

December 1, 2021

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

**Re: Minor Variance Application A41/2021P**  
**198 Canboro Road, Pelham**  
Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Parts 3 and 7 on Sketch)  
**Roll No. 2732 020 010 09801**

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The subject land is located on the south side of Canboro road, lying west of Oakridge Boulevard, being Part of Lot 3, Concession 8, being Part 1 on Plan 59R-4012 (Part 3 and 7 on Sketch), 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(b) "Minimum Lot Frontage"** – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

Note: This application is being considered concurrently with Consent File B31/2021P, B32/2021P, B33/2021P and Minor Variance Files A39/2021P and A40/2021P.

### **Applicable Planning Policies**

#### Planning Act (Consolidated July 2016)

Section 45 (1) states that the Committee of Adjustment may authorize minor variance provisions of the (Zoning) by-law, in respect of the land, as in its opinion is (1) minor in nature, (2) objectively desirable for the appropriate development or use of the land, and the general intent and purpose of the (3) Zoning By-law and (4) Official Plan are maintained.

#### 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 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

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.

The proposed minor variance application has been submitted to seek relief from minimum lot frontage requirement in order to legalize the proposed lot within the R1 zone regulations.

#### 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 to the proposed applications as the development generally aligns with Provincial and Regional policies. Servicing drawings are requested as condition of approval for the concurrent consent applications.

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 A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- 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 maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed minor variance would facilitate the construction of one new single detached dwelling on the proposed lot. The neighbourhood character is one of predominantly ground-oriented residences (i.e. single detached) on large lots with a mixture of 1 & 2-storey houses. The proposed lot is compatible in area, frontage 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 severance approval.

Policy E1.5 states that in addition to the Planning Act's four tests considered in determining whether to grant a minor variance, applicants should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

The applicant has indicated in the submitted report that the reason it is not possible to comply with the zoning provisions is because this development option would provide for the most efficient land development which is consistent with current planning policies to maximize finite urban land usage and to ensure a uniform lotting pattern and compatible development.

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

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

The minor variance application requests relief from:

- i. **Section 13.2(b) "Minimum Lot Frontage"** – to permit a minimum lot frontage of 17.7m whereas the bylaw requires 19m.

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.	The proposed reduced lot frontage is minor in nature given the surrounding area and lot pattern; smaller lot sizes are increasingly becoming common throughout the Town, Region and Province to adhere to provincial interest. With the reduced lot frontage, the lot can still comfortably accommodate the proposed dwelling, outdoor amenity area, parking, drainage and provide adequate separation from adjacent lots and land uses. The reduced lot frontage should not result in sightline issue and traffic concerns as the reduction is minimal.
2. The variance is desirable for the development or use of the land.	The variance to reduce the minimum lot frontage is desirable for the lands as it will allow for the creation of an additional residential building lot on a large, underutilized residential lot within the delineated built boundary of the

	Fonthill urban settlement area. The reduced lot frontage will be negligible in terms of resulting impacts and would appear indistinguishable from surrounding residential lots.
3. The variance maintains the general intent and purpose of the Official Plan.	The variance to reduce the minimum lot frontage maintain the policy intent of the Official Plan as it allows for gentle intensification of an existing neighbourhood within the delineated built boundary, add to the housing supply, support existing infrastructure maintenance and make more efficient use of a large existing residential lot. The minor reduction in lot frontage will not negatively impact the character of the neighbourhood but instead help strengthen and diversify the housing stock.
4. The variance maintains the general intent and purpose of the Zoning By-law.	The variance seeking reduction of the minimum lot frontage provision maintain the general intent of the Zoning By-law Plan as the lot will continue to permit a single detached residential dwellings in the R1 zone. The proposed lot frontage is in keeping with the surrounding neighbourhood and would not incur incompatibility.

### Agency & Public Comments

On November 9, 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:

- Building Division (November 23, 2021)
  - A demolition permit is required for the existing dwelling.
- Public Works Department (November 23, 2021)
  - No comments or concerns.

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

- Daniel Peat (November 30, 2021)
  - Traffic safety with two new driveways close to crest of the hill.
  - Piecemeal approach to planning process.
  - Proposed lot lines are not perpendicular to Canboro Road, driveways will either be not perpendicular to road, or lots will be crowded due to angular restrictions, so concerns with variance decreasing frontage are compounded.

### Planning Staff Comments

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 September 2, 2021 to discuss the subject applications. In addition to the Consent Sketch, a preliminary 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 south side of Canboro Road, between Effingham Street and Haist Street and are surrounded by existing residential neighbourhood mostly consist of single detached residential dwellings.

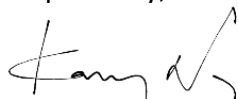
The proposed minor variance application seeks zoning relief to permit a reduction of 1.3 metres for the minimum lot frontage requirement.

In considering the reduced lot frontage, staff is of the opinion that although the minimum required lot frontage will be reduced, the impact on the subject property and adjacent properties is negligible. The proposed lot frontage is in keeping with the existing proximate neighbourhood and the additional housing opportunity aligns with provincial, regional and local plan intent and purposes. It is noted that the reduced lot frontage provides for a large lot by today's development standards.

Planning staff are of the opinion that the proposal applies current planning and development principles and makes efficient use of the land and infrastructure, and should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff. The requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

Given this analysis, Planning staff recommend that minor variance file A41/2021P **be approved**.

Prepared by,



Kenny Ng, B.ES  
Planner

Approved by,



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