

June 21, 2022

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

Re: Minor Variance Application A7/2022P
904 Church Street, Pelham
Part of Lot 19, Plan 703
Roll No. 2732 010 016 13800

The subject land is located on the north side of Foss Road, lying west of Church Street, legally described above, and known locally as 904 Church Street in the Town of Pelham.

The subject land is zoned Residential Village 1 "RV 1" in accordance with Pelham Zoning By-law 1136(1987), as amended. Application is being made to construct an attached garage, and seeks for relief from:

- i. **Section 9.2(g) "Minimum Rear Yard"** – to permit a rear yard of 3.66 metres whereas the by-law requires a minimum rear yard of 7.5 metres.

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 suitable 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, which as stated in Policy 1.1.3.1 shall be the focus of growth and development.

Policy 1.1.3.2 states land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;
- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansions;
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) Prepare for the impacts of a changing climate;
- e) Support active transportation;
- f) Are transit-supportive, where transit is planned, exists or may be developed; and
- g) Are freight-supportive.

Land use pattern within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

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 also identifies this area as having composite archaeological resource potential. However, given that the proposed garage and secondary unit will be attached to the existing dwelling where previous disturbances have occurred, no archeological assessment requirements are necessary.

The proposed development seeks relief from the rear yard setback to facilitate the construction of a new, 2-storey attached garage, and second dwelling unit. Planning Staff are of the opinion that the requested zoning relief is consistent with the PPS and promotes appropriate development standards, and more housing choices without causing adverse impacts on the use of the lands or the neighbourhood.

Greenbelt Plan (2017)

The Greenbelt Plan designates the subject lands as 'Town/Village'. These lands are included within the definition for 'Settlement Area' and are located within the Protected Countryside.

Policy 1.4.2 states that the policies of this Plan generally do not apply to Towns/Villages and Hamlets. Official Plans will continue to govern their land use based on policy direction of the Growth Plan.

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 designated as a 'Delineated Built-up Area' in the GGH and is located within a 'Settlement Area'. Policy 2.2.1.2 a) states the vast majority of growth will be directed to settlement areas that:

- i. Have a delineated built boundary;
- ii. Have existing or planned municipal water and wastewater systems; and
- iii. Can support the achievement of complete communities.

Policy 2.2.6.1 states that Upper and Single-tier municipalities, in consultation with lower-tier municipalities, the Province and other appropriate stakeholders shall:

- a) Support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other

policies of this Plan by:

- i. Identifying a diverse range and mix of housing options and densities including additional residential units and affordable housing to meet projected needs of current and future residents;

The proposed development is reasonable in scale, and the addition of a second dwelling unit supports the housing policies of the Growth Plan. The proposed variance is required to facilitate this development and Planning Staff are of the opinion that the requested variance conforms to the Growth Plan policies and makes efficient use of the land available on the site.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan (ROP) designates the subject lands as 'Designated Urban Area (Built-Up Area)' and they are located within the Town's Urban Area Boundary.

Policy 4.G.6.2 states Built-Up Areas will be the focus of residential intensification and redevelopment.

The ROP directs development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. The Plan puts an emphasis on intensification and infill to foster the development of complete communities. A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

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' according to Schedule 'A2'.

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 proposed minor variance is to seek relief from the rear yard lot setback requirement and should not compromise drainage, privacy or sensitive natural heritage features and is in keeping with the residential character of the neighbourhood. The addition is proposed to be two storeys in height and will replace an existing, smaller detached accessory building. Based on the building form and sitting of the new construction, there should be no significant impacts on the surrounding properties.

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

The subject land is zoned Residential Village 1 “RV 1” in accordance with Pelham Zoning By-law 1136(1987), as amended, which permits one single detached dwelling and accessory uses, buildings and structures. Under the regulations of the Zoning By-law, the minor variance application requests relief from:

- Section 9.2 (g) “Minimum Rear Yard”** – to permit a minimum rear yard of 3.66 metres whereas the by-law requires a minimum rear yard of 7.5 metres

The Committee of Adjustment, in accordance with 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 rear yard setback is minor in nature and the impact on the subject property and adjacent properties is minimal given the lot context. No negative impacts are anticipated on the adjacent properties as adequate distance separates the nearest residential neighbour from the location of the addition. All other yard setbacks will be maintained.
2. The variance is desirable for the development or use of the land.	The reduction of the minimum rear yard setback is desirable because it will permit the construction of a new attached 2-storey garage and second dwelling unit, which is in keeping with the housing and intensification policies of the Province, Region and Town. The proposed addition is also compatible with the existing dwelling and the built form, maintaining the residential character of the area.
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 preserves land use compatibility, improves the streetscape and will facilitate intensification through the addition of a second dwelling unit.
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 is minor and allows for the logical and appropriate placement of a new two storey garage. The placement maintains adequate rear amenity space and all other yard and zoning requirements have been met.

Agency & Public Comments

On June 8, 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 addition, building code compliance will be a requirement
- Public Works Department (June 15, 2022)
 - No comments.

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

Planning Staff Comments

The subject lands are located north of Foss Road on the west side of Church Street. The property is currently surrounded by single detached residences on all sides.

A pre-consult meeting was held with the applicant(s) of the property and Staff from the Town, Niagara Peninsula Conservation Authority and Niagara Region Planning and Development Services on May 19, 2022 to discuss the subject application.

The proposed minor variance application seeks zoning relief to reduce the minimum rear yard setback requirement from 7.5 metres to 3.66 metres in order to accommodate the construction of an attached, two storey garage and second dwelling unit.

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. It is noted that while the proposed garage addition maintains the same rear yard setback as the existing garage, the proposed garage addition is larger and higher than the existing garage and will also be closer to the street line than the existing garage. The greatest amount of impact will be on the public realm. The construction of the new attached garage will improve the streetscape of Church Street and provide gentle intensification within the urban area through the addition of a second dwelling unit. On the whole, the degree of impact on adjacent properties will be minimal.

Planning Staff are of the opinion that the proposed addition applies current planning and development principles and makes efficient use of the land. The proposal will not result in overbuilding of the property, will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff. It is noted that an updated lot grading and drainage plan will be required as part of the building permit process and will be reviewed and ultimately approved by Public Works Staff.

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 A30/2021P **be approved** subject to the following conditions:

THAT the applicant

- Apply for and receive a building permit for the proposed addition prior to construction.
- Be advised that construction of a new driveway or any modifications to existing entrance on Town property will require a Driveway Entrance and Culvert Permit. Installation of entrances shall be in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.
- Provide an updated Lot Grading and Drainage Plan to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works or their designate.

Prepared by,



Lindsay Richardson, MCIP, RPP
Policy Planner

Approved by,



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