

June 30, 2021

Mrs. Holly Willford, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON L0S 1E0

**Re: Consent Application B20-2021P**  
**3 Hurricane Road, Pelham**  
Part of former Thorold Township Lot 163, now Pelham  
**Roll No. 2732 020 021 01400**

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The subject parcel, shown as Part 1 on the attached sketch, has a frontage of 4.75m on the north side of Hurricane Road, lying east of Pelham Street being Part of Lot 163 formerly part of Thorold Township in the Town of Pelham.

Application is made for consent to partial discharge of mortgage and consent to convey 1,606 square metres of land (Part 1), for future construction of a single detached dwelling. 2,428 square metres of land (Part 2) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road.

### **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;
  - See PPS and Growth Plan analyses below.
- b) Whether the proposed subdivision is premature or in the public interest;
  - The neighbourhood block's parcel fabric is highly fragmented with a traditional lotting geometry. Although the severance would create normally undesirable 'flag' style lots for both parcels, it will help preserve the existing single detached dwelling and create an additional dwelling unit. The lot geometry is also a product of the existing topography and challenges posed on the ability to adequately convey stormwater runoff if more intense development were alternatively proposed.

- The Town of Pelham Official Plan is an expression of the local public interest at the time of its adoption. There are no local policy concerns with this proposal. Refer to Official Plan overview below.
  - Planning staff are of the opinion this consent is not premature and upholds the public interest.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
- See Official Plan analysis below. The proposed lot does not compromise the adjacent subdivision parcel fabric as it does not hinder further surrounding redevelopment opportunities discussed above and the existing development has been established for many decades with minimal prospect for drastic change.
- d) The suitability of the land for such purposes;
- The lands (and neighbourhood) are predominantly one of lower to medium density residential with mostly ground-oriented development. 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;
- The proposed lot dimensions and shape are consistent with traditional neighbourhood development patterns and can comfortably site a new dwelling.
  - Although an L-shaped (or *flag-ship*) style lot is normally considered undesirable from a land use planning perspective, the retained lot geometry helps to preserve the existing single detached dwelling and supports more intense redevelopment of underutilized land while still being able to support adequate drainage without negative impacts upon neighbours, subject to conditions.
- h) Conservation of natural resources and flood control;
- 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;
- Available.
- j) The adequacy of school sites
- Available nearby.
- k) The area of land, if any, exclusive of highways, to be dedicated for public use.
- No additional lands are proposed to be dedicated for public use.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.
- The proposed lot will be able to take advantage of the existing natural gas mains, hydro services, and municipal water and sanitary services available for domestic use providing for improved efficiencies of the existing means of supply. The proposed new dwelling must also be constructed to meet current energy efficient requirements under the Ontario Building Code.

- m) The interrelationship between the design of the plan of subdivision and site plan control matters relating to any development on the land, if the land is also located in within a site plan control area.
- While the proposed lot is in an area designated for site plan control, the Town Site Plan Control By-law No. 1118 (1987) exempts single detached dwellings from site plan control.

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 relatively consistent with traditional neighbourhood development practice considering the site-specific constraints and the community at large. Neighbourhood commercial uses 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.

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 Zoning By-law Amendment was approved by Town Council on March 1st 2021 which rezoned the subject lands from R1 to a site-specific R1-303 zone. The new zoning provides for more efficient and compact lotting and built form redevelopment opportunities.

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. As a result, a Stage 1 – 2 Archaeological Assessment and Ministry Clearance was conducted and forwarded by the applicant, respectively.

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, making more efficient use of existing infrastructure and helping to protect the agricultural and ecological resources of the Province. The subject lands are also within walking distance to local shopping, parkland, public service facilities and institutional uses in Downtown 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 an urban lot. Ground-oriented residential dwellings are the predominant housing type in this Fonthill neighbourhood, with single detached dwellings and townhouses making up the majority of that mix. Single detached dwellings are also the only (principle) permitted use under the site-specific R1-303 zoning.

The extra residential lot will facilitate a more compact built form helping to reduce the amount of under-utilized *urban land* within the Fonthill Village. It will also help the Town to meet or exceed its *delineated built boundary* intensification targets. 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 application or the rezoning application as the development aligns with Provincial and Regional policies and the potential concern for deeply buried archaeological resources was addressed.

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.

#### 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 fronting onto a designated Collector road. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached and townhouse residential) on large lots with a mixture of 1 & 2-storey built form. The proposed lot is comparable in geometry, land use 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 was provided at the time of Zoning By-law Amendment, (dated Aug 12, 2020).

Policy A4.1.1 Urban Living Area Lands designated Urban Living Area are the site of existing and planned residential development and complementary uses on full municipal services, or planned to be connected to full municipal services all within the urban boundaries of the Fonthill and Fenwick Settlement Areas.

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 front Hurricane Road, which is a designated collector road according to Schedule ‘C’.
- 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;
  - ✓ Not applicable according to subsection d) below.
- 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;

- ✓ Not applicable according to subsection d) below and the property fronts a Collector road.
- 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 similar to much of the immediate neighbourhood, that being single detached dwelling and other ground oriented residential development.
  - ✓ The site-specific R1-303 zone does not stipulate a maximum density but does establish minimum lot frontage requirement which is proposed to comply.
- 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 site-specific R1-303 zoning permits one second dwelling unit per lot, if accessory to a permitted single detached dwelling.

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;
  - ✓ Complies.
- 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 speed of traffic in proximity to the all-way STOP controlled intersection at Pelham Street and existing sight lines. Both parcels will have direct access to Hurricane Road.
- c) Is in keeping with the intent of relevant provisions and performance standards of the Zoning By-law;
  - ✓ Complies.
- d) Can be serviced with an appropriate water supply and means of sewage disposal;
  - ✓ Complies. Individual water services and sanitary laterals were installed at the owner's expense as part of the Pelham Street / Hurricane Road reconstruction in 2020.
- 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;

- ✓ The neighbouring lands all support established development which has existed for several decades with little prospect for significant change in the future. Although the subject lands are large, there are stormwater management concerns which restrict more intense redevelopment possibilities that would increase the amount of impervious land surface.
- 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 a minimum of 15% of projected housing growth, or about 300 residential dwelling units, within the existing built boundaries of Fonthill and Fenwick.

Town Planning staff are of the opinion the proposed severance conforms to the local Official Plan as it helps enable intensification within an existing neighbourhood and does not conflict with any policies subject to demonstration of appropriate 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 – 303' (R1-303) according to the Zoning By-law. The permitted uses include:

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

The site-specific zoning (By-law No. 4320 (2021),) was adopted by Town Council through Zoning By-law Amendment file AM-09-2020. The minimum lot frontage was amended and the permission for one second dwelling unit was granted. The proposed lot and retained lot comply with their site-specific zoning regulations.

### **Agency & Public Comments**

On June 8, 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 (June 18, 2021)
  - No concerns or comments.
- Building Department (June 17, 2021)
  - Building permits will be required for the proposed dwelling & lean to structure
- Public Works Department (June 23, 2021)
  - Public Works has the following conditions;
    1. That the applicant confirm that no existing utilities cross the proposed new property lines. Should any services cross this new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.
    2. 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.
    3. That the applicant obtains a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

One (1) public comment was received from a neighbouring property owner, which is included on the Committee's Agenda and summarized below:

- Nancy Bellantino & Peter Moffatt (June 21, 2021)
  - Concern that the development of 3 Hurricane can result in flooding for adjoining properties.
  - Disputes that reduction in grass coverage and elimination of trees which can reduce water absorption combined with run off from roofs and driveways from the proposed development can exacerbate the existing drainage deficiencies.
  - Suggests that ground/storm water from 3 Hurricane be directed towards Hurricane Road where the installation of upgraded storm sewers can address the flooding issues.

### Planning Staff Comments

The subject application is for consent to partial mortgage discharge and to convey (sever) 1,606 m<sup>2</sup> of land (Part 1) for a single detached residential lot. 2,428 m<sup>2</sup> of land (Part 2) is to be retained for continued residential use of the dwelling.

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 applications. In addition to the Consent Sketch, a Stage 1 – 2 Archaeological Assessment was completed and a Planning Justification Brief was also provided in support of the proposed development.

The subject lands are located on the north side of Hurricane Road, opposite Chestnut Street and are surrounded by the following:

- North – Single detached residential
- East – Single detached residential
- South – Single detached residential
- West – Townhouse residential

Planning staff is of the opinion that the proposal applies current planning and development goals dealing with appropriate infill development. Specifically, making more efficient use of the Town's finite urban land supply and municipal infrastructure, where suitable to do so. The proposed lot creation complies with the Zoning By-law regulations approved by Council on March 1, 2021 and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff. Given the number of mature trees that are located on the property, staff also recommend that a tree savings plan be prepared.

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 B20-2021P **be approved** subject to the following conditions:

**THAT** the applicant

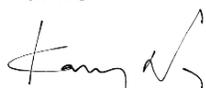
- Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards.
- Confirm that no existing utilities cross the proposed new property lines. Should any services cross this new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.
- 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.

- That the applicant obtains a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.
- That the applicant undertake a Tree Savings Plan identifying trees to be retained to the satisfaction of the Director of Community Planning and Development.
- 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 \$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.
- That consent files B16/2021P, B17/2021P and B18/2021P receive final certification, from the Secretary-Treasurer, concurrently.

Prepared by,

Kenny Ng, B.ES  
Planner



Approved by,



Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development