

November 3, 2020

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

Re: Minor Variance Application A27/2020P
571 Roland Road, Pelham
Concession 2, Part of Lot 11 and Part 1 on RP 59R-591
Roll No. 2732 010 007 10400

The subject land is located on the north side of Roland Road, lying east of Cream Street, legally described above, and known locally as 571 Roland Road in the Town of Pelham.

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- i. **Section 7.4 (d) "Minimum Front Yard"** seeking 8.7 m, whereas 13 m is required, to both recognize the existing *legal non-complying* dwelling and to permit a new covered porch.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Prime Agricultural Area' according to the PPS. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Greenbelt Plan (2017)

The subject land is designated 'Tender Fruit & Grape Lands' (*Specialty Crop Area*) within the Greenbelt Plan's *Protected Countryside*.

Section 3.1.2 (Specialty Crop Area Policies) states that for lands falling within *specialty crop areas* of the *Protected Countryside* all types, sizes and intensities of agricultural uses and *normal farm practices* shall be promoted and protected.

The proposed residential addition is small in scale and does not compromise the ability for the subject land to be farmed.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject parcel as 'Protected Countryside' and 'Unique Agricultural Area'.

Policy 5.B.6 states single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

Policy 10.C.2.1.13 states that *development* and *site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

The proposed covered porch is situated within 2.3 m of the existing house foundation which is reasonable to assume has been significantly disturbed from the home's construction in the early 1900s.

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 parcel as 'Specialty Agricultural'. The purpose of this designation is to implement the Greenbelt Plan and recognize the importance of specialty croplands. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Policy A2.1.2 states the objective of the Official Plan is to make planning decisions that consider the health and integrity of the broader landscape as well as long term cumulative impacts on the ecosystem. Planning decisions should also restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.

Policy D4.3 Archaeological Resources – states that Council recognizes that there are archaeological remnants of pre-contact and early historic habitation as well as archaeological potential areas within the Town. Council shall require archaeological assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial guidelines, requirements and protocols.

Based on the Town's Heritage Master Plan, the subject lands are identified as having high potential for deeply buried archaeological material. This is likely a result of its proximity to a historic transportation route. Considering the proposed covered porch extends no further than approximately 2 m from the original dwelling's foundation, Town staff are comfortable waiving the requirement for an archaeological evaluation with the reasonable expectation that these lands have been significantly disturbed.

The proposed development application was accompanied by a Site Plan prepared by an *Ontario Land Surveyor*, constructions plans and building Elevation Plans. The Region of Niagara, whom is responsible for reviewing private sewage servicing on all rural properties has advised that they have no objections. Planning staff are of the opinion the proposed variance will conform to the Official Plan.

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

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- ii. **Section 7.4 (d) "Minimum Front Yard"** seeking 8.7 m, whereas 13 m is required, to both recognize the existing *legal non-complying* dwelling and to permit a new covered porch.

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.	The reduction of the minimum front yard setbacks is minor overall because it will help to improve the Roland Road streetscape by enhancing the traditional architectural design of the early 20 th century brick dwelling. The proposed covered porch is an appropriate development for a dwelling which currently lacks a practical front porch and amenity area.
2. The variance is desirable for the development or use of the land.	The reduction of the minimum front yard setback is desirable because it will allow for improved living arrangements and usage of the existing <i>legal non-complying</i> dwelling with a covered front amenity area. The proposed addition will also help improve the Roland Road public streetscape through enhanced architectural design.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance maintains the general purpose and intent of the Official Plan because it does not compromise the rural character of the neighbourhood, nor does it prevent the ability for the site from being adequately serviced with a private septic system. The rural community character will be maintained, the use is permitted, and no adverse impacts are anticipated regarding water quality, hydrogeology and stormwater runoff.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance maintains the general intent of the Zoning By-law because the requested setback reduction recognizes the existing <i>legal non-complying</i> dwelling and allows for the logical, and appropriate extension of the dwelling while still maintaining adequate setbacks from the travelled roadway, and usable land for the private sewage system.

Agency & Public Comments

On October 8, 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:

- Niagara Peninsula Conservation Authority (October 21, 2020).
 - No objections.
- Niagara Region (October 20, 2020)
 - No objections.
- Building Department (October 26, 2020)
 - Building permit(s) are required.
- Public Works Department (October 23, 2020)
 - No comments.

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

Planning Staff Comments

The subject lands are located on the north side of Roland Road, lying east of Cream Street. The property is surrounded by agricultural farms and rural residential dwellings. A Pre-Consultation meeting was held with the applicants, Town staff and NPCA staff on August 6th 2020 to discuss the subject application and requirements for a complete submission.

The proposed minor variance application seeks zoning relief to recognize the existing *legal non-complying* front yard setback of the original dwelling and to allow for a reduced front yard setback to facilitate a new covered porch. The applicant has also advised that in the past, there used to be a more substantial covered porch which was removed.

Town Planning staff are of the opinion the proposed covered wrap-around porch is a logical, and rather efficient enhancement of the existing dwelling in order to gain additional amenity area and improve use of the property.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate rural residential development and streetscape design. The proposed minor variances should not negatively impact the surrounding land uses with regards to land use incompatibility, privacy and storm water runoff.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Given this analysis, Planning staff recommend that minor variance file A27/2020P **be approved**.

Prepared by,



Curtis Thompson, B.URPI
Planner

Approved by,



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