

April 7, 2021

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

Re: Consent Application B11-2021P
1419 Station Street, Pelham
Part of Lots 5, 6, 7 & 8, Plan 717
Roll No. 2732 030 004 02400

The subject parcel, shown as Parts 2 – 3 on the attached sketch, is an interior parcel of land situated 61 m east of Station Street, lying north of Summersides Boulevard, legally described above, in the Town of Pelham.

Application is made for consent to convey 11,322.4 m² of land (Parts 2 – 3) to merge with the abutting property to the east (Part 4) for future development. Part 1 (1,250.34 m² of land) is to be retained for continued residential use of the single detached dwelling known as 1419 Station Street.

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;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- d) The suitability of the land for such purposes;
- f) The dimensions and shapes of the proposed lots;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites

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 boundary adjustment seeks to help facilitate and streamline an active and future draft plan of subdivision development by consolidating the large, underutilized rear yard open space into a more productive urban development on lands designated for urban growth.

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 reassembly of land in this area will facilitate future redevelopment and intensification in a more compact form that minimizes the waste of under-utilized *urban land*.

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.

The proposed boundary adjustment will help consolidate large sections of underutilized urban land and simplify future development within a *settlement area* where existing services are available and allow the opportunity for a mix of compact, new housing options to be built that contribute to a more *complete community*.

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.

The proposed boundary adjustment conforms to the Regional Official Plan because the lands will be more appropriately suited to accommodate an active & future draft plan of subdivision under one land holding.

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 both 'Downtown Transitional Area' (to the west) and 'East Fonthill Secondary Plan Area' (to the east) and also inside the Built Boundary in the Official Plan. According to Schedule A4 (Urban Structure Plan) of the East Fonthill Secondary Plan, the subject land is located within 'Neighbourhood 1' and within the 'Built Boundary'. According to 'Appendix A' (Demonstration Plan) & Schedule A5 (Land Use Plan), the subject land is designated 'EF – Low Density Residential' (to the east).

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;
 - ✓ Unchanged, as street frontage will become off Summersides Boulevard.
- b) Will not cause a traffic hazard;
 - ✓ Unchanged.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
 - ✓ Part 4 is currently subject to an active Zoning By-law Amendment application to implement residential development in conformity with the East Fonthill Secondary Plan policies. Parts 2 – 3 are not subject to a rezoning application but will continue to comply with their existing zoning regulations.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
 - ✓ Unchanged.
- e) Will not have a negative impact on the drainage patterns in the area;
 - ✓ No concern.
- f) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
 - ✓ Conforms because the large rear yards will be maintained for an active and future draft plan of subdivision development application while the existing dwelling maintains a smaller lot area, more appropriate for itself and with direct frontage on Station Street.
- 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.

It is noted that the application is for consent to convey Parts 2 – 3 to be added to the abutting lot to the east (Part 4) for future development purposes. A new lot will not be created as a result of this consent. Part 1 will be retained for continued single detached residential use.

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

Part 1 is currently zoned 'Residential 2' (R2) to the west and 'Agricultural' (A) to the east, while Parts 2 – 3 are wholly zoned 'Agricultural' (A), according to Schedule 'A5' of the Zoning By-law. The permitted uses (among others) include:

- a) One single detached dwelling;
- b) Accessory uses;
- c) Home occupations.

The Consent Sketch does not illustrate the existing accessory building on Part 3 which was illustrated on a previous Consent application (file B5-2018). The proposed parcel reconfiguration will result in this structure contravening Section 5.2 of the Zoning By-law because it would not be exclusively devoted to a main use or building located on the same lot, because Part 4 is vacant. Therefore, a condition of approval is required to ensure zoning compliance will be achieved.

There is currently an active Zoning By-law Amendment application on the Part 4 lands, which seek to rezone from 'Agricultural' to various site-specific residential uses.

Agency & Public Comments

On March 3, 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:

- Bell Canada (March 26 & 31, 2021)
 - There are existing overhead aerial telecommunications infrastructure on Part 1.
- Niagara Region Planning & Development Services (March 4, 2021)
 - No Provincial or Regional interests.
- Niagara Peninsula Conservation Authority (March 25, 2021)
 - No regulated features impact the subject lands.
- Building Department (March 29, 2021)
 - See conditions.
- Public Works Department (March 30, 2021)
 - See conditions.

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

Planning Staff Comments

The subject application deals with the severance of a rear yard to consolidate with a neighbouring lot for the purposes of a future draft plan of subdivision application. The application for consent to convey 11,322.4 m² of land (Pats 2 – 3) will help facilitate the orderly development of future urban growth within the East Fonthill Secondary Plan area.

A pre-consult meeting was held with the owners and applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on January 21, 2021 to discuss the subject application. A *Planning Justification Brief* (January 28, 2021) prepared by Upper Canada Consultants accompanied the consent application.

The subject lands are located on the east side of Station Street, lying north of Summersides Boulevard and are surrounded by:

- North – Single detached residential
- East – Vacant land
- South – Vacant residential land
- West – Institutional (church & elementary school)

Planning staff are familiar with the subject lands and the local context. Summersides Boulevard to the south, has been constructed which now connects Station Street to Rice Road. This area of Station Street is characterized by many large lot single detached residences flanking the east side.

It is noted that the proposed development of Part 4 is currently the subject of *Planning Act* applications. Specifically, applications for Zoning By-law Amendment (file AM-08-2020) and draft plan of subdivision approval (file 26T19-02-2020). This severance (boundary adjustment) approval simplifies the aforementioned development applications and future subsequent applications by the same landowner.

To date, no applications for Zoning By-law Amendment or Draft Plan of Subdivision approval have been made on the severed lands (Parts 2 – 3). These lands will be subject to future *Planning Act* development applications for their successional development. The proposed boundary adjustment provides for appropriate land consolidation which is the next incremental step towards facilitating future development approval(s).

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 lands, where suitable to do so. The severance will better position the lands and simplify the active

draft plan of subdivision and rezoning applications. The boundary adjustment will not negatively affect the developability of the balance of the lands. 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 use at this time.

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

Consequently, Planning staff recommend that consent file B11-2021P **be approved** subject to the following conditions:

THAT the applicant

- Remove the existing accessory building on Part 3, if the structures exceeds 10 m² in area, then a Demolition Permit is required to be obtained and completed to the satisfaction of the Chief Building Official.
- Remove or relocate the existing accessory building on Part 1 to achieve zoning compliance, if the structure exceeds 10 m² in area, a Demolition Permit shall be obtained and completed to the satisfaction of the Chief Building Official. If the structure is to be relocated, then a Building Permit shall be obtained and completed to the satisfaction of the same.
- Confirm that no existing utilities cross the proposed new lot line. Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.
- Provide a written acknowledgment that the Owner will be responsible for payment of the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing.
- Merge Parts 2 – 3 with Part 4.
- 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 \$399, 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