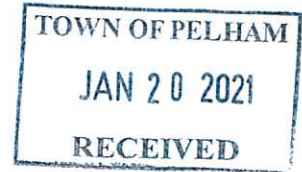


17 January 2021



Re: Objection Letter for Proposed Rezoning of 1522 Pelham St.

Dear Council Members,

We are writing to express our strong opposition to file number AM-10-20, the proposed rezoning at 1522 Pelham Street from GC (General Commercial) to a site-specific GC (General Commercial) zone. As honorable members of the council, you are well aware of the purpose and function of zoning bylaws. A zoning bylaw implements the objectives and policies of a municipality's official plan and provides a legal way of managing land use and development. The current zoning of 1522 Pelham Street is consistent with the current official plan and the Provincial Policy Statement (PPS). There is no need to approve a rezoning. The proposed rezoning is objectionable on the following grounds.

1. Compatibility with adjacent lands: Urban Design Guidelines for Downtown Fonthill have been fixed in Policy B1.2.4.3 of the Official Plan. Specifically, the policy indicates that the maximum building height along Pelham St. shall be three storeys. It is obvious the adjacent buildings are limited to three storeys. The adjacent buildings are uniform in regard to scale and spacing. The proposed development is not compatible with existing homes in the neighborhood with respect to size, height, lot coverage, floor area and sensitive issues such as privacy and parking. The proposed development will be detrimental to the streetscape and character of the neighborhood. Such factors need to be seriously considered by the Council Members. The LPAT has upheld the need for new developments to be compatible and respect the established physical character of the neighborhood. Specifically, the LPAT has noted that 'proposed developments which may be considered: out of scale, out of character; inappropriate; destabilizing the character of the neighborhood; a break in the pattern or continuity of the street; insensitive; visually incongruous or detrimental to the streetscape, should be discouraged and objected to.' All these terms have been employed by LPAT members. Driving down Pelham Street or streetscape photos highlight the lack of consistency and compatibility for this proposed oversized development. The proposed rezoning and accompany regulations including but not limited to, the lot coverage, gross floor area, parking, planting strip and height lack compatibility and consistency with the neighborhood. Retaining the current zoning is appropriate.
2. Suitability of the land: The proposed rezoning may have an adverse affect on the area. The proposed rezoning may adversely affect the area as the land is not suitable for a larger building. This development may lead to additional noise and traffic. This is concerning as street parking on Pelham St. is limited. In addition, Pelham St. is only a

two-lane road. Larger residential and commercial structures will result in more occupants. It is highly probable the current zoning took traffic into account. The proposed rezoning does not address the future traffic flows and possible negative impact on traffic on Pelham St. The proposed rezoning represents an over intensification of a stable, low density neighborhood, putting strain on an under-sized road. The increase in density is not compatible with the surrounding neighborhood.

Another primary issue is related to the loss of sunlight, privacy, views, spacing and openness which can be adversely affected by the mass, height and bulk of the proposed development. The proposed overbuilding may cause a degree of discomfort related to a sense of being exposed. Specifically, visual intrusion in the form of views into windows, overviews of gardens and outdoor private family areas may negatively affect the neighborhood. While, there is no legal right in Ontario to sunlight, privacy or views, due consideration 'to whether a proposed obstruction to such long established amenities is of such a magnitude as to cause an unacceptable adverse impact upon the neighborhood to the point where the intent and purpose of the zoning by-law is not maintained' needs to be evaluated. Retaining the current zoning is appropriate.

3. Lack of need for zone change: The current zoning is consistent with the comprehensive plan for the area. There is no need for a zone change. There has been no substantial change in circumstances and there was no mistake made when the property was originally zoned. There is sufficient land elsewhere within Fonthill and Fenwick for residential use including higher density residential use. These alternative lands are sufficient to accommodate any projected housing growth in Fonthill. An applicant's wish to develop a specific piece of property is not enough to justify a zone change especially, since there is no need to rezone the neighborhood. The current zoning is appropriate for the current needs of the neighborhood. It is obvious, the applicant believes the rezoning is desirable but consideration must be given to many factors including planning principles and existing patterns of development. In examining the rezoning application, necessity is imperative. We are not against development of the area but are in favor of good planning that leads to orderly growth.

The rezoning does not maintain the general intent and purpose of the zoning. What is the need for increased floor area? Increased lot coverage? Or an additional storey? The developer's requirements and the need for housing growth can be met within the limits of the existing zoning. As Council Members, I respectfully request you look at the necessity of such a proposed development. Certainly, convenience or profit should not be considered valid reasons by planning authorities.

4. Against zoning principles: There are prescribed zoning principles that must be upheld. The area has been developed according to the current zoning. Mixed use buildings have been established and buildings are currently undergoing the approval process under the

current zoning. Accordingly, Council Members must give due consideration to the doctrine of discrimination as applied to zoning. Generally, the Court's use of the doctrine of discrimination 'in limiting municipal zoning power has largely been an attempt to ensure the substantive fairness of municipal decisions.' In the case of *Township of Scarborough v. Bondi* Mr. Justice Judson considered the classic definition of discrimination as provided in *Forst v. Toronto* (1923), 54 O.L.R. 256 p.278-9

'when the municipality is given the right to regulate, I think all it can do is pass general regulations affecting all who come within the ambit of municipal legislation. If cannot itself discriminate, and give permission to one and refuse it to another.'

Respectfully, Council Members must examine whether comparable properties nearby are zoned differently and whether this rezoning amount to receiving favorable zoning classification because the applicant asked or because they are favored. In addition, respectfully the Council Members must also be mindful of how future rezoning applications for the area will be determined. We do not wish to witness an alteration of the landscape of Fonthill that amounts to a reduction of development standards.

5. Additional Concerns: The current dwelling is included on the draft register of non-designated properties of cultural heritage interest. The register has not been approved by the Council but this does not discredit the possibility of the property being of cultural interest.

The rezoning and changes being requested are not minor. They are substantial. We strongly object to the rezoning based on the above-mentioned grounds. The current zoning is appropriate and took into account the needs of the area, patterns of development, suitability and zoning principles. As such, we strongly urge the Council Members to retain the current zoning for 1522 Pelham St. In the interest of full disclosure, we intend to appeal an approval for rezoning.

Sincerely,



C.S Garcha
President of 1485312 Ontario Inc.