

June 21, 2022

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

Re: Minor Variance Application A6/2022P
119 Lametti Drive, Pelham
Lot 28 on Plan 59M-434
Roll No. 2732 030 020 05130

The subject land is located on the north side of Port Robinson Road, lying east of Lametti Drive, legally described above and known municipally as 119 Lametti Drive, Pelham.

The subject land is zoned site-specific Residential 2-254 "R2-254" in accordance with Pelham Zoning By-law 1136(1987), as amended. Application is made to construct a rear deck, and seeks for relief from:

- i. **Section R2-254(f) "Minimum Rear Yard"** – to permit a minimum rear yard of 5.3m whereas the by-law requires a minimum rear yard of 7.5m.

Planning Act (Consolidated April 2022)

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 1.1.3.4 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 development seeks to reduce the minimum rear yard setback in order to facilitate the removal and reconstruction of an existing rear yard deck. Planning staff are of the opinion the requested zoning relief is consistent with the PPS and promotes appropriate development standards that help facilitate compact form while meeting greenfield policy objectives.

Growth Plan for the Greater Golden Horseshoe (2020)

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 to 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 a ‘Designated Greenfield Area’ and is located within a ‘Settlement Area’ according to the Growth Plan. Designated greenfield areas are required to accommodate forecasted growth to this Plan’s horizon. 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 seeks to reduce the rear yard setback to facilitate the removal and reconstruction of a rear yard deck. The zoning provisions do not directly facilitate intensification by definition; instead, they seek a particular building coverage and built form. Planning staff are of the opinion that the requested variance conforms to the Growth Plan policies and maintains an adequate landscaped rear amenity area.

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.C.5 states Designated Greenfield Areas will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses.
- b) Where limited by scale or configuration, making a significant contribution to the growth of the respective Urban Area.
- c) Providing opportunities for integrated, mixed land uses.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

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.

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 local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as 'EF – Low Density Residential'. Policy B1.7.7.3 outlines the permitted uses and intentions of this designation, which are supportive of the development of lower density residential uses as part of a complete community.

The proposed minor variance to seek relief from the rear yard setback requirement should 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 2 – 254' (R2-254) in accordance with Pelham Zoning By-law 1136 (1987), as amended. Under the site-specific Zoning By-law Amendment No. 3705 (2016), the minor variance application requests relief from:

- Section RM1-254 (f) "Minimum Rear Yard"*** to permit a minimum rear yard setback of 5.3m, whereas 7.5 m is required.

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 reduced lot setback for the rear yard is minor in nature, as the impact on the subject property and adjacent properties is minimal given the lot context. The reduction maintains a functional rear yard amenity area, while providing adequate access from the existing dwelling to the rear yard. The proposed setback is in keeping with the general rear yard layouts and setbacks of neighbouring properties.
2. The variance is desirable for the development or use of the land.	Reducing the rear yard setback is desirable for the lands, as it will permit the legal reconstruction of the existing rear yard deck while maintaining adequate rear yard amenity areas.
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 as it maintains land use compatibility and will not negatively impact neighbouring properties.
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 requested setback will permit the reconstruction of an existing, illegal rear yard deck and maintains adequate outdoor amenity space.

Agency & Public Comments

On June 1, 2022, 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 (June 20, 2022)
 - A building permit is required for the proposed deck.
- Public Works Department (June 1, 2022)
 - No comments or concerns.

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

Planning Staff Comments

The subject lands are located on the north side of Port Robinson Road, on the east side of Lametti Drive. The property is currently surrounded by single detached residences on all sides.

The proposed minor variance application seeks zoning relief to reduce the minimum rear yard setback from 7.5 metres to 5.3 metres in order to facilitate the removal and reconstruction of the existing, illegally established rear yard deck.

Staff is of the opinion that although the minimum rear yard setback will be reduced, the impact on the subject property and adjacent properties is minimal. The required reduction will permit the legal construction of the rear yard deck, allowing for continued access from the dwelling to the outdoor, rear yard amenity area.

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

Planning staff recommend that minor variance file A6/2022P **be approved** subject to the following condition:

THAT the applicant

- Apply for and receive a building permit for the rear yard deck prior to construction.

Prepared by,



Lindsay Richardson, MCIP, RPP
Policy Planner

Approved by,



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