

September 29, 2021

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

Re: Consent Application B29-2021P
1239 Pelham St, Pelham
Part of Lot 177, Formerly Part of Thorold Township now Pelham (Part 3 on Sketch)
Roll No. 2732 030 019 07300

The subject parcel, shown as Part 3 on the attached sketch, has a frontage of 21.34m on the east side of Pelham Street lying south of Merritt Road, being Part of Lot 177 in the Town of Pelham.

Application is made for partial discharge of mortgage and consent to convey 1235.2 square metres of land (Part 3), for future construction of a single detached dwelling. Parts 1 and 2 are to be retained for continued residential use of the dwelling known municipally as 1239 Pelham Street.

Note: This application is being considered concurrently with Consent File B30/2021P.

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 lot creation is not premature and is able to uphold public interest as it is within Urban Area Boundary and is seen as an appropriate form of gentle intensification.
- c) Whether the plan conforms to the Official Plan and adjacent plans of subdivisions, if any
 - See Official Plan analysis below. The proposed lot should not compromise the existing subdivision parcel fabric as it does not hinder further surrounding redevelopment opportunities.
- d) The suitability of the land for such purposes;

- The lands (and neighbourhood) are predominantly lower to medium density residential with mostly ground-oriented development. The proposed consent would facilitate the construction of one additional single detached residential dwelling in each new lot.
- 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.
- 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 consistent with traditional neighbourhood development practice considering 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.

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 composite archaeological resource potential. As a result, a Stage 1 – 2 Archaeological Assessment was conducted and forwarded by the applicant.

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 majority being single detached dwellings. Single detached dwellings are also the only (principle) permitted use under the R1 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 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 Arterial 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 is required as a condition of approval.

Policy A4.1.1 Urban Living Area states that 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 Pelham Street, which is an Arterial 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 Arterial 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 any other ground oriented residential development.
 - ✓ The proposed lots comply with all applicable R1 zone requirements.
- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.
 - ✓ The Town recently adopted second dwelling unit by-law amendment which permits second dwelling unit on a lot in the Residential 1(R1) zone, subject to applicable regulations.

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 serving a single dwelling unit should not cause a traffic hazard considering the speed of traffic in proximity and overall traffic volume.
- 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. Water and sanitary service available from Pelham Street.
- 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 subject lands are located in a mature neighbourhood which is consist of established residential development with little prospect for significant change in the future.
- 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.
- 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 conditions of approval.

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

The subject land is currently zoned 'Residential 1' (R1) according to the Zoning By-law. The

permitted uses include:

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

The proposed and retained lot comply with lot requirements and the proposed single detached dwelling is also planned to comply with zoning regulations.

Agency & Public Comments

On August 26, 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:

- Hrdro One (September 8, 2021)
 - No concerns or comments.
- Building Department (September 21, 2021)
 - No comments.
- Public Works Department (August 27, 2021)
 - Town staff have reviewed the submitted documentation offer the following comments:
 - Town of Pelham staff require that the applicant submit 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.
 - The applicant must confirm that no existing utilities cross the proposed new property line. Should any services cross this new property line, the applicant will be responsible for costs associated with their relocation and/or removal.
 - All new lots will require individual driveways. The applicants must obtain a Driveway Entrance and Culvert Permit for the construction of all new or modifications of existing driveways or entrances. Installation of entrances shall be 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:

- Adrienne Markarian and David Burke (September 21, 2021)

- Drainage concerns pertaining to the swale/culvert located between Part 3 and Part 2, not able to handle flooding and may instead flows towards own back yard.
- Concern that own sump pumps cannot handle additional stormwater from planned dwellings.

Planning Staff Comments

The subject application is for consent to partial mortgage discharge and to convey (sever) 1235.2 square metres of land (Part 3) for a single detached residential lot. Part 1 is to be retained for continued residential use of the dwelling and Part 2 is to be severed for a single detached residential lot (B30/2021P).

A pre-consultation meeting was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 1, 2021 to discuss the subject applications. In addition to the Consent Sketch, a draft Grading Plan, a Stage 1 – 2 Archaeological Assessment and a Planning Justification Report were also provided in support of the proposed development.

The subject lands are located on the east side of Pelham Street, between Merritt Road and Bacon Lane and are surrounded by single detached residential dwellings.

Based on the analysis in the sections above, 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 and should not negatively impact the surrounding neighbourhood with regards to traffic, privacy and storm water runoff subject to the satisfaction of the requested conditions.

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

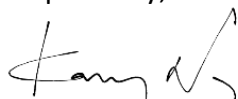
Given this analysis, Planning staff recommend that consent file B29-2021P **be approved** subject to the following conditions:

THAT the applicant

- Submit the Stage 1-2 Archaeological Assessment to the Ministry of Heritage, Sport, Tourism and Culture Industries, for review and approval. The report must be accepted by the Ministry, to the satisfaction of the Director of Community Planning and Development, prior to clearance of this condition.

- Submit 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.
- 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.
- Obtain a Driveway Entrance and Culvert Permit for the construction of all new or modifications of existing driveways or entrances. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.
- 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.
- Receive Final Certification of consent files B29/2021P and B30/2021P, from the Secretary-Treasurer, concurrently.

Prepared by,



Kenny Ng, B.ES
Planner

Approved by,



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