundwater areas in the Town which are susceptible to the risk of contamination or adverse impact due to hydrologic and hydrogeologic dynamics have been identified by the NPCA and are shown on Schedule B1 to this Official Plan. Where development and/or site alteration requires a planning approval, the Town, in consultation with the Region and NPCA may require the undertaking of a technical study to assess the risk of negative impacts on the aquifer. The scope of such a study will be determined through pre-consultation with the Town, the Region and NPCA and recommendations from such a study that are related to design or land use will be implemented through zoning or site plan control.
 - The Official Plan actually prohibits a variety of land uses which would could harm the vulnerable aquifer including storage of hazardous waste, organic soil conditioning sites, snow storage and disposal facilities and storage of other contaminants among other things.
 - The NPCA and Region did not have any concerns with respect to the highly vulnerable aquifer, nor did they require an *EIS* to be prepared. The Region and Town Engineering staff did outline a number of requirements for stormwater management.
 - Therefore, pursuant to subsections 53(2) and (3) and s. 2 of O. Reg 197/96, an *EIS* or *Hydrological Assessment* was not deemed to be required prescribed information.
- 12) If both the proposed lots are approved, Part 3 will be landlocked.
 - Part 3 will have 9.75 m of frontage which is not considered to be landlocked.
- 13) This development will set a precedent.
 - Every *Planning Act* development application is considered independently on its own merits.
- 14) If the Committee approves these two lots, will that infer any forthcoming townhouse proposal for approval?
 - No, the approval of two single detached residential lots does not mean the 3rd retained lot will receive approval for townhouse development. Any redevelopment of Part 3 will be considered separately and a Staff recommendation will be made to Council where a decision will be made exclusive of this process.
- 15) Why are the heights for the future houses not shown?

- Any permitted dwelling simply needs to comply with the default building height requirements of the Zoning By-law. The applicant is not seeking an increased building height. The Zoning By-law has a 10.5 m height limit which applies broadly across all residential zones throughout the Town of Pelham.
- 16) Why would the Town even consider these applications and not just reject them upon receipt?
- Pursuant to s. 45 of the *Planning Act*, the Town is statutorily obligated to process all applications it received and hold a hearing within 30 days of receiving a complete application.

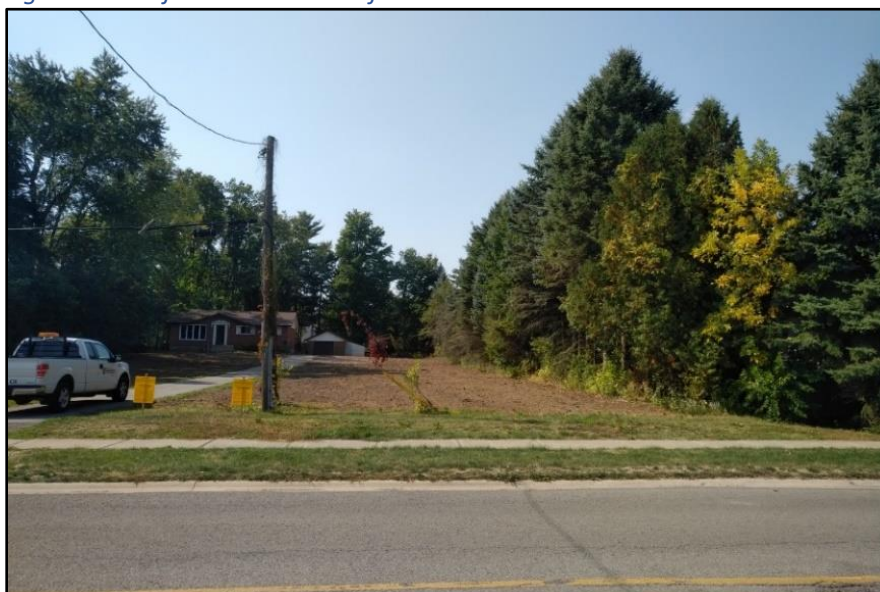
Planning Staff Comments

The subject application is for consent to partial mortgage discharge and to convey (sever) 533.81 m² of land (Part 2) for a single detached residential lot. 4,067 m² of land (Part 3) is proposed to be retained for future private lane townhouse development. The use of townhouses is not currently permitted and would need to be contemplated via Zoning By-law Amendment requiring a further public consultation through a statutory Public Meeting and Council approval.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 2, 2020 to discuss the subject application. In addition to the Consent Sketch, a *Planning Justification Brief* prepared by Upper Canada Consultants was also provided in support of the proposed development.

The subject lands are located on the west side of Line Avenue, lying north of Bacon Lane and are surrounded by single detached residences as well as a stormwater management facility to the northeast. Town staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood consists mainly of single detached residences built anywhere from the 1950's to the present. Towns staff are aware that the owner has proceeded to remove a large number of trees, predominantly on the eastern ½ of 1150 Line Avenue (see Figure 2).

Figure 2 – Subject Lands viewed from Line Avenue



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 land supply, where suitable to do so. The severance will not compromise the remnant lands ability to accommodate future housing opportunities, should that be proposed, because it is of a sufficient size, geometry and appropriate configuration. The proposed severance should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. The remnant lands will continue as a single detached residential lot until such time as the land owner explores alternative development options.

Again, it is noted that any future development on Part 3 besides one single detached dwelling will be subject to future *Planning Act* approvals, namely a Zoning By-law Amendment, and Site Plan Approval. Both of which will require Council approval, and the Zoning By-law Amendment will require further public circulation in accordance with the *Planning Act*.

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 consent file B8-2020P **be approved** subject to the following conditions:

THAT the applicant

- Obtain zoning approval on Part 2 for:
 - 'Minimum Lot Frontage' and 'Minimum Lot Area'.
- Obtain zoning approval on Part 3 for:
 - 'Minimum Lot Frontage'.
- Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
- Provide front dwelling *Elevation Plan(s)* that positively contribute 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. Said *Elevation Plans* shall be substantially unaltered from those at the time of building permit.
- In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, to the satisfaction of the Director of Community Planning & Development.
- Ensure all lots are serviced with, at a minimum, 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.

- Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots confirming no existing or proposed service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards are required after the installation of new services.
- Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The driveway entrance shall be located on the north side of the proposed lot. The applicant shall bear all costs associated with these works.
- Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.
- 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

Memorandum

Public Works Department - Engineering

DATE: September 30, 2020

TO: Curtis Thompson, Planner

CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works

FROM: Tolga Aydin, Engineering Technologist

RE: File B8/2020P
1150 Line Avenue Part 2

We have completed the review of the consent application B8/2020P for consent to partial discharge mortgage and to convey 533.81 square meters of land (Part 2) for a single detached dwelling. 4,067 square meters of land (Part 3) is to be retained for a private road and future development.

Upon this review, Public Works has the following comments;

1. The new lot (Part 2) and the remnant parcel (Part 3) are to be individually serviced a 20mm water and 125mm sanitary sewer lateral in accordance with Town of Pelham Engineering Standards. Installation of all new services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to consent and the applicant shall bear all costs associated with these works. Locate cards for the new services are to be provided to the Town once works are complete.
2. That the applicant submits a drawing that indicates the location of the existing individual water service and sanitary lateral for all lots to confirm no existing services branch from or through the proposed lots to other lands, and from or through the remnant parcel to other lands. Should the existing services to the property be determined to cross Part 2 in order to service the existing dwelling, the Applicant may be able to remove the services back to Property Line to service Part 2, provided the services are in good working order. The condition of the services shall be assessed by Town Staff.
3. That the applicant submits a comprehensive overall lot grading and drainage plan for all parcels to demonstrate that the drainage does not negatively impact

nor rely on neighbouring properties, to the satisfaction of the Director of Public Works or his designate.

4. That the applicant obtains a Driveway Entrance and Culvert Permit for the construction of all new or modification of existing driveways or entrances. Installation of entrances shall be in accordance with Town standards prior to consent and the applicant shall bear all costs associated with these works. If the applicant opts to use the existing driveway to service Part 2, a new access will still need to be created to service Part 3.

To: Sarah Leach

Cc: Curtis Thompson

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: September 29, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – October 6, 2020 Hearing

Comment for Re: File # A25/2020P & A26/2020P - 1150 Line Ave.

The building department offers the following comment,

- A building permit will be required for the proposed work.

Comment for Re: File # B7/2020P & B8/2020P - 1150 Line Ave.

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

To: Sarah Leach

Cc: Curtis Thompson

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: September 29, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
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The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

October 6, 2020

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

Re: Minor Variance Application A25-2020P
1150 Line Avenue, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 01600

The subject parcel, shown as Part 1 on the attached sketch, is located on the west side of Line Avenue, lying north of Bacon Lane, legally described above, in the Town of Pelham.

The subject land is zoned 'Residential 1' (R10 in accordance with Pelham Zoning By-law No. 2236 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 533 m², whereas 700 m² is required.
- ii. **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 15.2 m, whereas 19 m is required.
- iii. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 55%, whereas 30% is required.
- iv. **Section 13.2 (d) "Minimum Front Yard"** to permit a front yard of 6 m, whereas 7.7 m is required.
- v. **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.5 m, whereas 1.8 m is required.

Note: This application is being considered concurrent with consent files B7 & B8-2020P and minor variance file A26-2020P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

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 1.1.3.3 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 at least 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 minor variance application has been submitted to seek relief from some zoning provisions in order to legalize the proposed lot within the R1 zone regulations and to accommodate certain site-specific provisions for a future dwelling.

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 severance approval.

The proposed development seeks to increase the residential housing supply within the *Urban Settlement Area* boundary of Fonthill by adding one additional dwelling unit. 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. 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 and *intensification*.

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*.

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 proposed minor variance will facilitate the construction of one additional single detached dwelling on a large urban lot. 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 default R1 zone of the current Zoning By-law (1987).

The subject lands are located about 1,500 m from Downtown Fonthill, various other commercial uses along Highway 20 West and two public elementary schools.

The proposal will facilitate the construction of one new single detached dwelling on a very large 5,136 m² (1.3 acre) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Fonthill Village. The proposed dwelling will also help contribute towards the municipal property tax base which helps financially support the maintenance of linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

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.

Regional staff did not object, nor request to be circulated the proposed applications as the development aligns with Provincial and Regional policies. Any future development on Part 3 will require Regional involvement.

The proposed minor variance 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 dwelling, together with the required zoning by-law provisions are 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.

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.

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 construction of one new single detached dwelling. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses. The proposed lot is compatible in area, frontage and orientation with the neighbourhood.

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 are not identified symbolically as a 'Potential Intensification Area' according to Schedule 'A1'. They are located just over 100 metres from Merritt Road, being the closest collector 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 and the 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;
 - ✓ The proposed zoning seeks to legalize the R1 zone lot frontage and lot area deficiencies. It also seeks to reduce the front / side yard setbacks and increase the lot coverage.
 - ✓ There are no traffic and parking issues anticipated with this lot creation.
- 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 directly identical to 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 subject application has been filed to seek relief from certain performance standards of the R1 zone.
 - ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density and the proposed amendments to front / side yard setbacks and lot coverage are consistent with the neighbourhood character.
- 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.

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.

It is noted that the minor variance application seeks to legalize the minimum lot frontage and minimum lot area requirements of the default R1 zoning provisions to facilitate the proposed severance (B7-2020P). The other zoning relief sought for yard setbacks and lot coverage are optional as they relate to the severance approval. The proposed minor variance conforms with the Pelham Official Plan as it supports additional housing, appropriate lot geometry and urban design, good land use planning and is a compatible form of residential intensification in the Village of Fonthill.

Policy E1.5 states that in addition to the *Planning Act's four tests* considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief 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.

Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of 'need' or 'hardship' as a *fifth test* of a minor variance, the local Official Plan raises this matter. The agent has indicated that the reason it is not possible to comply with the zoning provisions is because that in order to provide for efficient land development consistent with current planning policies, certain zoning provisions need to be amended to facilitate additional housing growth.

Town Planning staff are of the opinion the proposed minor variance conforms to the local Official Plan as it helps enable some gentle intensification within an existing residential neighbourhood and does not conflict with any policies subject to demonstration of appropriate urban design and fulfillment of the proposed conditions of approval.

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.

The minor variance application seeks relief from:

- **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 533 m², whereas 700 m² is required.
- **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 15.2 m, whereas 19 m is required.
- **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 55%, whereas 30% is required.
- **Section 13.2 (d) "Minimum Front Yard"** to permit a front yard of 6 m, whereas 7.7 m is required.
- **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.5 m, whereas 1.8 m is required.

The resulting parcel configuration requires certain zoning regulations to be legalized while others are merely desired by the applicant. Only section 13.2 a) (minimum lot area) and 13.2 b) (minimum lot frontage) require zoning approval to facilitate the severance approval.

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 proposed reduced lot area and lot frontage are minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province. The reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage.</p> <p>Increasing the lot coverage beyond 30% is reasonable and practical given modern civil design and infrastructure standards. Given the local site context, including the proposed lot area, the proposed 55% coverage would yield a building footprint of 293 m² (or 3,155ft²). Planning staff are of the opinion this is a somewhat excessive effort to accommodate a larger gross floor area given the lot size, and considering most new dwellings include finished basements, effectively doubling the livable floor area, notwithstanding permitted 2nd storeys. Recognizing that some increased lot coverage is appropriate given the situation, a maximum lot coverage of 50% is recommended as being minor in nature.</p> <p>Reducing the front yard setback is objectively minor in nature as it will provide an opportunity to enhance the public realm and streetscape along Line Avenue by providing more street edge enclosure with the benefit of appropriate urban design and thoughtful building design. The reduced front yard setback will help maintain a consistent building alignment along Line Avenue with the existing houses, recognizing that the adjacent dwelling fronting Steflar Street to the north enjoys a Line Avenue (exterior) side yard setback of 5 m in accordance with the R1 Zone regulations. The front yard variance will maintain a desirable rear yard landscaped amenity area while still providing more design flexibility.</p> <p>Reducing the side yard setbacks in relation to the reduced parcel size can still comfortably accommodate a new dwelling. The rear yard amenity area complies with the default R1 zoning requirements. Subject to conditions, the side yard setback reduction will not induce any land use incompatibility concerns. The reduced side yard setbacks accord to the Ontario Building Code which often contemplates 1.2 m side yard setbacks as the industry practice. Regardless, a condition for clerestory windows has also been offered as a condition of approval for the north façade of the proposed dwelling to help eliminate any unwanted privacy</p>

	<p>overlook to the existing dwellings on the south side of Steflar Street.</p> <p>The first two proposed variances will facilitate the additional residential building lot to be created while the balance of requested provisions seek to accommodate a specific building design on a relatively smaller parcel of land (533 m²). The variances are considered minor in nature as no adverse impacts are anticipated from the requested variances. This is because the resulting built form is generally consistent with the existing neighbourhood from a land use, orientation and massing perspective and is considered an appropriately sensitive form of infill redevelopment.</p>
2. The variance is desirable for the development or use of the land.	<p>The variances to reduce the minimum lot area and lot frontage are desirable for the lands because it will allow for the creation of an additional residential building lot on a large, underutilized open space within the <i>delineated built boundary</i> of the Fonthill <i>urban settlement area</i>. The reduced lot size and lot frontage will be indistinguishable from surrounding residential lots. Planning staff are of the opinion that a variety of lot sizes are not inherently harmful to neighbourhood character, especially when contrasted to the potential for adverse impacts resulting from careless urban design and architectural practices.</p> <p>Though the proposed lot coverage increase is not required, some degree of increase is considered desirable in this instance because it will help facilitate a wider range of 1-storey (bungalow) house designs, (which would be challenging at the default 30% requirement). This requested permission may help alleviate privacy concerns to adjacent neighbours, which have been expressed about possible 2-storey dwellings. The increased lot coverage will help facilitate a larger building footprint / gross floor area for the new dwelling, which is in keeping with the large homes nearby, characteristic of the neighbourhood.</p> <p>Reducing the applicable building setbacks is desirable for the subject land because it will offer more design flexibility, help facilitate a more comparable building alignment along Line Avenue while still avoiding any negative impacts associated with its permission. The reduced side yard setbacks proposed continue to accord to that of the Ontario Building Code.</p> <p>Adequate open space amenity area remains for resident recreation and for stormwater drainage purposes. The proposed spatial separation between property lines is also consistent with</p>

	contemporary development standards and should not adversely impact the leisure and privacy of others.
3. The variance maintains the general intent and purpose of the Official Plan.	<p>The variances to reduce the minimum lot area and lot frontage maintain the policy intent of the Official Plan because they will allow for intensification of an existing neighbourhood within the <i>delineated built boundary</i>, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The underutilized open space proposed for redevelopment is proximate to many daily amenities necessary for residents such as shopping, schools and other <i>public service facilities</i>. The minor reduction in lot area and lot frontage will not negatively impact the character of the neighbourhood but instead help strengthen and diversify the housing stock. The variance will aid in the gentle intensification of existing <i>Urban Settlement Areas</i> (Policy A2.2.2).</p> <p>In Planning staff's opinion, the proposed increased lot coverage of 55% is not adequately justified nor is it compellingly warranted according to consideration of policy E1.5 of the Official Plan which discusses the requirement for applicants to demonstrate that the zoning provision is either not warranted, causes undue hardship, or is otherwise impossible to comply with. However, Planning staff recognize that some increase will continue to maintain the general intent of the Official Plan because it will still help facilitate compatible residential development through the use of large building footprints / gross floor areas characteristic of the neighbourhood. Respecting neighbourhood character is also one of the policy objectives of the local Official Plan.</p> <p>The proposed reduction in yard setbacks maintain the general intent of the Official Plan because it will help facilitate compatible residential development through the use of large(r) building footprints / gross floor areas given the reduced lot size, and compact urban development. The reduce yard setbacks will also help ensure the pedestrian-friendly policies of the Official Plan are upheld, particularly with respect to good urban design principles (i.e. visible front porches with less emphasis on the garage), and positive streetscape interfaces throughout the public realm.</p> <p>Planning staff are of the opinion that the amended zoning provisions, subject to conditions, will not compromise any policy objectives of the Official Plan. A modest adjustment in select performance standards on the subject lands are not foreseen to negatively impact the neighbourhood character with respect to urban design, drainage, privacy, and land use compatible built form. Instead, proper execution of these amended zoning</p>

	provisions should help enhance the neighbourhood over the long term.
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The variances seeking reductions of the minimum lot area and lot frontage provisions maintain the general intent of the Zoning By-law Plan because they will continue allowing for single detached residential dwellings in the low density R1 zone, albeit on a slightly smaller parcel. The proposed lot area and lot frontage are still in keeping with the surrounding neighbourhood. In Planning staff's opinion, adverse impacts associated with the proposed minor reductions in lot area and lot frontage appear to be very remote prospects and unlikely to be alleviated through the process of rezoning. On the contrary, a Zoning By-law Amendment application could quite possibly invite a denser housing form (i.e. multi-units), even less suited to the neighbouring homeowner's preferences than the current proposal, as an alternative development strategy.</p> <p>Planning staff are of the opinion that a lot coverage increase, if limited to a maximum of 50%, will not conflict with the general intent of the Zoning By-law because it will continue to allow for adequate landscaped amenity area, stormwater management, and relatively compatible building scales. The increased lot coverage offers more opportunity for the builder to explore 1-storey, bungalow style housing forms, as opposed to 2-storey buildings which has caused some angst among neighbours, particularly to the north.</p> <p>The proposed reduction in yard setbacks is less than what is required by By-law but still includes ample space for building maintenance purposes, spatial separations between uses and adequate open space amenity areas as the Zoning By-law was intended. The proposed front yard reduction actually better complements the existing streetscape alignment considering the existing building setback of 2 Stelfar Street flanking Line Avenue is closer to 5 m, pursuant to the R1 zoning regulations. However, Planning staff have suggested modifying the requested front yard setback to ensure that only the dwelling face (front wall) is included in the reduction, to avoid any unwanted dominance of overhead garage doors.</p> <p>Together, the proposed variances maintain 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.</p>

Agency & Public Comments

On September 2, 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 (September 29, 2020)
 - Building permit(s) will be required.
- Public Works Department (September 30, 2020)
 - No comments.

Comments were received from neighbouring residents; most are summarized below and include a staff response. Other comments received but not addressed below are outside the scope of this application and are either dealt with separately under the corresponding severance application *Recommendation Report* or excluded because they are associated with technical details based on a future use which the Town has not formally received in the form of a *Planning Act* development application (Zoning By-law Amendment or Site Plan Approval). The land use permission for residential townhouses does not yet exist, (including the number of units, building orientation, street lighting, garbage / snow plow / drainage issues, visitor parking etc.). This severance application does not determine whether townhouses are permitted or not, nor is it possible for Town Planning staff to answer these questions without a detailed development proposal to review. A legitimate proposal for townhouses will require a Zoning By-law Amendment and Site Plan Control application to be submitted, at a minimum, for Council to review and render a decision upon.

- 1) The proposed application is premature without full details on Part 3.
 - The redevelopment of Part 3 (remnant lands) is a separate process under the *Planning Act* which will be dealt with via Council. In terms of Part 3, the Committee of Adjustment's focus is limited more towards ensuring there is appropriate street frontage, and land area available to support some form of efficient future development. It is Planning staff's opinion that the retained parcel (Part 3), is adequately sized and configured given its context to support future redevelopment in some capacity. However, there is no position taken with respect to the type, or number of units that may be developed in the future.
- 2) Proposed development is incompatible with the surrounding neighbourhood.
 - The proposed single detached residential land use is compatible because the land use is literally identical to the surrounding neighbourhood. The reduced lot size is marginal overall and will continue to provide rear yard amenity space, landscaped open space for stormwater management, ample off-street parking, and enhance the public realm through appropriate built form at the streetscape, subject to conditions.
- 3) Neighbouring property values will decrease.
 - There is no evidence to support this claim. Typically, when landowners reinvest in their property such as through (residential) redevelopment, adjacent properties tend to experience an increased valuation based on market comparables and economic forces.
- 4) Proposed frontages are not consistent with the neighbourhood.
 - The lot frontage is appropriate for the proposed development that would support a single residence and would not create any adverse neighbourhood impacts on its own merits.

- 5) The proposed 1.5 m side yard setback is too little and may compromise existing fences.
 - If necessary, safeguards such as ‘shoring’ during excavation can be implemented to maintain the integrity of the ground on adjacent lands.
- 6) Why was no *Environmental Impact Study* conducted before removing trees on the subject lands.
 - The trees on the subject lands are not a designated *significant woodland*, therefore, an *EIS* is not required.
- 7) Were permits granted to remove the trees on the subject lands?
 - In the absence of a municipal tree cutting by-law, permits are not required to remove trees on private property.
- 8) Concerned about flooding, particularly on Steflar Street. Where will stormwater go?
 - A Grading & Drainage Plan is required as a condition of severance approval. Furthermore, at building permit, there is also another detailed Grading Plan required for approval. Any future development on Part 3 will also require a detailed Lot Grading & Drainage Plan.
- 9) Concerned about impacts to groundwater. The Town Official Plan requires a *Hydrological Assessment* and *EIS (Environmental Impact Study)* to be conducted to determine if the proposed development will negatively impact nature heritage features or ecological functions.
 - Most of Fonthill is designated as a *highly vulnerable aquifer* according to Schedule ‘B1’ of the Official Plan. Policy C5.2 of the Official Plan states that in an effort to protect, improve or restore the quality and quantity of rural resident’s drinking water, major applications for site alteration or development outside of Fonthill and Fenwick may need to be supported by a *Hydrogeological or Hydrological Report*.
 - Policy C5.3 (Vulnerable Groundwater Areas) states that vulnerable groundwater areas in the Town which are susceptible to the risk of contamination or adverse impact due to hydrologic and hydrogeologic dynamics have been identified by the NPCA and are shown on Schedule B1 to this Official Plan. Where development and/or site alteration requires a planning approval, the Town, in consultation with the Region and NPCA may require the undertaking of a technical study to assess the risk of negative impacts on the aquifer. The scope of such a study will be determined through pre-consultation with the Town, the Region and NPCA and recommendations from such a study that are related to design or land use will be implemented through zoning or site plan control.
 - The Official Plan actually prohibits a variety of land uses which would could harm the vulnerable aquifer including storage of hazardous waste, organic soil conditioning sites, snow storage and disposal facilities and storage of other contaminants among other things.
 - The NPCA and Region did not have any concerns with respect to the highly vulnerable aquifer, nor did they require an *EIS* to be prepared. The Region and Town Engineering staff did outline a number of requirements for stormwater management.
 - Therefore, pursuant to subsections 53(2) and (3) and s. 2 of O. Reg 197/96, an *EIS* or *Hydrological Assessment* was not deemed to be required prescribed information.
- 10) If both the proposed lots are approved, Part 3 will be landlocked.
 - Part 3 will have 9.75 m of frontage which is not considered to be landlocked.
- 11) Why have Zoning By-laws if they are not adhered to?
 - The Ontario *Planning Act* provides the statutory authority for variances (amendments) to municipal Zoning By-laws to be heard.
- 12) Is the Committee of Adjustment authorized to grant such a large number of individual variances and at such a numeric degree?

- Minor changes to the zoning of a property, particularly with respect to performance standards, are authorized pursuant to s. 45 of the *Planning Act*.
- In *Darling v. Brockville (City) Committee of Adjustment*,¹ the Ontario Municipal Board pronounced that:
The applicable test is not mathematical; the board neither counts the number of variances nor calculates the percentage of difference between each standard and what is proposed. The question is one of impact and, in particular, adverse impact.

13) Loss of privacy.

Figure 2 - Rendering of subject lands from 2 Steflar Street's rear yard (submitted by neighbour), with superimposition.



- The degree of neighbour discomfort associated with a proposed development's potential for intrusive overlook into other's private amenity area is always difficult to measure, qualify and subjective by nature. Distasteful window alignments and openings in close proximity to another rear yard amenity area (or dwelling) is discouraged.
 - Minor variance file A25/2020P seeks a reduction of the side yard building setback from 1.8m to 1.5 m. As per the Ontario Building Code, the closer a structure gets to a property line, the greater the restriction is in effect for the percentage of window openings permitted on that wall. It would seem that the developer would effectively, and voluntarily be limiting the number and size of permitted windows on the future west wall of the proposed house.
 - Regardless, Planning staff have recommended the condition for a wood board fence to be installed along the north lot line of Part 1 under severance application B7-2020P and a condition for only clerestory windows to be installed on the north façade of any future house on the subject lands.
- 14) Shadow impacts on existing houses to north.
- The requested side yard setback reduction from 1.8 m to 1.5 m (exclusively the northerly side yard) will impact the existing dwellings to the north. The gravity of the relief sought is exactly a 30 cm (1') reduction. The application also seeks to increase the maximum allowable lot coverage. The applicant has indicated an intention to construct a 1-storey (bungalow) which partly explains the requested increase of lot coverage.
- 15) This development will set a precedent.
- Every *Planning Act* development application is considered independently on its own merits.

¹ [1994] O.M.B.D. No. 1398, 31 O.M.B.R. 285 (O.M.B.).

- 16) If the Committee approves these two lots, will that infer any forthcoming townhouse proposal for approval?
- No, the approval of two single detached residential lots does not mean the 3rd retained lot will receive approval for townhouse development. Any redevelopment of Part 3 will be considered separately and a Staff recommendation will be made to Council where a decision will be made exclusive of this process.
- 17) Why are the heights for the future houses not shown?
- Any permitted dwelling simply needs to comply with the default building height requirements of the Zoning By-law. The applicant is not seeking an increased building height. The Zoning By-law has a 10.5 m height limit which applies broadly across all residential zones throughout the Town of Pelham.
- 18) Why would the Town even consider these applications and not just reject them upon receipt?
- Pursuant to s. 45 of the *Planning Act*, the Town is statutorily obligated to process all applications it received and hold a hearing within 30 days of receiving a complete application.

Planning Staff Comments

The proposed minor variance application seeks zoning relief from several R1 zoning regulations. Two (2) of which are required to facilitate the approval of the concurrent severance approval (B7/2020P) which are for minimum lot area and minimum lot frontage. The other three (3) zoning requests are merely desired by the applicant for design purposes, but are not technically required for the severance approval.

Planning staff have reviewed the *Planning Justification Brief* submitted by Upper Canada Consultants dated July 13, 2020, as well as reviewed all agency and public correspondence submitted to date.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 2, 2020 to discuss the subject application.

The subject lands are located on the west side of Line Avenue, lying north of Bacon Lane and are surrounded by single detached residences as well as a stormwater management facility to the northeast.

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood is currently dominated by single detached residential dwellings on fairly large lots.

It is a well-accepted planning principle that all communities have a role to play in helping to manage population growth. Obviously *designated greenfield* areas such as East Fonthill will handle the majority of new housing demand locally and are consequently held to a considerably higher standard of planned density. However, *built-up* neighbourhoods (properties with existing development) are anticipated, and expected, to also contribute towards Pelham's overall background household growth. The Town's current Official Plan recognizes the Region's previous 25-year growth allocation originally planned to 2031. Niagara Region is currently undergoing their legislated *Municipal Comprehensive Review* as part of the Regional Official Plan update. The updated household growth to 2041 which were recently updated to incorporate the 2016 Census data and to reflect policy targets of the 2017 Growth Plan now yields a residential intensification share of at least 25% for the Town of Pelham.

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 Official Plan is also vocal about ensuring neighbourhood character is appropriately considered within the decision making process and in keeping with the intent of the Zoning By-law. As a result, Planning staff have suggested a modification to two (2) of the requested variances. The first to limit the requested increase of maximum lot coverage and the second to limit the requested reduction of the minimum front yard setback to the dwelling face only. Excluding the garage from this reduction will help to ensure appropriate urban design be implemented via an architectural emphasis of the front porch helping to activate the public realm.

Planning staff have thoroughly read every piece of public correspondence which was supplied at the time of this report's writing. The comments are large but share many similar themes which were discussed in detail above. Some concerns are legitimately grounded in planning development such as change of neighbourhood character, loss of privacy / views / trees and concerns over possible impacts to the enjoyment of private rear yard amenity areas. Many other comments are outside of the scope of this application as they deal with the future proposed use of the remnant lands for residential townhouses. The landowner has not submitted any formal *Planning Act* development applications to permit such a use.

Again, it is noted that any future development on Part 3 besides one single detached dwelling will be subject to future *Planning Act* approvals, namely a Zoning By-law Amendment, and Site Plan Approval. Both of which will require Council approval, and the Zoning By-law Amendment will require further public circulation in accordance with the *Planning Act*.

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 A25-2020P **be granted** as follows, and subject to the conditions below:

Section 13. – Regulations for dwellings permitted in the R1 zone:

- | | | | |
|-------------------------------|----------------------|---|---------|
| a) Minimum Lot Area | 533 m ² | → | Approve |
| b) Minimum Lot Frontage | 15.2 m | → | Approve |
| c) Maximum Lot Coverage | 50 % | → | Approve |
| d) Minimum Front Yard | 6 m to dwelling face | → | Approve |
| | 7.7 m to garage | | |
| e) Minimum Interior Side Yard | 1.5 m | → | Approve |

THAT the applicant

- At the time of building permit, provide dwelling *Elevation Plans* that positively contribute 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., and if windows are proposed on the north façade, they shall be of clerestory style or similar, as applicable, 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

Memorandum

Public Works Department - Engineering

DATE: September 30, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File A25/2020P
1150 Line Avenue – Part 1

Public Works has completed a review of the minor variance application A25/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (a) Minimum Lot Area – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters;
- Section 13.2 (b) Minimum Lot Frontage - to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters;
- Section 13.2 (c) Maximum Lot Coverage – to permit a maximum lot coverage of 55% whereas the by-law permits 30%;
- Section 13.2 (d) Minimum Front Yard – to permit a minimum front yard of 6 meters whereas the by-law permits 7.7 meters; and
- Section 13.2 (e) Minimum Interior Side Yard – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters

Public Works has no comments.

October 6, 2020

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

Re: Minor Variance Application A26-2020P
1150 Line Avenue, Pelham
Part of Township Lot 177
Roll No. 2732 030 019 01600

The subject parcel, shown as Part 2 on the attached sketch, is located on the west side of Line Avenue, lying north of Bacon Lane, legally described above, in the Town of Pelham.

The subject land is zoned 'Residential 1' (R10 in accordance with Pelham Zoning By-law No. 2236 (1987), as amended. The minor variance application seeks relief from:

- i. **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 533 m², whereas 700 m² is required.
- ii. **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 15.2 m, whereas 19 m is required.
- iii. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 55%, whereas 30% is required.
- iv. **Section 13.2 (d) "Minimum Front Yard"** to permit a front yard of 6 m, whereas 7.7 m is required.
- v. **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.5 m, whereas 1.8 m is required.

Note: This application is being considered concurrent with consent files B7 & B8-2020P and minor variance file A25-2020P.

Applicable Planning Policies

Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

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 1.1.3.3 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 at least 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 minor variance application has been submitted to seek relief from some zoning provisions in order to legalize the proposed lot within the R1 zone regulations and to accommodate certain site-specific provisions for a future dwelling.

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 severance approval.

The proposed development seeks to increase the residential housing supply within the *Urban Settlement Area* boundary of Fonthill by adding one additional dwelling unit. 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. 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 and *intensification*.

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*.

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 proposed minor variance will facilitate the construction of one additional single detached dwelling on a large urban lot. 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 default R1 zone of the current Zoning By-law (1987).

The subject lands are located about 1,500 m from Downtown Fonthill, various other commercial uses along Highway 20 West and two public elementary schools.

The proposal will facilitate the construction of one new single detached dwelling on a very large 5,136 m² (1.3 acre) residential lot in a more compact form that helps reduce the amount of under-utilized *urban land* within the Fonthill Village. The proposed dwelling will also help contribute towards the municipal property tax base which helps financially support the maintenance of linear infrastructure and *public service facilities*. The existing water and sanitary sewer mains already extend along the frontage of the subject lands but would be better utilized with additional building connections.

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.

Regional staff did not object, nor request to be circulated the proposed applications as the development aligns with Provincial and Regional policies. Any future development on Part 3 will require Regional involvement.

The proposed minor variance 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 dwelling, together with the required zoning by-law provisions are 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.

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.

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 construction of one new single detached dwelling. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses. The proposed lot is compatible in area, frontage and orientation with the neighbourhood.

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 are not identified symbolically as a 'Potential Intensification Area' according to Schedule 'A1'. They are located just over 100 metres from Merritt Road, being the closest collector 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 and the 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;
 - ✓ The proposed zoning seeks to legalize the R1 zone lot frontage and lot area deficiencies. It also seeks to reduce the front / side yard setbacks and increase the lot coverage.
 - ✓ There are no traffic and parking issues anticipated with this lot creation.
- 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 directly identical to 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 subject application has been filed to seek relief from certain performance standards of the R1 zone.
 - ✓ Low density residential development within an existing low density residential neighbourhood is a compatible level of density and the proposed amendments to front / side yard setbacks and lot coverage are consistent with the neighbourhood character.
- 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.

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.

It is noted that the minor variance application seeks to legalize the minimum lot frontage and minimum lot area requirements of the default R1 zoning provisions to facilitate the proposed severance (B7-2020P). The other zoning relief sought for yard setbacks and lot coverage are optional as they relate to the severance approval. The proposed minor variance conforms with the Pelham Official Plan as it supports additional housing, appropriate lot geometry and urban design, good land use planning and is a compatible form of residential intensification in the Village of Fonthill.

Policy E1.5 states that in addition to the *Planning Act's four tests* considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief 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.

Although the *Planning Act*, and Provincial planning case law does not recognize the demonstration of 'need' or 'hardship' as a *fifth test* of a minor variance, the local Official Plan raises this matter. The agent has indicated that the reason it is not possible to comply with the zoning provisions is because that in order to provide for efficient land development consistent with current planning policies, certain zoning provisions need to be amended to facilitate additional housing growth.

Town Planning staff are of the opinion the proposed minor variances conforms to the local Official Plan as it helps enable some gentle intensification within an existing residential neighbourhood and does not conflict with any policies subject to demonstration of appropriate urban design and fulfillment of the proposed conditions of approval.

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.

The minor variance application seeks relief from:

- **Section 13.2 (a) "Minimum Lot Area"** to permit a lot area of 533 m², whereas 700 m² is required.
- **Section 13.2 (b) "Minimum Lot Frontage"** to permit a lot frontage of 15.2 m, whereas 19 m is required.
- **Section 13.2 (c) "Maximum Lot Coverage"** to permit a lot coverage of 55%, whereas 30% is required.
- **Section 13.2 (d) "Minimum Front Yard"** to permit a front yard of 6 m, whereas 7.7 m is required.
- **Section 13.2 (e) "Minimum Interior Side Yard"** to permit an interior side yard of 1.5 m, whereas 1.8 m is required.

The resulting parcel configuration requires certain zoning regulations to be legalized while others are merely desired by the applicant. Only section 13.2 a) (minimum lot area) and 13.2 b) (minimum lot frontage) require zoning approval to facilitate the severance approval.

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 proposed reduced lot area and lot frontage are minor in nature given the surrounding area; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province. The reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage.</p> <p>Increasing the lot coverage beyond 30% is reasonable and practical given modern civil design and infrastructure standards. Given the local site context, including the proposed lot area, the proposed 55% coverage would yield a building footprint of 293 m² (or 3,155ft²). Planning staff are of the opinion this is a somewhat excessive effort to accommodate a larger gross floor area given the lot size, and considering most new dwellings include finished basements, effectively doubling the livable floor area, notwithstanding permitted 2nd storeys. Recognizing that some increased lot coverage is appropriate given the situation, a maximum lot coverage of 50% is recommended as being minor in nature.</p> <p>Reducing the front yard setback is objectively minor in nature as it will provide an opportunity to enhance the public realm and streetscape along Line Avenue by providing more street edge enclosure with the benefit of appropriate urban design and thoughtful building design. The reduced front yard setback will help maintain a consistent building alignment along Line Avenue with the existing houses, recognizing that the adjacent dwelling fronting Steflar Street to the north enjoys a Line Avenue (exterior) side yard setback of 5 m in accordance with the R1 Zone regulations. The front yard variance will maintain a desirable rear yard landscaped amenity area while still providing more design flexibility.</p> <p>Reducing the side yard setbacks in relation to the reduced parcel size can still comfortably accommodate a new dwelling. The rear yard amenity area complies with the default R1 zoning requirements. The side yard setback reduction will not induce any land use incompatibility concerns. The reduced side yard setbacks accord to the Ontario Building Code which often contemplates 1.2 m side yard setbacks as the industry practice.</p> <p>The first two proposed variances will facilitate the additional residential building lot to be created while the balance of</p>

	<p>requested provisions seek to accommodate a specific building design on a relatively smaller parcel of land (533 m²). The variances are considered minor in nature as no adverse impacts are anticipated from the requested variances. This is because the resulting built form is generally consistent with the existing neighbourhood from a land use, orientation and massing perspective and is considered an appropriately sensitive form of infill redevelopment.</p>
<p>2. The variance is desirable for the development or use of the land.</p>	<p>The variances to reduce the minimum lot area and lot frontage are desirable for the lands because it will allow for the creation of an additional residential building lot on a large, underutilized open space within the <i>delineated built boundary</i> of the Fonthill <i>urban settlement area</i>. The reduced lot size and lot frontage will be indistinguishable from surrounding residential lots. Planning staff are of the opinion that a variety of lot sizes are not inherently harmful to neighbourhood character, especially when contrasted to the potential for adverse impacts resulting from careless urban design and architectural practices.</p> <p>Though the proposed lot coverage increase is not required, some degree of increase is considered desirable in this instance because it will help facilitate a wider range of 1-storey (bungalow) house designs, (which would be challenging at the default 30% requirement). This requested permission may help alleviate privacy concerns to adjacent neighbours, which have been expressed about possible 2-storey dwellings. The increased lot coverage will help facilitate a larger building footprint / gross floor area for the new dwelling, which is in keeping with the large homes nearby, characteristic of the neighbourhood.</p> <p>Reducing the applicable building setbacks is desirable for the subject land because it will offer more design flexibility, help facilitate a more comparable building alignment along Line Avenue while still avoiding any negative impacts associated with its permission. The reduced side yard setbacks proposed continue to accord to that of the Ontario Building Code.</p> <p>Adequate open space amenity area remains for resident recreation and for stormwater drainage purposes. The proposed spatial separation between property lines is also consistent with contemporary development standards and should not adversely impact the leisure and privacy of others.</p>
<p>3. The variance maintains the general intent and purpose of the Official Plan.</p>	<p>The variances to reduce the minimum lot area and lot frontage maintain the policy intent of the Official Plan because they will allow for intensification of an existing neighbourhood within the <i>delineated built boundary</i>, add to the housing supply, support</p>

	<p>existing infrastructure maintenance and make more efficient use of a large existing residential lot. The underutilized open space proposed for redevelopment is proximate to many daily amenities necessary for residents such as shopping, schools and other <i>public service facilities</i>. The minor reduction in lot area and lot frontage will not negatively impact the character of the neighbourhood but instead help strengthen and diversify the housing stock. The variance will aid in the gentle intensification of existing <i>Urban Settlement Areas</i> (Policy A2.2.2).</p> <p>In Planning staff's opinion, the proposed increased lot coverage of 55% is not adequately justified nor is it compellingly warranted in consideration of policy E1.5 of the Official Plan which discusses the requirement for applicants to demonstrate that the zoning provision is either not warranted, causes undue hardship, or is otherwise impossible to comply with. However, Planning staff recognize that some increase will continue to maintain the general intent of the Official Plan because it will still help facilitate compatible residential development through the use of large building footprints / gross floor areas characteristic of the neighbourhood. Respecting neighbourhood character is also one of the policy objectives of the local Official Plan.</p> <p>The proposed reduction in yard setbacks maintain the general intent of the Official Plan because it will help facilitate compatible residential development through the use of large(r) building footprints / gross floor areas given the reduced lot size, and compact urban development. The reduce yard setbacks will also help ensure the pedestrian-friendly policies of the Official Plan are upheld, particularly with respect to good urban design principles (i.e. visible front porches with less emphasis on the garage), and positive streetscape interfaces throughout the public realm.</p> <p>Planning staff are of the opinion that the amended zoning provisions, subject to conditions, will not compromise any policy objectives of the Official Plan. A modest adjustment in select performance standards on the subject lands are not foreseen to negatively impact the neighbourhood character with respect to urban design, drainage, privacy, and land use compatible built form. Instead, proper execution of these amended zoning provisions should help enhance the neighbourhood over the long term.</p>
4. The variance maintains the general intent and purpose of the Zoning By-law.	<p>The variances seeking reductions of the minimum lot area and lot frontage provisions maintain the general intent of the Zoning By-law Plan because they will continue allowing for single detached residential dwellings in the low density R1 zone, albeit on a slightly</p>

	<p>smaller parcel. The proposed lot area and lot frontage are still in keeping with the surrounding neighbourhood. In Planning staff's opinion, adverse impacts associated with the proposed minor reductions in lot area and lot frontage appear to be very remote prospects and unlikely to be alleviated through the process of rezoning. On the contrary, a Zoning By-law Amendment application could quite possibly invite a denser housing form (i.e. multi-units), perhaps less suited to the neighbouring homeowner's preferences than the current proposal, as an alternative development strategy.</p> <p>Planning staff are of the opinion that a lot coverage increase, if limited to a maximum of 50%, will not conflict with the general intent of the Zoning By-law because it will continue to allow for adequate landscaped amenity area, stormwater management, and relatively compatible building scales. The increased lot coverage offers more opportunity for the builder to explore 1-storey, bungalow style housing forms, as opposed to 2-storey buildings which has caused some angst among neighbours, particularly to the north.</p> <p>The proposed reduction in yard setbacks is less than what is required by By-law but still includes ample space for building maintenance purposes, spatial separations between uses and adequate open space amenity areas as the Zoning By-law was intended. The proposed front yard reduction actually better complements the existing streetscape alignment considering the existing building setback of 2 Stelfar Street flanking Line Avenue is closer to 5 m, pursuant to the R1 zoning regulations. However, Planning staff have suggested modifying the requested front yard setback to ensure that only the dwelling face (front wall) is included in the reduction, to avoid any unwanted dominance of overhead garage doors.</p> <p>Together, the proposed variances maintain 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.</p>
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Agency & Public Comments

On September 2, 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 (September 29, 2020)
 - Building permit(s) will be required.
- Public Works Department (September 30, 2020)
 - No comments.

Comments were received from neighbouring residents; most are summarized below and include a staff response. Other comments received but not addressed below are outside the scope of this application and are either dealt with separately under the corresponding severance application *Recommendation Report* or excluded because they are associated with technical details based on a future use which the Town has not formally received in the form of a *Planning Act* development application (Zoning By-law Amendment or Site Plan Approval). The land use permission for residential townhouses does not yet exist, (including the number of units, building orientation, street lighting, garbage / snow plow / drainage issues, visitor parking etc.). This severance application does not determine whether townhouses are permitted or not, nor is it possible for Town Planning staff to answer these questions without a detailed development proposal to review. A legitimate proposal for townhouses will require a Zoning By-law Amendment and Site Plan Control application to be submitted, at a minimum, for Council to review and render a decision upon.

- 1) The proposed application is premature without full details on Part 3.
 - The redevelopment of Part 3 (remnant lands) is a separate process under the *Planning Act* which will be dealt with via Council. In terms of Part 3, the Committee of Adjustment's focus is limited more towards ensuring there is appropriate street frontage, and land area available to support some form of efficient future development. It is Planning staff's opinion that the retained parcel (Part 3), is adequately sized and configured given its context to support future redevelopment in some capacity. However, there is no position taken with respect to the type, or number of units that may be developed in the future.
- 2) Proposed development is incompatible with the surrounding neighbourhood.
 - The proposed single detached residential land use is compatible because the land use is literally identical to the surrounding neighbourhood. The reduced lot size is marginal overall and will continue to provide rear yard amenity space, landscaped open space for stormwater management, ample off-street parking, and enhance the public realm through appropriate built form at the streetscape, subject to conditions.
- 3) Neighbouring property values will decrease.
 - There is no evidence to support this claim. Typically, when landowners reinvest in their property such as through (residential) redevelopment, adjacent properties tend to experience an increased valuation based on market comparables and economic forces.
- 4) Proposed frontages are not consistent with the neighbourhood.
 - The lot frontage is appropriate for the proposed development that would support a single residence and would not create any adverse neighbourhood impacts on its own merits.
- 5) Why was no *Environmental Impact Study* conducted before removing trees on the subject lands.
 - The trees on the subject lands are not a designated *significant woodland*, therefore, an *EIS* is not required.
- 6) Were permits granted to remove the trees on the subject lands?
 - In the absence of a municipal tree cutting by-law, permits are not required to remove trees on private property.
- 7) Concerned about flooding, particularly on Steflar Street. Where will stormwater go?

- A Grading & Drainage Plan is required as a condition of severance approval. Furthermore, at building permit, there is also another detailed Grading Plan required for approval. Any future development on Part 3 will also require a detailed Lot Grading & Drainage Plan.
- 8) Concerned about impacts to groundwater. The Town Official Plan requires a *Hydrological Assessment* and *EIS (Environmental Impact Study)* to be conducted to determine if the proposed development will negatively impact nature heritage features or ecological functions.
 - Most of Fonthill is designated as a *highly vulnerable aquifer* according to Schedule 'B1' of the Official Plan. Policy C5.2 of the Official Plan states that in an effort to protect, improve or restore the quality and quantity of rural resident's drinking water, major applications for site alteration or development outside of Fonthill and Fenwick may need to be supported by a *Hydrogeological or Hydrological Report*.
 - Policy C5.3 (Vulnerable Groundwater Areas) states that vulnerable groundwater areas in the Town which are susceptible to the risk of contamination or adverse impact due to hydrologic and hydrogeologic dynamics have been identified by the NPCA and are shown on Schedule B1 to this Official Plan. Where development and/or site alteration requires a planning approval, the Town, in consultation with the Region and NPCA may require the undertaking of a technical study to assess the risk of negative impacts on the aquifer. The scope of such a study will be determined through pre-consultation with the Town, the Region and NPCA and recommendations from such a study that are related to design or land use will be implemented through zoning or site plan control.
 - The Official Plan actually prohibits a variety of land uses which would could harm the vulnerable aquifer including storage of hazardous waste, organic soil conditioning sites, snow storage and disposal facilities and storage of other contaminants among other things.
 - The NPCA and Region did not have any concerns with respect to the highly vulnerable aquifer, nor did they require an EIS to be prepared. The Region and Town Engineering staff did outline a number of requirements for stormwater management.
 - Therefore, pursuant to subsections 53(2) and (3) and s. 2 of O. Reg 197/96, an *EIS* or *Hydrological Assessment* was not deemed to be required prescribed information.
- 9) If both the proposed lots are approved, Part 3 will be landlocked.
 - Part 3 will have 9.75 m of frontage which is not considered to be landlocked.
- 10) Why have Zoning By-laws if they are not adhered to?
 - The Ontario *Planning Act* provides the statutory authority for variances (amendments) to municipal Zoning By-laws to be heard.
- 11) Is the Committee of Adjustment authorized to grant such a large number of individual variances and at such a numeric degree?
 - Minor changes to the zoning of a property, particularly with respect to performance standards, are authorized pursuant to s. 45 of the *Planning Act*.
 - In *Darling v. Brockville (City) Committee of Adjustment*,¹ the Ontario Municipal Board pronounced that:
 The applicable test is not mathematical; the board neither counts the number of variances nor calculates the percentage of difference between each standard and what is proposed.
 The question is one of impact and, in particular, adverse impact.
- 12) This development will set a precedent.
 - Every *Planning Act* development application is considered independently on its own merits.

¹ [1994] O.M.B.D. No. 1398, 31 O.M.B.R. 285 (O.M.B.).

- 13) If the Committee approves these two lots, will that infer any forthcoming townhouse proposal for approval?
- No, the approval of two single detached residential lots does not mean the 3rd retained lot will receive approval for townhouse development. Any redevelopment of Part 3 will be considered separately and a Staff recommendation will be made to Council where a decision will be made exclusive of this process.
- 14) Why are the heights for the future houses not shown?
- Any permitted dwelling simply needs to comply with the default building height requirements of the Zoning By-law. The applicant is not seeking an increased building height. The Zoning By-law has a 10.5 m height limit which applies broadly across all residential zones throughout the Town of Pelham.
- 15) Why would the Town even consider these applications and not just reject them upon receipt?
- Pursuant to s. 45 of the *Planning Act*, the Town is statutorily obligated to process all applications it received and hold a hearing within 30 days of receiving a complete application.

Planning Staff Comments

The proposed minor variance application seeks zoning relief from several R1 zoning regulations. Two (2) of which are required to facilitate the approval of the concurrent severance approval (B7/2020P) which are for minimum lot area and minimum lot frontage. The other three (3) zoning requests are merely desired by the applicant for design purposes, but are not technically required for the severance approval.

Planning staff have reviewed the *Planning Justification Brief* submitted by Upper Canada Consultants dated July 13, 2020, as well as reviewed all agency and public correspondence submitted to date.

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 2, 2020 to discuss the subject application.

The subject lands are located on the west side of Line Avenue, lying north of Bacon Lane and are surrounded by single detached residences as well as a stormwater management facility to the northeast.

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood is currently dominated by single detached residential dwellings on fairly large lots.

It is a well-accepted planning principle that all communities have a role to play in helping to manage population growth. Obviously *designated greenfield* areas such as East Fonthill will handle the majority of new housing demand locally and are consequently held to a considerably higher standard of planned density. However, *built-up* neighbourhoods (properties with existing development) are anticipated, and expected, to also contribute towards Pelham's overall background household growth. The Town's current Official Plan recognizes the Region's previous 25-year growth allocation originally planned to 2031. Niagara Region is currently undergoing their legislated *Municipal Comprehensive Review* as part of the Regional Official Plan update. The updated household growth to 2041 which were recently updated to incorporate the 2016 Census data and to reflect policy targets of the 2017 Growth Plan now yields a residential intensification share of at least 25% for the Town of Pelham.

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 Official Plan is also vocal about ensuring neighbourhood character is appropriately considered within the decision making process and in keeping with the intent of the Zoning By-law. As a result, Planning staff have suggested a modification to two (2) of the requested variances. The first to limit the requested increase of maximum lot coverage and the second to limit the requested reduction of the minimum front yard setback to the dwelling face only. Excluding the garage from this reduction will help to ensure appropriate urban design be implemented via an architectural emphasis of the front porch helping to activate the public realm.

Planning staff have thoroughly read every piece of public correspondence which was supplied at the time of this report's writing. The comments are large but share many similar themes which were discussed in detail above. Some concerns are legitimately grounded in planning development such as change of neighbourhood character, loss of trees and concerns over possible impacts to the enjoyment of private rear yard amenity areas. Many other comments are outside of the scope of this application as they deal with the future proposed use of the remnant lands for residential townhouses. The landowner has not submitted any formal *Planning Act* development applications to permit such a use.

Again, it is noted that any future development on Part 3 besides one single detached dwelling will be subject to future *Planning Act* approvals, namely a Zoning By-law Amendment, and Site Plan Approval. Both of which will require Council approval, and the Zoning By-law Amendment will require further public circulation in accordance with the *Planning Act*.

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 A26-2020P **be granted** as follows, and subject to the conditions below:

Section 13. – Regulations for dwellings permitted in the R1 zone:

- | | | | |
|-------------------------------|----------------------|---|---------|
| a) Minimum Lot Area | 533 m ² | → | Approve |
| b) Minimum Lot Frontage | 15.2 m | → | Approve |
| c) Maximum Lot Coverage | 50 % | → | Approve |
| d) Minimum Front Yard | 6 m to dwelling face | → | Approve |
| | 7.7 m to garage | | |
| e) Minimum Interior Side Yard | 1.5 m | → | Approve |

THAT the applicant

- At the time of building permit, provide dwelling *Elevation Plans* that positively contribute 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

Memorandum

Public Works Department - Engineering

DATE: September 30, 2020
TO: Curtis Thompson, Planner
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works
FROM: Tolga Aydin, Engineering Technologist
RE: File A26/2020P
1150 Line Avenue – Part 2

Public Works has completed a review of the minor variance application A26/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 13.2 (a) Minimum Lot Area – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters;
- Section 13.2 (b) Minimum Lot Frontage - to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters;
- Section 13.2 (c) Maximum Lot Coverage – to permit a maximum lot coverage of 55% whereas the by-law permits 30%;
- Section 13.2 (d) Minimum Front Yard – to permit a minimum front yard of 6 meters whereas the by-law permits 7.7 meters; and
- Section 13.2 (e) Minimum Interior Side Yard – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters

Public Works has no comments.

To: Sarah Leach

Cc: Curtis Thompson

From: Dave Christensen, Building Intake/Zoning Technician
Community Planning & Development

Date: September 29, 2020

Subject: Building Comments on Applications to the Committee of Adjustment for
Consents/Minor Variances – October 6, 2020 Hearing

Comment for Re: File # A25/2020P & A26/2020P - 1150 Line Ave.

The building department offers the following comment,

- A building permit will be required for the proposed work.

Comment for Re: File # B7/2020P & B8/2020P - 1150 Line Ave.

The building department offers the following comment,

- No comment

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca