

March 16, 2021

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

Re: Minor Variance Application A14/2021P
9 John Street, Pelham
Parts 2, 8 on RP 59R-16504, and Part of Parts 1-2 on RP 59R-15833
Roll No. 2732 030 020 13800

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

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

- i. **Section 13.2 (c) "Maximum Lot Coverage"** to permit a maximum lot coverage of 40%, whereas 32.04% is allowed pursuant to a previous minor variance approval.

The proposal seeks to construct a single detached residential dwelling.

Applicable Planning Policies

Provincial Policy Statement (PPS) (2020)

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

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

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that

settlement areas shall be the focus of growth and development.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety. The proposed minor variance application has been submitted to seek relief from a site-specific zoning provision in order to facilitate the applicant's preferred site design layout, specifically the overall lot coverage.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town's Heritage Master Plan identifies this area as having high archaeological resource potential. However, the requested increase of lot coverage would have a limited impact on the amount of land to be disturbed that the previous dwelling, which recently existed, had not already disturbed.

The proposed development seeks to increase the maximum lot coverage to facilitate a single detached dwelling with an attached garage. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards without causing adverse impacts on the use of the lands or neighbourhood.

Growth Plan for the Greater Golden Horseshoe (2019)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is located within a 'Settlement Area' according to the Growth Plan. The vast majority of forecasted growth will be directed to *settlement areas* that have a *delineated built boundary*. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of

communities in the GGH.

- Integrate climate change considerations into planning and managing growth.

The proposed minor variance contemplates one zoning provision, to increase the maximum lot coverage from 32.04 % to 40 %. The zoning provision does not directly facilitate *intensification* by definition; unlike the previous severance application, which created this lot, instead, it seeks a particular building coverage. Planning staff are of the opinion that the requested variance conforms to the Growth Plan policies and will still preserve the desirable rear yard landscaped amenity area while also allowing new accessory buildings to be accommodated in the future.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as ‘Designated Greenfield Area’ within the Urban Area Boundary.

Policy 4.G.6.2 indicates ‘Urban Areas’ will be the focus for accommodating the Region’s growth and development.

Policy 4.G.8.1 states *Built-Up Areas* will be the focus of residential intensification and redevelopment.

Policy 4.J.4 states the Region encourages private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential construction that:

- c) Emphasizes the entrance.
- d) Is accessible to all persons.
- g) Provides an attractive, active transportation friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham’s unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as ‘Urban Living Area / Built Boundary’.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No key natural heritage features (i.e. *Significant Woodlands, Provincially Significant Wetlands or valleylands* etc.) are located near the subject lands.

Policy A2.3.2 Urban Character – stated objectives of this Plan include (among others):

- To enhance the *urban areas* as diverse, livable, safe, accessible and attractive communities.
- To ensure that new development areas are integrated into the fabric of the existing community in conformity with approved Secondary Plans.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance to increase the lot coverage will not compromise drainage, privacy or sensitive natural heritage features and is in keeping with the residential character of the neighbourhood.

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

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

- Section 13.2 (c) "Maximum Lot Coverage"** to permit a maximum lot coverage of 40%, whereas 32.04% is allowed.

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.	Increasing the lot coverage is minor overall, as it will continue to maintain a reasonably sized and desirable rear yard amenity area, yet still providing more design flexibility

	for the building footprint and / or to accommodate future accessory building(s).
2. The variance is desirable for the development or use of the land.	Increasing the lot coverage is desirable for the lands, as it will allow more design flexibility for the future residential dwelling, or potential accessory structures but also maintain an adequate rear yard amenity area.
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 neighbourhood's ability to be adequately serviced, maintain land use compatibility, while also improving the streetscape and urban design of Stella Street by providing a front porch closer to the public realm, subject to the condition for an adequate side Elevation Plan pursuant to minor variance file A22-2020P.
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 dwelling will still allow for adequate drainage and landscaped amenity area (with respect to the lot coverage), and not adversely impact the character.

Agency & Public Comments

On January 27, 2021, 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:

- Public Works Department (March 2, 2021)
 - The applicant should ensure the existing water service is not located under the proposed driveway.

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

Planning Staff Comments

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

The proposed minor variance application seeks zoning relief to increase the maximum lot coverage from 32.04 % to 40 %, in order to accommodate a single detached dwelling, attached garage and future accessory buildings. The applicants should have accounted for this deficiency under the previous minor variance application (file A22-2020P) with the expectation that future accessory buildings may be desired, however, they advised of a miscalculation. Without increasing the lot coverage to some degree, any future accessory structure may not be possible depending on the size of the dwelling's footprint with such a precisely approved lot coverage maximum, as was formerly approved.

Planning staff are of the opinion that the proposal applies current planning and development principles and providing design flexibility where suitable to do so. The proposed minor variance should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff.

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

Given this analysis, Planning staff recommend that minor variance file A14/2021P **be approved**.

Prepared by,



Curtis Thompson,

Planner

Approved by,



Barb Wiens, MCIP, RPP

Director of Community Planning & Development